

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER IV (GARBAGE, RUBBISH AND WEEDS) OF TITLE 8 (HEALTH AND SANITATION) OF THE COSTA MESA MUNICIPAL CODE TO IMPLEMENT THE REQUIREMENTS OF SENATE BILL 1383 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION)

WHEREAS, the City of Costa Mesa, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City of Costa Mesa desires to amend the provisions of the Costa Mesa Municipal Code to impose regulations related to health, safety and welfare; and

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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their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

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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions,

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residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

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

WHEREAS, the requirements in this ordinance are consistent with other adopted goals and policies of the city; and

WHEREAS, the City of Costa Mesa, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the ordinance is not a "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required. In addition, the Ordinance is exempt pursuant to CEQA Guidelines Section 15308 (Class 8, Actions by Regulatory Agencies for the Protection of the Environment) because the adoption of this Ordinance is required to comply with state law in order to protect the environment; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

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

Section 1. Chapter IV (Garbage, Rubbish and Weeds) of Title 8 (Health and Sanitation) of the Costa Mesa Municipal Code is hereby amended in its entirety as follows:

CHAPTER IV. GARBAGE, RUBBISH AND WEEDS

8-76. Definitions.

The following terms as used in this chapter shall, unless the context already indicates otherwise, have the respective meanings herein set forth herein. Terms not defined herein related to solid waste, recycling and/or recovery shall have the meaning ascribed to them in Chapter 2 of Part 1 of Division 30 of the Public Resources Code and Division 7 of Title 14 of the California Code of Regulations, as amended. Terms not otherwise defined herein or in the aforementioned state codes and regulations shall have the meanings set forth elsewhere in this code.

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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 jurisdictions (and others).

Collection: The operation of gathering together and transporting solid waste to the point of disposal.

Commercial Edible Food Generators: Means a tier one or two Commercial Edible food Generator that generates food for commercial consumption including but not limited to restaurants, grocery stores, hotels or as otherwise defined in 14 CCR Section 18982(a)(7), 14 CCR Section 18982(a)(73) and 14 CCR Section 18982(a)(74).

Commercial Waste: Includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five (5) units or more.

Compliance Review: Means a review of records by the city to determine compliance with this ordinance.

Contractor self-haul: The act of hauling solid waste, subject to this article, by construction and demolition contractors as an ancillary function to their primary business activity.

County: County of Orange.

C&D: Means construction and demolition debris.

Designee: Includes an entity that the city contracts with or otherwise arranges to carry out any of the city's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

Director: The director of the public services department of the city or his or her designee.

Disposal: The procedures associated with the treating and disposing of the accumulations of refuse and of the product or residue arising from such treatment.

Enforcement action: Means an action of the city to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or other remedies allowed by law.

Enforcement official: Means the director, City Manager, and/or their designees, and/or a non-local entity official, who is/are responsible in whole or in part for enforcing this chapter.

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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 the city's, or its Designee's opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the 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 Costa Mesa Sanitary District's (CMSD) residential collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by CMSD or its Designee for collection services.

Food Distributor: Means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

Food Facility: Has the same meaning as in Section 113789 of the Health and Safety Code.

Food Recovery: Means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24) *Food Recovery Organization:* Means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- a. A food bank as defined in Section 113783 of the Health and Safety Code;
- b. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- c. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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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 chapter.

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

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

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

Food-Soiled Paper: Means compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

Food Waste: Means Food Scraps and Food-Soiled Paper

For-hire hauling: A business that receives compensation for the hauling of solid waste subject to this chapter.

Franchise Agreement or Agreement: A formal agreement with the city specifying various requirements for recurring trash and recycling services.

Franchisee: A waste hauler that provides recurring trash and recycling services pursuant to a formal franchise agreement.

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).

Hazardous waste: Shall mean, in addition to the definitions in Division 7 of Title 14 of the California Code of Regulations, (1) all waste defined or characterized as hazardous waste by the Federal Solid Waste Disposal Act (42 U.S.C. Section 3251 et seq.), as amended, including the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), and all future amendments thereto, or regulations promulgated thereunder; and (2) all waste defined in California Public Resources Code Section 40141 or characterized as hazardous waste by the principal agencies of the State of California (including, without

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limitation, the Department of Health Services and the California Waste Management Board) having jurisdiction over hazardous waste generated by facilities within such state; provided that the term “hazardous waste”:

- a. Is intended to mean and include those substances which are not normally expected to be disposed of by generally accepted sanitary landfill disposal methods;
- b. Shall include radioactive wastes; and
- c. Shall be construed to have the broader, more encompassing definition where there exists a conflict in the definitions employed by two (2) or more governmental agencies having concurrent or overlapping jurisdiction over hazardous waste.

