

**ORDINANCE NO. 16-21 N.S.**

**ORDINANCE AMENDING CHAPTER 9.20 OF THE RICHMOND MUNICIPAL CODE  
ENTITLED "SOLID WASTES: IN ORDER TO BE COMPLIANT WITH STATE LAW SENATE  
BILL (SB) 1383 SHORT-LIVED CLIMATE POLLUTANTS**

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Chapter 9.20 - SOLID WASTES

9.20.010 - Definitions.

The definitions contained in Title 7.3, Chapter 1, Article 2 of the California Government Code and Title 14, Division 7, Chapter 3, Article 4 of the California Administrative Code, shall govern the interpretation of the words used in this chapter except for the following:

"Act" means the California Integrated Waste Management Act of 1989, Public Resources Code § 40000 et seq) as amended, supplemented, superseded, and replaced from time to time.

"Bin" means a watertight 1 to 8-cubic-yard waste capacity container serviced by a front-end loading Collection vehicle that has been provided by the City's Franchised Collector.

"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).

"CalRecycle" means California's Department of Resources Recycling and Recovery, which is the State Agency charged with responsibility for developing, implementing, and enforcing the provisions of SB 1383.

"City" means the City of Richmond, California.

"City Manager" means the City Manager of the City of Richmond or said City Manager's designee.

"County" means Contra Costa County, California.

"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 chapter.

"Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as 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).

"Community Composting" or "Composting" means the activity of a controlled microbial degradation of organic wastes as defined in SB 1383 regulations, yielding a safe and nuisance-free product.

"Compost" means the product resulting from the managed and controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.

"C & D" means construction and demolition debris which includes the waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

"Designee" means a person or entity that the City or City Manager designates, contracts with or otherwise arranges to carry out any of the City's responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

"Director of Finance" means the Director of Finance of the City or said Director's designee.

"Dwelling unit" means any premises located within the City having bathroom and kitchen plumbing facilities, which is suitable for residential occupancy.

"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, as codified in the Health and Safety Code Section 113700, et seq.

"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 substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, 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, including but not limited to: waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in the reasonable opinion of the City or its Designee would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the 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 Public Resources Code. Excluded Waste does not include used motor oil and filters, or other materials defined as allowable materials for collection through the City's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the City or the Franchised Collector providing service to the Generator.

"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 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 Services 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 edible and inedible 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-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, uncoated paper plates, uncoated paper cups, napkins, paper towels, and pizza boxes.

“Food Service Provider” is a Tier 1 Commercial Edible Food Generator and 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).

“Franchise Agreement” means the franchise agreement between the City and its authorized Franchised Collector.

"Franchised Collector" means such persons, firms or corporations collecting and delivering for disposal, recycling or processing solid waste (other than solid waste generated by a permitted building project) originating in the City and doing so under a franchise agreement with the City.

“Food Waste” means Source Separated Food Scraps, Food-Soiled Paper.

"Garbage" means those elements of the Solid Waste stream designated for the "Garbage Container", and excludes hazardous waste, Excluded Waste, materials designated for the "Organic Waste Container" or "Recycling Container" or materials which have been separated for reuse.

"Garbage Container" has the same meaning as "Gray Container" in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.

"Generator" means a person or entity that is responsible for the initial creation of Garbage, Organic Waste, or Recyclable Materials.

"Grocery Store" is a Tier 1 Commercial Edible Food Generator and 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).

"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 50 percent between January 1, 2022 and December 31, 2024, and 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 and/or 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).

"Multi-family Residential Dwelling" or "Multi-family" means, a complex of dwelling units consisting of two (2) units or more used for residential purposes. For purposes of SB 1383 compliance, a multi-family premises means of, from, or pertaining to residential premises with five (5) or more dwelling units and are considered a distinct type of Commercial Business for the purpose of implementing SB 1383 requirements. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses

"Organics Container" has the same meaning as "Green Container" in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste designated for Compost processing, including Food Waste, landscape, and pruning waste accepted in the City's Organic Waste Collection program, and other organic materials as determined by the City as acceptable for the Organics Container.

"Organic Waste" means waste containing material originated from living organisms and their metabolic waste products and may include but is not limited to Food Waste, Food-Soiled Paper, Food Scraps, green material, landscape and pruning waste, untreated/unpainted lumber and wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Organic Waste does not include Compostable Plastics. The City and the Franchised Collector will dictate what materials belong in the container in the Franchise Agreement.

“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).

"Owner" means the person who is listed as having title to property by the latest property tax assessment rolls maintained by the Contra Costa County Assessor.

"Person" means any corporation, association, syndicate, joint stock company, partnership, club society or individual.

"Premises" means any real property interest or estate which may be demised or granted by deed. The word "premises" includes tracts, lots or parcels of land; easements; single-family dwellings; townhomes; condominiums; multi-family dwellings; apartments; flats; duplexes, boarding or lodging homes; restaurants, hotel or motels; commercial establishments or any parcel of land upon which a building or business is located.

“Prohibited Container Contaminants” means the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Recycling Container; (ii) materials placed in the Organics Container that are not identified as acceptable Source Separated Organic Waste for the City’s Organics Container; (iii) materials placed in the Garbage Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Organic Waste that can be placed in the City’s Organics Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.

"Receptacle" means a watertight garbage can or container the type of which has been approved by the Franchised Collector for semi-automated or automated collection. Each receptacle should have suitable bails or handles with a tight-fitting cover and should have a capacity of not less than ten gallons and not greater than ninety-six gallons.

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

“Recyclables” has the same meaning as Source Separated Recyclable Materials below.

"Recycle"/"recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting recyclables which would otherwise be disposed of in a landfill and returning them to the economy in the form of raw materials suitable for new, reused, reconstituted products or in the form of reusable goods suitable for resale or donation, consistent with the requirements of the CIWMA for recycled materials.

"Recycling Center" means a facility established for the purpose of lawful collection of recyclables including, but not limited to, buy-back centers or drop-off locations.

