

NOTICE OF DETERMINATION/NOTICE OF EXEMPTION

TO: Office of Planning/Research
1400 Tenth St., Room 121
Sacramento, CA 95814

FROM: Long Beach Development Services Dept.
411 W. Ocean Blvd., Planning Bureau, 3rd Floor
Long Beach, CA 90802

Office of the County Clerk
Environmental Filings
12400 E. Imperial Hwy. Room 1201
Norwalk, CA 90650

Filing of Notice of Determination/Notice of Exemption in compliance with Section 21108 or 21152 of the Public Resources Code

Notice of Determination/Notice of Exemption for the City of Long Beach Ordinance Amending the Municipal Code for Compliance with Senate Bill 1383

Project Title

2018122023 *Alison Spindler-Ruiz (562) 570-6946*

State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone
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Project Applicant: City of Long Beach, Development Services Dept, 411 West Ocean Boulevard, Long Beach, CA 90802

Project Location: The adoption of an Ordinance amending the Municipal Code is applicable to the entire City of Long Beach.

Project Description: Senate Bill 1383 (Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions) establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCPs). SB 1383 requires that jurisdictions adopt an ordinance or other enforceable mechanism by January 1, 2022, to require compliance by organic waste generators, haulers, and other entities subject to the regulations and subject to the jurisdiction's regulatory authority.

The Project is an ordinance amending the City's Municipal Code to comply with SB 1383. Specifically, the ordinance amends the title of Municipal Code Chapter 8.60; amends Section 8.60.010; and adds Section 8.60.030, Section 18.67.100, and amends Title 21 to add Section 21.42.060. The Project constitutes a planning/policy action and would not result in any development that could result in significant effects to the environment. Rather, implementation of the proposed amendments would ensure that the City complies with SB 1383 to achieve a 75 percent reduction of statewide disposal of organic waste by 2025 and to recover at least 20 percent of currently disposed edible food for human consumption by 2025.

In order to ensure compliance with SB 1383, amendments to the City's Municipal Code are required for Chapter 8.60 in the areas of edible food recovery compliance, investigations, and enforcement including financial penalties; CalGreen building standards; and organics diversion compliance, investigations, and enforcement including financial penalties; and for Title 21 to add the model water efficient landscape ordinance requirements. Refer to Attachment A for a detailed project description and refer to Attachment B for the draft amendments to the Municipal Code.

California Environmental Quality Act (CEQA) Determination

The SB 1383 Regulations were the subject of the SB 1383 Regulations, Short Lived Climate Pollutants: Organic Waste Methane Emission Reductions Program EIR (SB 1383 Regulations EIR), SCH No. 2018122023, prepared by the Department of Resources Recycling and Recovery (CalRecycle).¹ Pursuant to Section 15162 of the CEQA Guidelines, no subsequent EIR shall be prepared for the Project since the Project is within the scope of 2019 Program EIR (State Clearinghouse No. 2018122023) that was prepared, and no new or substantially more severe significant impacts would occur and no new mitigation measures would be required. The City has made the following determinations regarding the above-described Project:

¹ Program EIR No. 2018122023 is available for viewing on CalRecycle's website: <https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/sb1383eir.pdf>

1. The Project will not have a significant impact on the environment.
2. The adoption of the City of Long Beach Municipal Code Ordinance Amendments is entirely within the scope of SB 1383 Regulations and its Program EIR (SCH No. 210822023).
3. No mitigation measures identified in the SB 1383 Regulations Program EIR are applicable to adoption of the City of Long Beach Municipal Code Ordinance Amendments.
4. None of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and the California Environmental Quality Act (State CEQA) Guidelines Sections 15162 and 15163, have occurred.
5. The SB 1383 Regulations Program EIR adequately analyzes any potential environmental effects of the project and no additional environmental review is required.
6. Findings were made pursuant to the provisions of CEQA.