“Residential” means, for the purposes of this Chapter, any single-family premise or multi-family premise consisting of between one and four dwelling units, and onsite domestic uses accessory to these dwelling units.

“SB 1383” means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 and includes regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-Hauler” means a Generator who transports its own Solid Waste by using a vehicle owned by that Generator and driven by the Generator or the Generator’s employees, rather than the Franchised Collector to a solid waste facility or another location that qualifies for reduction of landfill disposal under the Act. Self-hauler also includes a person or entity who back hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A). Self-Hauler does not include any hauling arrangement by which the Commercial Business or Multi-family Residential Dwelling pays compensation to a third party for such hauling (although Self-Hauling is allowed as an incidental part of other paid services).

"Single-family dwelling" means each dwelling unit used for or designated for a single family. The term "single-family dwelling" includes the individual dwelling units of multi-family dwellings in all cases in which there are separate or individual solid waste collection services for each dwelling unit.

“Solid Waste” means the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible 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 Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code. “Source Separated” means materials that have been kept separate from other materials in the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing 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).

“Source Separated Organic Waste” means those organics that can be placed in an Organics Container for Compost processing, including Food Scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the City.

"Source Separated Recyclable Materials" means the same thing as “Recyclable Materials” and “Recyclables” and includes those Recyclable Materials that can be placed in the Recycling Container including but not limited to, glass and plastic bottles, aluminum, tin and steel cans,

metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the City.

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

- (1) Supermarket with gross annual sales of \$2,000,000 or more as defined in 14 CCR Section 18982(a)(71).
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet as defined in 14 CCR Section 18982(a)(30).
- (3) Food Service Provider as defined in 14 CCR 18982(a)(27).
- (4) Food Distributor as defined in 14 CCR Section 18982(a)(22).
- (5) Wholesale Food Vendor as defined in 14 CCR Section 189852(a)(76).

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

- (1) Restaurant as defined in 14 CCR Section 18982(a)(64) and which has 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 as defined in 14 CCR Section 18982(a)(74)(B).
- (3) Health facility with an on-site Food Facility and 100 or more beds as defined in 14 CCR Section 18982(a)(73)(C).
- (4) Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this chapter 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 chapter 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.
- (5) Large Event, as defined in 14 CCR Section 18982(a)(38) means an event that serves an average of more than 2,000 individuals per day of operation of the event and either: 1) charges an admission price; or 2) is operated by a local agency.
- (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, which 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), and which has an on-site food facility.

“User Disposal Containers” are containers located inside or outside of a business for the collection of Source Separated Organic Waste, Source Separated Recyclables and Garbage for employees, contractors, tenants, customers, and other users of the business. User Disposal Containers do not include bins, receptacles or debris boxes provided and collected by the Franchised Collector.

(Amended by Ordinance No. 15-87 N.S., 1-91 N.S., 25-98 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010; Amended by Ordinance No.16-21 N.S.)

9.20.020 - Keeping of Solid Wastes prohibited.

- (a) It is unlawful for any person to place, deposit, keep, bury or allow the accumulation of any Solid Wastes on, in or under any premises.
- (b) It is unlawful for any person to place, deposit, keep, bury or allow accumulation of any materials saved for firewood, or for composting, soil building or mulching, on, in or under any premises, if said materials are or may become (i) dangerous to the public health, safety or welfare; (ii) offensively odoriferous or unsightly; or (iii) shelter for rodents, vectors, vermin or other pests.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.030 - Depositing Solid Waste in sewers prohibited.

It is unlawful for any person to deposit any Solid Wastes in any city sewer or plumbing fixture or pipe connected thereto, except through a mechanical device which shreds or grinds Food Scraps and which has been approved by the City Manager.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.040 - Allowing accumulation of Solid Waste on premises prohibited.

It is unlawful for any owner of any premises to suffer, permit or allow any Solid Waste to remain in, on or under said premises for a period in excess of seven (7) days. All Solid Waste accumulating from or upon any premises shall be kept in a covered receptacle.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.050 - Placing Solid Wastes on streets, sidewalks, etc., prohibited.

- (a) It is unlawful for any person to throw, place, scatter or deposit any Solid Waste upon any street, sidewalk, public place or publicly owned property in the City or to cause or permit any

Solid Wastes to be thrown, placed, scattered or deposited on said public property by or through an employee, agent, representative or anyone acting for or on behalf of that person, except that an Owner may place properly packaged materials at the curb on regularly scheduled days established by the City or the Franchised Collector for the removal of the same.

- (b) It is unlawful for any person to place or deposit or cause to be placed or deposited by or through an employee, agent, representative or anyone acting for or on behalf of that person, any household, commercial Solid Wastes, in any can, bin, dumpster or other receptacle which is provided for public use and which is located on public property, except for Solid Wastes generated in or around the public property in which such receptacle is located.

(Amended by Ordinances No. 15-87 N.S., 8-94 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.055 - Depositing Solid Wastes upon the property of others prohibited.

- (a) It is unlawful for any person to place, throw, scatter or deposit Solid Wastes, or cause Solid Waste to be thrown, placed, scattered or deposited upon any property belonging to another person, corporation, business entity or public agency.
- (b) It is unlawful for any person other than a lawful tenant of such premises to place or deposit any Solid Wastes in any can, wheeled receptacle, Commercial bin dumpster, debris box, or other receptacle upon the property of others, except where such receptacles are provided for public use, unless they have in their possession, written permission of the property owner to deposit wastes in receptacles upon premises.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.060 - Burning of Solid Wastes prohibited.

It is unlawful for any person to burn any Solid Wastes within the City limits of the City.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.070 - Unlawful collection of Solid Wastes.

- (a) The City, in order to more effectually promote and protect the public health and safety and reduce the danger of hazards of fire, reserves unto itself the exclusive right to collect and dispose of Solid Wastes produced or found within the corporate limits of said City. It is unlawful for any person to collect or dispose of Solid Wastes within the City, except as is expressly provided in this chapter. The City shall have the right to franchise its exclusive rights hereunder to the Franchised Collector.