On a separate and independent basis, the City has also determined that the Project is categorically exempt from CEQA pursuant to Section 15308, Class 8, of the State CEQA Guidelines for “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.” As described above, the Project is an action taken by the City to amend the Municipal Code in compliance with the State-mandated reduction of SLCPs under SB 1383. Adoption of the ordinance amending the Municipal Code would protect the environment through emissions reductions.

As specified in the State CEQA Guidelines, Article 19, Categorical Exemptions, Section 15300.2, an exemption would be negated by an exception under any of the following circumstances:

- (A) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (B) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (C) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (D) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR [Environmental Impact Report].
- (E) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (F) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Project is exempt under Class 8; therefore, exception (A) does not apply nor do the other exceptions to the exemptions, due to the Class of the exemption. The City further specifically finds that none of the exceptions apply to this project for the following reasons. While the Project would apply to Long Beach as a whole, the Project constitutes a planning/policy action (adoption of an ordinance to amend the Municipal Code) and would not result in physical improvements or development. Therefore, the Project would have no significant effects on the environment and no cumulative impacts, and therefore exceptions (B) and (C) do not apply. Furthermore, as the project does not result in any physical impacts, there would be no damage to scenic highways, or impacts related to hazardous waste sites or historical resources, and therefore exceptions (D), (E), and (F) do not apply.

There are no unusual circumstances that would cause this project to have a significant effect on the environment. In addition, as the Project is intended to ensure that the City achieves statewide organic waste reduction goals, the City would have a beneficial impact related to waste reduction including benefits to air quality, greenhouse gas emissions, landfill capacity, and energy, and reduced vehicle trips for waste. Therefore, no exceptions to a Categorical Exemption would apply.


Signature (Public Agency)

12/9/2021

Date

Advance Planning Officer

Title

Date Received for Filing at OPR

ATTACHMENT A
NOTICE OF DETERMINATION/NOTICE OF EXEMPTION MEMORANDUM



MEMORANDUM

DATE: November 1, 2021

TO: Alison Spindler-Ruiz, AICP, Advance Planning Officer

FROM: Ashley Davis, Principal, LSA

FOR: Mayor and Members of City Council

SUBJECT: Notice of Determination/Notice of Exemption Memorandum for the City of Long Beach Ordinance Amending the Municipal Code for Compliance with Senate Bill 1383

Project Description

Senate Bill 1383 (Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions) establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCPs). SB 1383 requires that jurisdictions adopt an ordinance or other enforceable mechanism by January 1, 2022, to require compliance by organic waste generators, haulers, and other entities subject to the regulations and subject to the jurisdiction's regulatory authority.

The Project is an ordinance amending the City's Municipal Code to comply with SB 1383. Specifically, the ordinance amends the title of Municipal Code Chapter 8.60; amends Section 8.60.010; and adds Section 8.60.030, Section 18.67.100, and amends Title 21 to add Section 21.42.060. The Project constitutes a planning/policy action and would not result in any development that could result in significant effects to the environment. Rather, implementation of the proposed amendments would ensure that the City complies with SB 1383 to achieve a 75 percent reduction of statewide disposal of organic waste by 2025 and to recover at least 20 percent of currently disposed edible food for human consumption by 2025.

In order to ensure compliance with SB 1383, amendments to the City's Municipal Code are required for Chapter 8.60 in the areas of edible food recovery compliance, investigations, and enforcement including financial penalties; CalGreen building standards; and organics diversion compliance, investigations, and enforcement including financial penalties; and for Title 21 to add the model water efficient landscape ordinance requirements. The draft amendments to the Municipal Code are provided as Attachment B.

California Environmental Quality Act (CEQA) Determination

The SB 1383 Regulations were the subject of the SB 1383 Regulations, Short Lived Climate Pollutants: Organic Waste Methane Emission Reductions program EIR (SB 1383 Regulations EIR), SCH#2018122023, prepared by the Department of Resources Recycling and Recovery (CalRecycle).

Pursuant to Section 15162 of the CEQA Guidelines, no subsequent EIR shall be prepared for the Project since the Project is within the scope of 2019 Program EIR (State Clearinghouse No. 2018122023) that was prepared, and no new or substantially more severe significant impacts would occur and no new mitigation measures would be required. The City has made the following determinations regarding the above-described project:

1. The Project will not have a significant impact on the environment.
2. The adoption of the City of Long Beach Municipal Code Ordinance Amendments is entirely within the scope of SB 1383 Regulations and its Program EIR (SCH No. 210822023).
3. No mitigation measures identified in the SB 1383 Regulations Program EIR are applicable to adoption of the City of Long Beach Municipal Code Ordinance Amendments.
4. None of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and the California Environmental Quality Act (State CEQA) Guidelines Sections 15162 and 15163, have occurred.
5. The SB 1383 Regulations Program EIR adequately analyzes any potential environmental effects of the project and no additional environmental review is required.
6. Findings were made pursuant to the provisions of CEQA.

On a separate and independent basis, the City has also determined that the Project is categorically exempt from CEQA pursuant to Section 15308, Class 8, of the *State CEQA Guidelines* for “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.” As described above, the Project is an action taken by the City to amend the Municipal Code in compliance with the State-mandated reduction of SLCPs under SB 1383. Adoption of the ordinance amending the Municipal Code would protect the environment through emissions reductions.

As specified in the *State CEQA Guidelines*, Article 19, Categorical Exemptions, Section 15300.2, an exemption would be negated by an exception under any of the following circumstances:

- (A) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- (B) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (C) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (D) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR [Environmental Impact Report].
- (E) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (F) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Project is exempt under Class 8; therefore, exception (A) does not apply nor do the other exceptions to the exemptions, due to the Class of the exemption. The City further specifically finds that none of the exceptions apply to this project for the following reasons. While the Project would apply to Long Beach as a whole, the Project constitutes a planning/policy action (adoption of an ordinance to amend the Municipal Code) and would not result in physical improvements or development. Therefore, the Project would have no significant effects on the environment and no cumulative impacts, and therefore exceptions (B) and (C) do not apply. Furthermore, as the project does not result in any physical impacts, there would be no damage to scenic highways, or impacts related to hazardous waste sites or historical resources, and therefore exceptions (D), (E), and (F) do not apply.

There are no unusual circumstances that would cause this project to have a significant effect on the environment. In addition, as the Project is intended to ensure that the City achieves statewide organic waste reduction goals, the City would have a beneficial impact related to waste reduction including benefits to air quality, greenhouse gas emissions, landfill capacity, and energy, and reduced vehicle trips for waste. Therefore, no exceptions to a Categorical Exemption would apply.

ATTACHMENT B

DRAFT AMENDMENTS TO THE CITY OF LONG BEACH MUNICIPAL CODE

CHAPTER 8.60 SOLID WASTE, RECYCLING AND LITTER PREVENTION AND MANDATORY ORGANIC WASTE DISPOSAL REDUCTION¹

8.60.010 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

- A. "Account" means any property owner or occupant of any dwelling unit, dwelling, building, premises, lot or parcel designated for City refuse collection and/or recycling services by the Director of Public Works.
- B. "Apartment" means each dwelling unit in a multiple-family dwelling containing three (3) or more dwelling units. Three (3) or more dwelling units constructed as separate buildings but located on a common lot or parcel shall be considered as apartments for the purpose of this Chapter.
- C. "Automated collection" means refuse collection service using a refuse receptacle (cart) which requires limited or no manual moving and no manual lifting by City personnel.
- D. "Building construction refuse" means waste material resulting from the construction, remodeling, repair and demolition operations on houses, commercial buildings, other structures, and any surrounding grounds.
- E. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Cities (and others).
- F. "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).
- ~~GE.~~ "Cart" means a refuse receptacle of one hundred one (101) gallons or less provided by the City for the automated or semi-automated collection of refuse.
- ~~HF.~~ "City" means the City of Long Beach, a municipal corporation.
- I. "City Enforcement Official" means the city manager, or their authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- ~~JG.~~ "Commercial bin(s)" means refuse receptacles with a capacity greater than one hundred one (101) gallons that require minimal manual moving but no manual lifting, including the two (2) cubic yard bins currently specified for use by the Director of Public Works.
- K. "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 multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- L. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