- (b) The collection, removal, and disposal of solid wastes and recyclables may be performed by the City under the direction of the City Council, or by any person with whom the City has entered into a contract or franchise agreement for the collection, removal and disposal thereof.
- (c) It is unlawful and a misdemeanor for any person, other than those specified in subsection (a) of this section, to collect, remove, or dispose of Solid Wastes or Recyclables for compensation pursuant to contract or agreement with another person.
- (d) It is unlawful and a misdemeanor for any person to cause, through contract or agreement for compensation, the collection, removal or disposal of Solid Wastes by another person, other than those specified in subsection (a) of this section.
- (e) It is unlawful and a misdemeanor for any person to convey, or cause to be conveyed, any Solid Wastes upon or along any street or alley or any other public place in the City, except in covered conveyances, containers, bins, or receptacles that will not permit any waste matter to sift, leak through, spill, blow or fall onto any City street, alley, highway, waterway or property adjacent thereto.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

#### 9.20.075 - Unlawful collection of Recyclables.

- (a) The City, in order to more effectually promote the general welfare and to protect the public health and safety reserves unto itself the exclusive right to collect and dispose of the materials which have been placed in a container designated for collection under a recycling program sponsored by the City or the City's Franchised Collector. It is unlawful for any person other than the City or the City's Franchised Collector to collect or dispose of any materials which have been placed in a container designated for collection under a City sponsored recycling program.
- (b) It is also unlawful for any person to misappropriate, pilfer or steal any container provided pursuant to a recycling program sponsored by the City or the City's Franchised Collector.

(Added by Ordinance 1-91 N.S.; amended by Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.080 – Receptacles, Participation, and Separation Required.

- (a) It is the duty of every owner of any premises and each Generator in the City except those that meet self-hauler requirements set forth in this chapter or Commercial Businesses that obtain a waiver pursuant to this chapter, to:
- (1) Maintain for such premises separate Garbage, Organic Waste, and Recycling Containers, supplied by the Franchised Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage, Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for collection.
  - (2) The City and/or its Designee shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City and/or its Designee in order to meet the standards set forth in this chapter. Generators may 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) to the extent permitted by other applicable laws.
  - (3) Participate in the collection services provided by the City's Franchised Collector(s), by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Organic Waste, including food waste, in the Organic Waste Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. Generators shall not place materials designated for the Garbage Container in the Organic Waste Container or the Recycling Container.
  - (4) It is the duty of every owner of any Premises in the City to place Garbage Containers, Recycling Containers, and Organic Waste Containers provided by the Franchised Collector at the curb immediately in front of the premises in a location reasonably convenient for semi-automated or automated collection on the day specified by the City or the Franchise Collector, for collection unless a waiver has been granted by the City and/or Designee pursuant to this Chapter. Containers shall be placed in front of the Premises in a location reasonably convenient for semi-automated or automated collection. The only exception would be if Generator has reached an agreement with Franchised Collector for an alternative collection location. Franchised Collector shall make appropriate alternative collection arrangements for physically challenged owners.
  - (5) Maintain Garbage Containers, Recycling Containers and Organic Waste Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.

- (6) No person shall place Garbage Containers, Recycling Containers and Organic Waste Containers for collection at any time other than the day or days established for collection, or earlier than 6:00 p.m. of the day preceding the day designated for collection. All Garbage, Recycling, and Organic Waste Containers shall be removed from the curb prior to midnight of the day the containers have been emptied.
  - (7) No person shall tamper with, modify, remove from or deposit solid waste in any container which has not been provided for their use without the permission of the container owner.
  - (8) It shall be the responsibility of the Residential Generator or Commercial Business whose Garbage Container; Organic Waste Container or Recycling Container was not removed because it contained prohibited materials to properly separate those materials and place them in their designated containers. Unseparated Garbage, Recyclables, or Organic Waste or the accumulation of such may be subject to enforcement actions, Pursuant to the agreement between the City and the Franchise Collector, contamination could also be subject to a contamination surcharge or non-collection of the container.
- (b) In addition to the requirements in Section A above, Commercial Businesses shall also:
- (1) Commercial Business Owners including Multi-family Residential Dwellings consisting of five or more units, shall provide or arrange for Garbage Container, Organic Waste Container, and Recycling Container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in B (2)(a) and (b) or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.
  - (2) Commercial Business that are not Multi-family Residential Dwellings shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the Premises (“User Disposal Containers”). Such User Disposal Containers do not need to be provided in restrooms. If a Commercial Business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:
    - (a) A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for Garbage, blue containers for Source Separated Recyclable Materials, and green containers for Organic Waste Containers. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this

Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; **or**

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

- (3) Commercial Garbage, Recycling and Organic Waste Containers, in excess of one cubic yard capacity, shall be enclosed by an opaque construction in accordance with the details and specifications outlined in RMC 15.04.601.090.

(Amended by Ordinance Nos. 15-87 N.S., 25-98 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010; Amended by Ordinance No.16-21 N.S.)

9.20.090 - Garbage, Recyclables, and Organic Waste subscription and payment required.

- (a) It is the duty of every owner of any Premises in the City to subscribe with the Franchised Collector(s) for Garbage Container, Recycling Container, and Organic Waste Container collection; comply with the relevant sections of this chapter, state law and local ordinances; and to pay for the collection and disposal of such containers, unless the Commercial Business Owner receives a waiver as provided in this chapter. Subscription to such required service does not preclude Single Family Residents or Commercial Businesses from self-hauling their own waste in their own vehicles if they meet the self-haul requirements noted in this chapter.
- (b) No provision of this chapter shall be construed to prevent the management of a premise's 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).

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.091- Education and Outreach Requirements

All Commercial Business Owners, including Multi-Family Residential Dwellings consisting of five or more dwelling units are required to:

- (a) Annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the City Manager and/or Designee, upon request.
- (b) Provide information before or within fourteen days of new occupation of the Premises to new tenants and no less than fourteen days before tenants move out of the Premises, unless a tenant does not provide fourteen or more days' notice to before moving out, that describes requirements to keep Organic Waste and Recyclable Materials separate from each other

and from Garbage and the location of containers and the rules governing their use at the Premises.

- (c) Prominently post and maintain one or more signs where Recyclable Materials and/or Organic Waste are collected and/or stored that set forth what materials are required to be Source Separated in addition to collection procedures for such materials.

All Commercial Business Owners, excluding Multi-Family Residential Dwellings consisting of five or more dwelling units are required to:

- (d) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Organic Waste Container, and Garbage Container collection service.
- (e) Periodically inspect Recycling Containers, Organic Waste Containers, and Garbage Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.

#### 9.20.092 – Waivers for Generators

- (a) De Minimis and Physical Space Waivers. The City and/or its Designee may waive a Generator's obligation to comply with some or all of the Organic Waste and Recycling participation requirements of this Chapter if documentation is provided demonstrating that the Generator generates below a designated amount of Organic Waste (de minimis) as described below and/or lacks adequate space to accommodate the required collection containers required for compliance. A Generator requesting a De Minimis or Physical Space Waiver shall:
  - (1) Submit an application to the City and/or Designee specifying the service or requirements for which it is requesting a waiver.
  - (2) Provide documentation with the application that demonstrates either:
    - (A) The Premise's total Solid Waste generated is two cubic yards or more per week and Organic Waste subject to collection in a Recycling or Organics Container comprises less than 20 gallons per week per applicable container of the business's total waste; or,
    - (B) The Premise's total Solid Waste generation is less than two cubic yards per week and Organic Waste (as well as paper, cardboard, and other fibers) subject to collection in a Recycling Container or Organics Container comprises less than 10 gallons per week per applicable container of the business's total waste; or
    - (C) The Premises lacks adequate space for Recycling Containers and/or Organics Containers which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the City and/or Designee.

- (3) If the waiver is granted, the owner of the Premise shall notify the City and/or Designee if circumstances change such that the Commercial Business or Multi-family Residential Dwelling Generator's Organic Waste exceeds threshold required for waiver, in which case waiver may be rescinded.
- (4) If the waiver is granted for de minimis, provide written verification of eligibility for waiver to the City and/or Designee every five (5) years.
- (5) Change of ownership of a Premises automatically revokes a waiver and the new owner must comply with this chapter or obtain its own waiver.
- (6) Upon the determination, a written notification of the approval or denial of a waiver shall be issued to the applicant.

(Amended by Ordinance No.16-21 N.S.)

#### 9.20.095 - Self-Hauler Requirements

The provisions of this section 9.20.092 shall be read together with the requirements of the City's franchised collection franchise agreement to harmonize the respective provisions in order to achieve compliance with SB 1383 requirements. Self-Haulers shall:

- (a) Source separate all Recyclables and Organic Waste (materials that the City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR 18984.3.
- (b) Haul their source separated Recyclables to a facility that recovers those materials; and haul their Source separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers source separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are Commercial Businesses or Multi-family Residential Dwellings shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the City and/or Designee. The records shall include the following information:
  - 1. Delivery receipts and weight tickets from the entity accepting the waste.
  - 2. The amount of material in cubic yards or tons transported by the Generator to each entity.
  - 3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

- (d) Self-Haulers that are Commercial Businesses including Multi-family Residential Dwellings shall provide these records, upon request, to the City and/or Designee. Self-Haulers shall provide the requested information within 60 days.
- (e) Landscapers, who self-haul Organic Waste generated at a customer's Premise, must also meet the requirements in this section.
- (f) A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.
- (g) It is unlawful for any person to carry, convey or haul Solid Waste on or along the streets, alleys, highways or waterways of the City except in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets, alleys, highways or waterways. Solid Waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways, or adjacent lands.
- (h) Starting January 1, 2024, any person failing to comply with this section chapter shall be guilty of an infraction and subject to the penalties set forth in Section 1.04.100.
- (i) Nothing herein is intended to abrogate or alter rights granted to the City's Franchised Collector under the City's collection franchise agreement.

(Added by Ordinance No.16-21 N.S.)

9.20.100 - Failure to subscribe.

- (a) Any person failing to subscribe for the collection and disposal of Solid Wastes as required by this chapter shall be guilty of an infraction and subject to the penalties set forth in Section 1.04.100.
- (b) Each owner of a premises shall start services within seven (7) days of the occupancy of a premises. If the owner fails to start service, the Franchised Collector shall give the owner a written notification that such service is required. If service is not initiated within fifteen (15) days from the date of mailing of the notice, then the collector shall initiate and continue service for the owner.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.110 – Franchised Collector entitled to payment.

- (a) The City or, if there is one, the collector shall be entitled to payment from the owner for any collection services rendered.
- (b) If any owner fails to pay the collector for collection for a five (5) month period, or for any other period where collection service is stopped, the collector shall mail the owner a final request for payment for the amounts owed, plus penalties, including the charge for service to

the end of the owner's most recent billing period which may include the month during which the notice was mailed. The final request shall include a warning notice that if the service charges are not paid within thirty (30) days, they will be turned over to the City for placement on the tax rolls. The warning notice shall include information concerning the additional administrative charges that will become due if a lien is recorded against the property, and that the City shall assess the property on the next property tax statement if the charges plus penalties shall be mailed to each owner that appears as the owner of the property for which the service was provided on the most recent property assessment rolls of the County Assessor.