- H.M. "Commercial service" means refuse collection services provided by City crews for nonresidential or mixed use accounts.
- N. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- O. "Compliance Review" means a review of records by a City to determine compliance with this ordinance.
- P. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- Q. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- R. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- S. "C&D" means construction and demolition debris.
- T. "Daily charge" means the daily cost to each classification of dwelling unit or commercial unit as prescribed by the rate schedule applicable to that service.
- U. "Designated Source-Separated Organic Waste Facility" as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
- (1) The facility is a "transfer/processor," as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
 - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility".
 - (2) The facility is a "composting operation" or "composting facility" as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.
 - (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility." For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).
Guidance: The reporting periods identified in the above Section 3(l)(2)(A) are

consistent with reporting that facilities must submit to CalRecycle under RDRS regulations and not reporting to be submitted under this ordinance.

- V. "Designee" means an entity that a City contracts with or otherwise arranges to carry out any of the City's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- JW. "Director of Public Works" means the Director or such other person designated by the City Manager to direct refuse and recycling operations or their designee.
- KX. "Duplex" means any dwelling containing only two (2) dwelling units. Two (2) dwelling units constructed as separate buildings located on a common lot or parcel shall be considered as duplex units for the purpose of this Chapter.
- LY. "Dwelling" means any building, including one-family, two-family, and multiple-family dwellings, designed or used for residential occupancy by one (1) or more persons.
- MZ. "Dwelling unit" means one (1) or more rooms designed as a unit of occupancy as separate living quarters. No single dwelling unit may contain more than one (1) kitchen. Any self-contained area with more than one (1) room, an independent exterior exit, combined with a bathtub or shower and a sink shall also be considered a dwelling unit.
- AA. "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.
- BB. "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.
- CC. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are 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 City or its Designee for collection services.
- DD. "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).
- EE. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- FF. "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).

GG. "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.
would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

HH. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

II. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

JJ. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

KK. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid.

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

MM. "Hauler Route" means the designated itinerary or sequence of stops for each segment of the City's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

NN. "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).

~~N.OO.~~ "Improved alley" means a public or private way that is twenty feet (20') or less in width which is paved and which the Director of Public Works has determined may be safely negotiated by refuse/recycling collection vehicles.

~~O.PP.~~ "Incidental refuse" means up to one (1) cubic foot of refuse which is deposited at a location other than the business, residence or premises where generated.

- QQ. "Inspection" means a site visit where City 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).
- RR. "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- SS. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- P-TT. "Litter receptacle" means any receptacle serviced by the City that is placed on public property for incidental refuse or refuse generated as part of the routine use of public facilities.
- UU. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- QVV- "Manual collection" means refuse collection service using a refuse receptacle which requires manual moving and manual lifting by City personnel.
- RWW. "Mixed use" means a building, structure or premises occupied by or used by two (2) or more principal types of use, including but not limited to residential and commercial uses.
- XX. "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).
- YY. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- ZZ. "MWELO" refers to the Model Water Efficient Landscape Ordinance (MWELO), LBMC section 21.42.035, as may be amended and updated by 23 CCR, Division 2, Chapter 2.7.
- AAA. "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- BBB. "Non-Local Entity" means entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42), including but not limited to federal facilities, including military installations, located within the boundaries of the City, including the Veterans Administration; and public universities (including community colleges) located within the boundaries of the City, including California State University Long Beach and Long Beach City College.

CCC. "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined by the City.

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

SEEE. "Offal" means dead animals, parts of animals, animal byproducts and cooking grease.