- (c) The form and content of the warning notice sent by the Franchised Collector shall be approved by the Director of Finance of the City.
- (d) If the payment is not made by the owner within thirty (30) days, the collector will file with the Director of Finance a verified notice which shall contain, in the parcel number order, the name or names of the owner, the address of the property served, the period of the service, and the amounts due plus penalties. The verified notice shall be submitted by the collector to the Director of Finance not more than ninety (90) days following the final request for payment.
- (e) The verified notice shall set a time and place for an administrative hearing before the Director of Finance and shall be mailed by the collector to each person to whom the described property for which the service is rendered is assessed on the most recent property assessment rolls of the County Assessor. The verified notice shall be mailed not less than fifteen (15) days prior to the date of the hearing.
- (f) The Director of Finance shall conduct a hearing. The Director of Finance shall determine whether an assessment should be imposed upon the owner.
- (g) If the Director of Finance approves the delinquent charges against the owner of the property and the owner fails to pay said charges, an assessment on the real property for which the service was rendered will be recorded with the Recorder of Contra Costa County. The recorded assessment shall carry an additional administrative charge.
- (h) Delinquent charges which remain unpaid by the owner shall constitute a special assessment against the property to which the service was rendered and shall be collected at such time as established by the County Assessor for inclusion in the next property tax assessment.
- (i) The Director of Finance shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid delinquent charges plus penalties for garbage collection service and administrative charges, plus an assessment charge of \$5.00 as a special assessment against the parcel of property situated within the City to which the service was rendered. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The assessment shall be subordinate to all existing special assessment liens previously imposed on the property. It shall have priority over other liens except for those State, County, and municipal taxes with which it shall have parity. The assessment shall continue until the assessment and all interest and charges due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment.
- (j) The collector may charge the City, at the established collection rates, for those owners who are delinquent. Said charges shall cover the period during which the collector provided

collection and disposal services for the delinquent owner. The City shall not become liable to pay such charges until the charges have been assessed against the owner and the County has disbursed funds covering said charges.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010; Ord. No. 19-13 N.S., § I, 10-1-2013)

9.20.130 - Interference with collection prohibited.

It is unlawful for any person in any manner to interfere with the collection, removal or disposal of Solid Wastes by the authorized Franchised Collector.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.140 - Contracts for Solid Wastes collection.

- (a) The City Council may enter into a contract or franchise agreement with any person for the collection of Solid Wastes. Such contract or franchise agreement may be revoked by the City Council for noncompliance with the provisions of said contract or franchise agreement or for violation of the provisions of this chapter or any pertinent federal, state, or local law in accordance with the terms of said contract or franchise agreement.
- (b) Through written notice to the City annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.145 - Vehicle requirements.

- (a) For every vehicle used to transport refuse on or over streets of the City, a means shall be provided to cover and contain refuse securely within the hauling body of the vehicle so that no refuse shall escape.
- (b) Vehicles used for collecting or hauling refuse shall be kept clean, and no nuisance of odor committed.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.150 - Maximum Rates for collection of Solid Wastes.

For the service of collection of Solid Wastes from private single or multiple-family dwellings within the City of Richmond, monthly rates shall be changed by the Franchised Collector not to exceed the following rates:

- (a) In all areas of the City of Richmond the charges for private single or multiple-family dwellings are:
- (1) For single-family residences, the charge for the weekly collection of each receptacle of thirty-five (35) gallons per week shall be \$27.62 per month per receptacle.
  - (2) For single-family residences, the charge for the weekly collection of each receptacle of sixty-five (65) gallons per week shall be \$52.76 per month per receptacle.
  - (3) For single-family residences, the charge for the weekly collection of each receptacle of ninety-five (95) gallons per week shall be \$78.17 per month per receptacle.
  - (4) For each min-can (receptacle not exceeding twenty (20) gallons in volume capacity) collected once per week at a single-family residence, the charge shall be \$25.08 per month per receptacle.
  - (5) The above rates include weekly service for one (1) Garbage Receptacle, one (1) 65-gallon Recycling Receptacle (blue), and one (1) 65-gallon Organics Receptacle (green). Additional Recycling and Organic Waste Receptacles are available at additional cost of \$8.40 per month per receptacle.
  - (6) For residential units in Multi-family Residential Dwellings, for each residential unit receiving collection service, the charge for the weekly collection of each receptacle of thirty-five (35) gallons shall be \$27.62 per month per Garbage receptacle.
  - (7) For residential units in multiple family dwellings, for each residential unit receiving collection of each receptacle of sixty-five (65) gallons per week shall be \$52.76 per month per Garbage receptacle.
  - (8) For residential units in multiple family dwellings, for each residential unit receiving collection of each receptacle of ninety-five (95) gallons per week shall be \$78.17 per month per Garbage receptacle.
  - (9) For each mini-can (a receptacle not exceeding twenty (20) gallons in volume capacity) collected once per week from a residential unit of a Multi-family Dwelling, the charge shall be \$25.08 per month per Garbage receptacle.
  - (10) For situations where more than one family unit residence is located on a lot or parcel, the charges shall be the same as those listed for residential units in Multi-family Dwellings in subsections (6), (7), (8), and (9) of this subsection (a).
  - (11) In addition to the rates set forth in the above subsections, a carry-out fee of \$8.44 per receptacle per month for Garbage receptacles and \$8.44 per receptacle per month for Recyclables or Organic Waste Receptacles may be charged to those owners utilizing such service.
  - (12) For senior citizens (individuals sixty-two (62) years of age or older) who own or reside in a single-family residence (including duplexes) or a residential unit in a multi-family residence where service is billed separately the charge for the collection

of the first thirty-five (35) gallon Garbage receptacle once per week shall be \$26.16 per month. For collection of one only 20-gallon Garbage receptacle once per week shall be \$23.69. For the purposes of this subsection, a residence may qualify for the senior citizen rate if at least one of the owners or occupants is a senior citizen as defined by this subsection.

(13) The Franchised Collector shall collect the amounts indicated for each of the following special services.

(A) Return trip surcharge, per receptacle .....\$32.01

For instances where receptacles are inaccessible, contaminated or not available (not set out) for service on first route pass.

(B) Additional Recycling/ Organic Waste, per Receptacle per month .....\$8.40

More than one (1) Recycling Receptacle, or more than one (1) Organic Waste Receptacle.