FFF. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). This definition should not be referred to for purposes of determining what may be placed in a Source-Separated Organic Waste Container.

GGG. "Organics Waste Container" means any receptacle(s) provided by the City or authorized agent(s) for the storage and collection of Source-Separated Organic Waste.

HHH. "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).

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

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

KKK. "Prohibited Container Contaminants"

- (1) Option 1, Three-container or three-plus-container collection service: "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Source Separated Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Container; (ii) discarded materials placed in the Source-Separated Organics Container that are not identified as acceptable Source Separated Organic Waste for the City's Container; (iii) discarded materials placed in the Refuse Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Wastes to be placed in City's Container(s); and, (iv) Excluded Waste placed in any container.
- (2) Option 2a, Two-container collection service for Source Separated Organic Waste and mixed materials): "Prohibited Container Contaminants" means the following: (i) discarded materials placed in a Source-Separated Organic Waste Container that are not identified as acceptable Source Separated Organic Waste for the City's Container; (ii) discarded materials placed in the Refuse Container that are identified as acceptable Source Separated Organic Waste, which are to be separately collected in City's Organic Waste Container; and, (iii) Excluded Waste placed in any container.
- (3) Option 2b, Two-container collection service for Source Separated Recyclable Materials and mixed materials): "Prohibited Container Contaminants" means the following: (i) discarded materials placed in a Source-Separated Recyclable Container that are not identified as acceptable Source Separated Recyclable Materials for City's Container; (ii) discarded materials placed in the Refuse Container that are identified as acceptable Source Separated Recyclable Materials, which are to be separately collected in City's Container; and, (iii) Excluded Waste placed in any container.

- (4) Option 3, One-container collection service: "Prohibited Container Contaminants" means Excluded Waste placed in any container.
- LLL. "Receptacle" means any container approved by the Director of Public Works for removing and conveying refuse or recyclable materials.
- MMM. "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- NNN. "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- OOO. "Recyclables" means materials designated by the Director of Public Works for source separation, collection and recycling pursuant to the California Integrated Waste Management Act of 1989 (AB 939).
- PPP. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- QQQ. "Recycling bins" means any receptacle(s) provided by the City or an authorized agent for the source separation and collection of recyclable materials which are designated by the Director of Public Works.
- RRR. "Recycling service" means the collection, processing and marketing of materials designated by the City or its agent from accounts designated by the Director of Public Works.
- SSS. "Refuse" means all noninfectious and nonhazardous material accumulating or resulting from the use, pre-occupancy or occupancy of buildings, premises, dwellings, lots or parcels.
- TTT. "Refuse Container" means a container used for the storage and collection of Refuse.
- UUU. "Refuse Container Waste" means all noninfectious and nonhazardous material accumulating or resulting from the use, pre-occupancy or occupancy of buildings, dwellings, lots or parcels, not including Recyclables or Organic Waste.
- VVV. "Refuse not collected by the City" includes material not compatible with the City's Southeast Resource Recovery Facility (SERRF) operation and/or materials designated by the Director of Public Works. This includes but is not limited to: infectious waste, hazardous waste, noncombustible construction/demolition debris, large metal items, lead acid batteries, other noncombustible materials, materials from industrial and manufacturing processes, food processing wastes or large quantities of condemned food products, explosives, liquids, offal and any substances such that exposure to them may pose a threat to human health or the environment.
- WWW. "Regional Agency" means regional agency as defined in Public Resources Code Section 40181.
- XXX. "Regional or County Agency Enforcement Official" means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Official.
- YYY. "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- ZZZ. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

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

ZBBBB. "Roll-out service" means the movement by City personnel or its agent of any refuse or recycling receptacle which is not immediately adjacent to public streets or alleys.

CCCC. "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

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

FFFF. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person 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 18982(a)(66)(A).

GGGG.AA. "Semi-automated collection" means refuse collection service using a cart which requires minimal manual moving but no manual lifting by City personnel.

HHHH. "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units. The threshold unit number of five (5) must remain consistent with the SB 1383 Regulations (refer to Commercial Business definition in 14 CCR Section 18982(a)(6), which includes Multi-Family dwellings of five (5) or more units and excludes Multi-Family Residential Dwellings with fewer than five (5) units).

IIIBB. "Single-family dwelling" means any dwelling containing only one (1) dwelling unit located on a single lot or parcel.

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

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and

deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

~~KKKKCC~~. "Source separated~~ion~~" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Refuse Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing, segregation and placement in separate recycling containers or marked bags, by the generator, of materials designated for separate or integrated collection for recycling.

LLLL. "Source-Separated Recycling Container" means any receptacle(s) provided by the City or its authorized agent(s) for the storage and collection of Source-Separated Recyclable Materials which are designated by the Director of Public Works

MMMM. "Source Separated Recyclable Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recyclable Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, such as Paper Products and Printing and Writing Paper, as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

NNNN. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

OOOO. "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste. Guidance:

PPPP. "State" means the State of California.

QQQQDD. "Street sweeping debris" means material collected by City street sweeping vehicles. ~~RRRRHH~~. "Sufficient capacity" means able to contain all the refuse and recyclables in a manner which prevents such material from dropping on the ground, being blown from the container, or otherwise causing a nuisance.

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

SSSS. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

TTTT. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

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

UUUU. "Uncontainerized Green Waste and Yard Waste Collection Service" or "Uncontainerized Service" means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

VVVVEE. "Unimproved alley" means any public or private way which is twenty feet (20') or less in width and is not paved or which the Director of Public Works has determined cannot be safely negotiated by refuse or recycling collection vehicles.

WWWWFF. "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use also means the activity conducted on the land or in the building.

XXXXGG. "Waste" means nonhazardous, noninfectious materials generated from the occupancy or pre-occupancy of a dwelling, commercial building lot or parcel including but not limited to organic and inert solid, semi-solid and liquid waste.

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

8.60.370 Mandatory Organic Waste Disposal Reduction

A. Requirements for Single-Family Generators. Single Family Organic Waste Generators:

1. Shall be automatically enrolled in the City's Organic Waste collection services and shall have the number of receptacles or bins with sufficient capacity necessary to contain their refuse, organics, and recyclables in compliance with City ordinances and the Health and Safety Code. City-serviced accounts will be advised in writing by the Director of Public Works, or designee, to increase their levels of service by obtaining additional receptacles or arranging for more frequent collection. If the Director of Public Works, or designee, determines that overflowing or otherwise non-contained waste (Organics, Refuse, or Recycling) continues to create a nuisance or a threat to public health or safety after written notification to the account, or to the property owner and occupant, the Director, or designee, shall either provide sufficient containers and collection and bill the account in accord with the schedule of fees adopted by the City Council, or refer the matter to the appropriate City department for further action .

2. Shall participate in the City of Long Beach's Organic Waste collection service(s) by placing designated materials in designated containers, and shall not place Prohibited Container Contaminants in collection containers.

3. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

B. Requirements for Commercial Businesses. Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

1. Shall be automatically enrolled to a collection service(s) including required diversion for Organics and Recyclables, except those that meet the Self-Hauler requirements in Section 12 of this ordinance. City-serviced accounts shall be automatically enrolled in service(s) as required by State law. Commercial generators permitted to utilize the service of a licensed and permitted solid waste enterprise for collection, as defined in 8.60.240 shall be automatically enrolled by their hauler in Organics, Recycling, and Refuse collection unless required diversion is met through a High Diversion Facility in accordance with Title 14 of CCR. Commercial generators that are allowed to utilize the service of a licensed and permitted solid waste enterprise are allowed to utilize any of the permitted haulers for these services. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City.

2. participate in Organic Waste collection service(s) by placing designated materials in designated containers as described by the hauler to meet the service requirements of Title 14 of CCR., except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance,

3. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6(d)(1) and 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with the City's or licensed permitted private haulers collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 12.