(C) Missing Receptacle/insert removal, per Receptacle .....\$61.15

For instances where upon account closure, Receptacles not found/set out for retrieval. Customer unauthorized removal of insert to increase receptacle capacity from 20-gallon to 35-gallon.

(D) Overage, per bag .....\$10.71

For instances where the Garbage, Recycling, or Organic Waste receptacles filled above receptacle rim.

(E) Same week on-call curbside clean-up .....\$17.65

Depending upon collection vehicle capacity, standard bulky item collection scheduled within 10 days of request at no additional charge.

Same week bulky item clean-ups are subject to an expedited service surcharge.

(F) Contamination surcharge .....\$27.75

For situations where a customer's receptacles are deemed, by the Franchised Collector, to be contaminated with unacceptable materials, the Franchised Collector may impose a contamination surcharge. The contamination fee applies to all receptacles commodities: Garbage, Recycling and Organic Waste.

(14) The City Council is authorized to amend or supersede all rates for Solid Waste collection by City Council resolution. All authorized franchise solid waste haulers shall comply with the rates as approved by City Council resolution.

(b) In addition to the rates provided for in subsection (a) of this section, an additional surcharge of \$9.47 for each thirty-five (35) gallons of receptacle capacity \$17.61 for each sixty-five (65) gallons of receptacle capacity \$26.42 for each ninety-five (95) gallons of receptacle capacity; or an additional \$5.40 for each twenty (20) gallon mini-can shall be charged each month on each receptacle as established by the Board of Directors of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) or its successor entity, in accordance with the Joint Powers Agreement between the City and the WCCIWMA.

- (c) Franchised Collector may charge a late payment penalty of 5 percent (with a minimum of \$1.00) of the amount due and remaining unpaid after the same became due and an additional penalty of five percent (5%), with a minimum of \$1.00, of the whole amount due, less late payment penalties, for each calendar month that the amount remains unpaid. Franchised Collector may also charge a one-time late payment of 20 percent (with a minimum of \$10.00) for amounts due and remaining unpaid for at least six months.

(Amended by Ordinance Nos. 41-01, 35-02 N.S., 44-03 N.S., 25-04 N.S., 3-06 N.S., 47-07 N.S., 28-08 N.S.)

(Ord. No. 20-10 N.S., § 2, 6-15-2010; Ord. No. 01-11 N.S., § I, 1-4-2011; Ord. No. 01-12 N.S., § I, 1-17-2012; Ord. No. 15-12 N.S., § I, 12-18-2012; Ord. No. 6-16 N.S., § I, 5-3-2016; Ord. No. 3-17 N.S., § I, 2-7-2017; Ord. No. 2-18 N.S., § I, 1-23-2018; Ord. No. 03-19 N.S., § I, 1-22-2019; Ord. No. 04-19 N.S., § I, 4-16-2019)

9.20.155 - Rates for collection of Solid Wastes from Commercial establishments.

For the service of collecting Solid Wastes from commercial establishments within the City of Richmond, monthly rates shall be charged by the Franchised Collector not to exceed the following rates:

- (a) In all areas of the City of Richmond, except those specified in paragraph (b) of this subsection, the charges for the collection of Solid Wastes from commercial establishments shall be according to the following:
- (1) Beginning with the adoption of the ordinance codified in this section, the following rates shall apply:

COMMERCIAL RECEPTACLE COLLECTION SERVICE RATES

30/35 gallon per month .....\$35.85  
60/65 gallon per month .....\$75.33  
95/100 gallon per month .....\$94.94

COMMERCIAL BIN COLLECTION SERVICE RATES

| 2019 Commercial Bin Service Rates* |                |            |            |            |            |            |            |
|------------------------------------|----------------|------------|------------|------------|------------|------------|------------|
| Bin Size                           | Times Per Week |            |            |            |            |            |            |
|                                    | 1              | 2          | 3          | 4          | 5          | 6          | 7          |
| 1 Yard                             | \$246.61       | \$435.69   | \$624.58   | \$813.60   | \$1,002.69 |            |            |
| 2 Yard                             | \$408.36       | \$750.27   | \$1,092.41 | \$1,434.40 | \$1,776.52 |            |            |
| 3 Yard                             | \$561.08       | \$1,048.12 | \$1,535.02 | \$2,022.18 | \$2,509.25 |            |            |
| 4 Yard                             | \$709.49       | \$1,337.79 | \$1,966.30 | \$2,594.64 | \$3,222.96 |            |            |
| 5 Yard                             | \$855.60       | \$1,623.70 | \$2,391.78 | \$3,160.08 | \$3,928.17 |            |            |
| 6 Yard                             | \$1,000.39     | \$1,907.80 | \$2,815.23 | \$3,722.50 | \$4,630.09 |            |            |
| 7 Yard                             | \$1,144.10     | \$2,190.99 | \$3,237.74 | \$4,284.47 | \$5,331.21 | \$6,377.96 | \$7,424.69 |

\*The rates set forth above include a \$41.95 per yard/per month/pick-up per week IRRF surcharge.

(2) One Recycling receptacle and one Organics receptacle shall be provided at no additional cost in accordance with the Franchise Agreement.

(b) Special Services.

(1) The Franchised Collector shall collect the amounts indicated for each of the following services:

- (A) Special pickups without 24-hour notice or same day service .....\$68.02
- (B) Steam clean box .....\$96.11
- (C) Charge for moving bin more than 15 feet (per foot) .....\$0.17
- (D) Lock and key charge .....\$18.14

(2) Additional collection above service subscription level:

| EXTRA PICK-UPS     |               |
|--------------------|---------------|
| Size (Cubic Yards) | Rate per Haul |
| 1                  | \$87.34       |
| 2                  | \$137.61      |
| 3                  | \$185.15      |
| 4                  | \$231.23      |
| 5                  | \$276.55      |
| 6                  | \$321.45      |
| 7                  | \$366.07      |

(3) In the event that the Franchised Collector is requested to perform services which are not included in this ordinance, but which are, nevertheless, part of the Franchised Collector's collection obligation, the Franchised Collector shall establish rates which are reasonable for said services. A reasonable charge would be one which would produce revenue for the collector in an amount equal to the actual cost (including, but not limited to, profit, regulatory fees, and disposal costs) of providing the service.