4. Excluding Multi-Family Residential Dwellings and commercial businesses using a permitted hauler which utilizes a 1-2 cart collection system processed at a permitted High Diversion Processing Facility meeting the requirements of Title 14 of CCR, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

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

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

5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section 6(d) pursuant to 14 CCR Section 18984.9(b).

6. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 12.

7. Excluding Multi-Family Residential Dwellings, periodically inspect all Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials. Not applicable to businesses meeting recovery requirements through a 1-container system processed at a permitted High Diversion Facility.

9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

10. Provide or arrange access for City or its agent to their properties during all Inspections conducted in accordance with Section 16 of this ordinance to confirm compliance with the requirements of this ordinance.

11. Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 6(b). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the service Containers.

12. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Containers subject to written notification to or approval by the City or its Designee.

13. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 12 of this ordinance.

14. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9. Single-Family Organic Waste Generators except Single-Family generators that meet the Self-Hauler requirements in Section 12 of this ordinance:

C. Waivers for Generators. If Commercial Business or Multi-Family Residential Dwelling is serviced by the City, these waivers can be directly submitted to the City. If the Commercial Business or Multi-Family Residential Dwelling utilizes the service of a licensed and permitted solid waste enterprise for collection, as defined in 8.60.240 then waivers must be submitted to them directly. The licensed and permitted solid waste enterprise will submit these waivers to the City.

1. De Minimis Waivers (Optional for Three-, Three-Plus, and Two-Container Systems per 14 CCR Section 18984.11). The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business

generates below a certain amount of Organic Waste material as described in Section 8(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

(a) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 8(a)(2) below.

(b) Provide documentation that either:

(1) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(2) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste comprises less than 10 gallons per week per applicable container of the business' total waste.

(c) Notify City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(d) Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved de minimis waiver.

2. Physical Space Waivers (Optional for Three-, Three-Plus, and Two-Container Systems) The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 6 or 7. A Commercial Business or property owner may request a physical space waiver through the following process:

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

(b) Provide documentation that the premises lacks adequate space for Recycling Containers and/or Organics Containers including documentation from its hauler, licensed architect, or licensed engineer.

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

3. Collection Frequency Waiver (Optional for Three-, Three-Plus, and Two-Container Systems) City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three-, three-plus, or two-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

4. Review and Approval of Waivers by the Public Works Director or designee.

D. Requirements For Commercial Edible Food Generators.

1. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

2. 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.

3. Commercial Edible Food Generators shall comply with the following requirements:

(a) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

(b) 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; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(c) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(d) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(e) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(1) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(2) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(3) 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.

(f) The City may additionally request the records to be submitted electronically or by mail within 15 (fifteen) days of the request.

4. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

E. Requirements For Food Recovery Organizations And Services

1 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):

(a) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

(b) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

(c) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

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

2 Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

(a) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

(b) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

(c) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

3. Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

4. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than March 31 of each year, commencing March 31, 2023..

5 Food Recovery Capacity Planning

(a) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

F. Requirements for Haulers and Facility Operators.

1 Requirements for Permitted Non-Exclusive Franchised Haulers.

(a) Non-exclusive franchised haulers providing , Commercial (Multi-Family Dwelling) or industrial Organic Waste collection services to generators within the City's boundaries that meet the requirements of 8.60.240 shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

(1) Through written notice to the City annually on or before December 31st , identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Waste.

(2) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(3) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and City's C&D ordinance.

(b) Permitted Non-exclusive franchised haulers' authorization to collect Organic Waste shall comply with education, equipment(including but not limited to carts and bins), signage (included but not limited to what is required by the law of signage on containers), container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

2. Requirements for Facility Operators and Community Composting Operations

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

(b) Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

G. Self-Hauler Requirements.

1. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that 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 Section 18984.3.

2. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container 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.

3. Self-Haulers that are Commercial Businesses (including 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. The records shall include the following information:

(a) Delivery receipts and weight tickets from the entity accepting the waste.