(4) The foregoing rates shall not apply to Franchised Collector's high volume commercial customers. for the purposes of this section, a high-volume commercial customer is a person or business which, on average, over the course of one year, disposes of more than 1,000 yards per month of commercial solid waste. In the case of high-volume commercial customers, the Collector shall establish rates which are fair and reasonable as defined in subsection (1) above.

(c) Integrated Resource Recovery Facility Surcharge. In addition to the rates provided for in subsections (a) and (b) of this section an additional surcharge shall be charged each month on each cubic yard in accordance with the rates established by the Board of Directors of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) or successor entity, and in accordance with the joint powers agreement between the City and the WCCIWMA. Beginning with the adoption of this ordinance, the following WCCIWMA surcharge\*\* rates shall apply:

COMMERCIAL RECEPTACLE RATE — IRRF SURCHARGE

30/35 gallon per month .....\$9.47

60/65 gallon per month .....\$17.61

95/100 gallon per month .....\$26.42

- (d) Franchised Collector may charge a late payment penalty of 5 percent, with a minimum of \$1.00 of the amount due and remaining unpaid after the same became due and an additional penalty of 5 percent with a minimum of \$1.00, of the whole amount due, less late payment penalties, for each calendar month that the amount remains unpaid. Franchised Collector may also charge a one-time late payment of 20 percent, with a minimum of \$10.00, for amounts due and remaining unpaid for at least six months.
- (e) Rate Adjustments.
- (1) In the event that the Franchised Collector elects to adjust some or all of the commercial collection rates established hereunder, the Franchised Collector shall provide notice of each such proposed rate change to each commercial customer of Franchised Collector who will be affected by such rate change and to the City Manager.
  - (2) The Franchised Collector shall also provide the City Manager with an analysis of the proposed commercial rate change simultaneously with the rate change notice provided to the commercial customers.
  - (3) Within thirty (30) days after receipt of the proposed rate change by the City Manager, the proposed rate change shall be forwarded to the City Council along with the City Manager's recommendation as to whether the proposed rate change is acceptable.
  - (4) The decision as to whether to approve the rate changes shall be left to the City Council's discretion. However, some of the criteria upon which the City Council's discretion may be based include:
    - (A) The fairness of the proposed commercial rate change on all rate payers;
    - (B) The impact of the proposed commercial rate change on the rate setting methodology as outlined in the Franchise Agreement between the Franchised Collector and the City; and
    - (C) The economies of Solid Waste collection.

(Amended by Ordinance Nos. 41-01, 32-02 N.S., 44-03 N.S., 25-04 N.S., 3-06 N.S., 47-07 N.S., 28-08 N.S.)

(Ord. No. 20-10 N.S., § 2, 6-15-2010; Ord. No. 01-11 N.S., § II, 1-4-2011; Ord. No. 01-12 N.S., § II, 1-17-2012; Ord. No. 15-12 N.S., § II, 12-18-2012; Ord. No. 6-16 N.S., § II, 5-3-2016; Ord. No. 3-17 N.S., § I, 2-7-2017; Ord. No. 2-18 N.S., § II, 1-23-2018; Ord. No. 03-19 N.S., § II, 1-22-2019; Ord. No. 04-19 N.S., § II, 4-16-2019)

9.20.157 – Garbage, Recycling, and Organics collection rates to be set by the City Council.

The City Council of the City of Richmond may, by resolution, establish or adjust maximum rates and charges for Solid Waste, Recycling and Organics collection. No contractor shall impose any fee that is greater than the maximum permitted by the City Council, unless otherwise authorized in this chapter.

(Ord. No. 03-19 N.S., § III, 1-22-2019)

9.20.160 - Rates for use of Solid Wastes disposal facility.

At such times as there is in force a contract or franchise agreement entered into by the City with the Franchised Collector for the operation and maintenance of Solid Wastes disposal facility in the City, the collector may charge all persons using the facility for the purpose of depositing Solid Wastes thereon at such rates not exceeding those rates specified in the solid wastes disposal facility rate schedule adopted by resolution of the City.

(Amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.170 - Other collections.

For collection of unusual accumulations of Solid Wastes and for collections not otherwise provided for in this chapter, such rates shall be charged, and such receptacles shall be used, as may be agreed upon between the collector and the person from whom such Solid Wastes are collected.

(Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.180 - Rate and receptacle disputes.

In all cases where disputes arise as to the rate charged or to be charged for any service provided in these provisions, or the number or kind of receptacle(s) to be used, the matter shall be referred to the City Manager and the City Manager shall, upon due investigation, determine and fix such price and receptacle requirements as he may deem just and equitable. The determination of the City Manager shall be final.

(Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.190 - Collection regulations.

The City Council may make such regulations concerning the number and manner of collections, the maintenance and operation of collector's vehicles, and the maintenance of the solid waste disposal facility as it may deem necessary to carry out the provisions of this chapter.

(Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.200 - Exceptions.

Nothing in this chapter shall be deemed to prohibit any of the following:

- (a) The keeping and use of Recyclables in the operation of a compost facility which has been approved by the City Manager;
- (b) The burying of Garbage at a solid waste disposal facility;
- (c) The placing, depositing and keeping of Recyclables at a recycling center which has been approved by the City Manager.

(Source: Ordinance No. 41-84 N.S. amended by Ordinance No. 15-87 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010) 9.20.205 - Inspections and Investigations by the City and/or Designee

- (a) The City's representatives and/or designees are authorized to conduct inspections, remote monitoring, or investigations as reasonably necessary to confirm compliance with this ordinance, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this Chapter, subject to applicable laws. This section does not allow entry in a dwelling unit for inspection. For the purposes of inspecting Commercial Business containers for compliance, remote monitoring may be used to conduct container inspections for Prohibited Container Contaminants, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.
- (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: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this ordinance.

9.20.210 - Penalties.

- (a) In addition to all other remedies and penalties available under this chapter, under other sections of this Code, or under other laws, any person who violates the provisions of this chapter shall be guilty of an infraction for each day such violation continues and shall be subject to the penalties set forth in Section 1.04.100 of this Code, except that a violation may be charged as a misdemeanor pursuant to express language contained in other sections of this chapter or may, alternatively, be charged as a misdemeanor pursuant to the provisions of Section 1.04.140 of this Code.
- (b) In addition to all other remedies and penalties available under this chapter, under other sections of this Code or under other laws, any violation of this chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City.

- (c) In addition to all other remedies and penalties available under this chapter, under other sections of this Code or under other laws, in a civil action brought in any court of competent jurisdiction by or on behalf of the City, any person who violates Section 9.20.050 of this chapter shall be liable to the City for the costs incurred by the City, including administrative costs, in removing, abating and properly disposing of any solid wastes or recyclables which have been thrown, placed, scattered or deposited on public property in violation of Section 9.20.050. In any action brought pursuant to this subsection, upon proof that the solid wastes or recyclables found on public property were previously under the possession or control of any person, a rebuttable presumption shall arise that said person violated Section 9.20.050 by throwing, placing, scattering or depositing solid wastes or recyclables on public property or by causing or permitting the solid wastes or recyclables to be thrown, placed, scattered or deposited on the public property by or through an employee, agent, representative or anyone acting for or on behalf of that person. Said presumption may be rebutted by evidence that the person took adequate precaution to ensure that the solid wastes or recyclables would be properly disposed of in an approved solid wastes landfill or recycling center or through the collector authorized by this chapter. Said evidence may include a receipt for the waste issued by an approved solid waste landfill or recycling center.
- (d) In any action brought pursuant to subsection (b) or (c) of this section, civil penalties may also be sought by the City, as specified in Section 1.04.150 of this Code.
- (e) Any section of this chapter may be enforced by the City of Richmond, or, if agreed to, by another agency designated by the City Manager.
- (f) Beginning January 1, 2024, if the City and/or its Designee determines that an Organic Waste Generator, Self-Hauler, Tier One or Tier Two Commercial Edible Food Generator, or Food Recovery Organization is not in compliance with the Mandatory Organics Waste Reduction provisions of SB 1383 or this Ordinance, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant, as needed.
1. Beginning January 1, 2022 and through December 31, 2023, if the City and/or its Designee determines that Organic Waste Generator, Self-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.

(Ordinance No. 1-91 N.S. amended by Ordinance Nos. 8-94 N.S., 2-00 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.220 - Powers of County Code Enforcement Officers.

Notwithstanding any other provisions of this Code, the Contra Costa County Code Enforcement Officers may enforce the following Richmond Municipal Code sections in the incorporated area of north Richmond: 9.22.020, Keeping of Solid Wastes and Recyclables prohibited; 9.20.030, Depositing Solid Wastes in sewers prohibited; 9.20.040, Allowing accumulations of Solid Wastes on premises prohibited; 9.20.050, Placing Solid Wastes on streets, sidewalks, etc., prohibited; 9.20.055, Depositing Solid Wastes upon property of others prohibited; 9.20.060, Burning of Solid Wastes prohibited; 9.20.070, Unlawful collection; 9.20.075, Unlawful collection of recyclables; 9.20.080, Receptacles required; 9.20.090, Solid Wastes collection service required; 9.20.095, Curbside placement of receptacles required.

(Added by Ordinance No. 30-07 N.S.; Ord. No. 20-10 N.S., § 2, 6-15-2010)

9.20.300 - Requirements for Commercial Edible Food Generators

- (a) Tier One Commercial Edible Food Generators must comply with the requirements set forth below commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR 18991.3 or such later deadline established by State law or regulations.
- (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, or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food (which does not include table service food scraps) that would otherwise be disposed.
  - (2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery that would otherwise be disposed; or, (ii) acceptance of the Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery

- (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
- (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
- (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- (6) Allow the City and/or Designee to review records upon request, including by providing electronic copies or access to the Premises.
- (7) 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 Food Recovery 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.
- (8) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Service, a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (9) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the City and/or Designee that includes the information specified in above. Entities shall respond to such request for information within 60 days.
- (d) Nothing in this chapter shall be construed to limit or conflict with (1) 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; or (2) otherwise applicable food safety and handling laws and regulations.

- (e) Nothing in this chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

#### 9.20.320 - Requirements for Food Recovery Organizations and Services

- (a) Food Recovery Organizations (including 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) and 14 CCR Section 18991.5(a)(2):

- (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) For Food Recovery Services, the quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

- (4) For Food Recovery Organizations, the name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (b) Food Recovery Organizations that have their primary address physically located within 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 and/or Designee 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 (regardless of whether those Generators are located in the City of Richmond) pursuant to 14 CCR Section 18991.3(b) and in accordance with the following schedule:
    - (1) No later than August 15, 2022, submit an initial report covering the period of January 1, 2022, to June 30, 2022; and
    - (2) No later than January 31, 2023, and no later than every January 31 of each year thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

- (c) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Organizations operating in the City shall provide, upon request, information and consultation to Contra Costa County, RecycleMore, or the City regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by Contra Costa County, RecycleMore, the City, or Food Recovery Organizations in the City of Richmond. A Food Recovery Organization shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified in the request.

I hereby certify that the foregoing Ordinance of the Council of the City of Richmond was duly passed and adopted at a meeting thereof held December 21, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis,  
Vice Mayor Johnson III, and Mayor Butt.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

THOMAS K. BUTT  
Mayor

Approved as to form:

TERESA STRICKER  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Ordinance No. 16-21 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 16, 2021.

  
\_\_\_\_\_  
Pamela Christian, Clerk of the City of Richmond