(b) The amount of material in cubic yards or tons transported by the generator to each entity.

(c) 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.

4. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 12(c) to City if requested.

5. Self-Hauler meeting the above requirements for self-haul of organics do not automatically qualify for a waiver per Section 8 of this ordinance.

6. Self-Hauler meeting the requirements of self-haul for recycling do not automatically qualify for a waiver.

H. Inspections and Investigations by Jurisdiction.

1. City representatives, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials, to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 6(b) of this ordinance, City, or designee, may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 6(k) of this ordinance.

2. 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 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 ; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

3. Any records obtained by City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

4. City representatives and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

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

I. Enforcement.

1. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this ordinance include issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

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

3. Responsible Entity for Enforcement

(a) Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Official, which may be the City Manager or their designated entity, City Attorney, City Prosecutor, or combination thereof.

(b) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City, in consultation with the City Enforcement Official.

(1) City Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met. Only City Enforcement Official(s) may issue waivers.

(2) City Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) may issue Notices of Violation(s).

4. Process for Enforcement

(a) City Enforcement Officials or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 16 establishes City's right to conduct Inspections and investigations.

(b) The City may issue an official notification to notify regulated entities of its obligations under the ordinance.

(c) Contamination Processing Fees/Penalties: For incidences of Prohibited Container Contaminants found in containers, City may issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided immediately upon identification of the Prohibited Container Contaminants or within seven (7) days after determining that a violation has occurred. If the City observes Prohibited Container Contaminants in a generator's containers on more than three (3) consecutive occasion(s), the Jurisdiction may assess contamination processing fees or contamination penalties on the generator.

(d) With the exception of violations of generator contamination of container contents addressed under Section 17(d)(3), City shall issue a Notice of Violation requiring compliance within 30 days of issuance of the notice.

(e) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to LBMC section 9.65

Notices shall be sent to "owner" at the official address of the owner maintained by the Los Angeles County tax collector or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

5. Penalty Amounts for Types of Violations. The penalty levels are as follows:

(a) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

(b) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

(c) For a third violation, the amount of the base penalty shall be \$250 to \$500 per violation.

(d) For a fourth or subsequent violation, the amount of the base penalty shall be a base penalty of \$500 per violations, plus all additional fees related to monitoring violation, and fees related to ensuring compliance is met.

6. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

(a) The nature, circumstances, and severity of the violation(s).

(b) The violator's ability to pay.

(c) The willfulness of the violator's misconduct.

chapter. (d) Whether the violator took measures to avoid or mitigate violations of this

(e) Evidence of any economic benefit resulting from the violation(s).

(f) The deterrent effect of the penalty on the violator.

violator. (g) Whether the violation(s) were due to conditions outside the control of the

7. Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 17 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

(a) Acts of God such as earthquakes, pandemic, wildfires, flooding, and other emergencies or natural disasters;

(b) Delays in obtaining discretionary permits or other government agency approvals; or,

(c) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

8. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in LBMC Chapter 9.65 regarding appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer, who may be a City employee different from the Enforcement Official, who shall conduct the hearing and issue a final written order.

9. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if Jurisdiction determines that Organic Waste Generator, Self-Hauler, 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.

10. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 17, as needed.

J. Effective Date. This Ordinance shall be effective commencing on January 1, 2022.

18.67.100 Compliance with CalGreen Recycling Requirements.

A. Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section, LBMC Chapter 18.47, and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to City's building and/or planning code, LBMC Chapter 18.47, for complete CALGreen requirements.

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

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

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

3. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D ordinance, LBMC Chapter 18.47, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

21.42.060 Model Water Efficient Landscaping Ordinance Requirements

A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch as delineated in this Section 14.

B. The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7, and in LBMC section 21.42.035.

C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 14(a) above shall:

1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

(a) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the

soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

(b) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(c) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

2. The MWELo compliance items listed in this Section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 14(a) shall consult the full MWELo for all requirements.

D. If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires City to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.