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).

Illegal hauling: The act of performing for-hire hauling of any solid waste material subject to this article without obtaining a city-issued permit.

Industrial units: Any business establishment engaged in manufacturing, warehousing, construction, and/or demolition.

Inspection: Means a site visit where the 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 chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

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

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 chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or

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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 chapter.

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).

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).

Non-Local Entity: Means the following entities that are not subject to the city's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42). These entities include but are not limited to:

- a. Special district(s) located within the boundaries of the city.
- b. Federal facilities, including military installations, located within the boundaries of the city.
- c. Public colleges and universities (including community colleges) located within the boundaries of the city.
- d. The Orange County Fairgrounds.
- e. State agencies located within the boundaries of the city.

Non-Organic Recyclables: Means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

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

Organic Waste: Means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a)(4) and 14 CCR Section 18892(a)(16.5).

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Organic Waste Generator: Means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

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

Permit: A permit issued by the city that authorizes any person, contractor, or solid waste enterprise to collect, haul or dispose of any form of solid waste, hazardous waste or infectious waste for compensation pursuant to this chapter.

Permittee: Any person, contractor, or solid waste enterprise who collects, hauls or disposes of any form of solid waste, hazardous waste or infectious waste for compensation pursuant to a permit issued under this chapter.

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

Prohibited Container Contaminants:

- a. Where a three-container or three-plus-container collection service is utilized (Blue Container, Green Container, and Gray Containers), *Prohibited Container Contaminants* means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the city's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the city's Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in city's Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- b. Where a two-container (green/gray) collection service for Source Separated Green Container Organic Waste and mixed materials is utilized, *Prohibited Container Contaminants* means the following: (i) discarded materials placed in a Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the city's Green Container; (ii) discarded materials placed in the Gray Container that are identified as acceptable Source Separated Green Container Organic Waste, which are to be separately collected in city's Green Container; and, (iii) Excluded Waste placed in any container.
- c. Where a two-container (blue/gray) collection service for Source Separated Recyclable Materials and mixed materials is utilized, *Prohibited Container*

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Contaminants means the following: (i) discarded materials placed in a Blue Container that are not identified as acceptable Source Separated Recyclable Materials for city's Blue Container; (ii) discarded materials placed in the Gray Container that are identified as acceptable Source Separated Recyclable Materials, which are to be separately collected in city's Blue Container; and, (iii) Excluded Waste placed in any container.

Public highway: Any public street, alley, road, public place or highway open to and used by the traveling public and not used as a private right-of-way.

Recovered Organic Waste Products: Means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

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

Recycled-Content Paper: Means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

Regulated entity: A franchisee, permittee or any other person or entity subject to the provisions of this chapter.

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).

Residential 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) that is generated from any residential premises with fewer than five (5) units.

Residential units: All single-family dwelling units and multifamily properties consisting of 4 dwelling units or less.

Residential Waste: Means of, from, or pertaining to solid waste generated by any residential premises with fewer than five (5) units.

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

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

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

SB 1383 Regulations or SB 1383 Regulatory: Means or refers to, for the purposes of this chapter, 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.

Scavenge: The unauthorized removal of any recyclable materials as defined by California Public Resources Code Sections 41950 and 41951 or solid waste without a permit under this article.

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).

Single-Family: Means of, from, or pertaining to any residential premises with fewer than five (5) units.

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

- a. Hazardous waste, as defined in the State Public Resources Code Section 40141.
- b. 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).
- c. 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

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

Solid waste enterprise: A solid waste enterprise as defined in California Public Resources Code Section 49504.

Solid waste handling services: A solid waste handling service as defined in California Public Resources Code Section 49505.

Source Separated: Means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this chapter, 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 Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.

Source Separated Blue Container Organic Waste: Means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

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

Source Separated Recyclable Materials: Means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

State: Means the State of California.

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

Tier One Commercial Edible Food Generator: Means a Commercial Edible Food Generator that is one of the following:

- a. Supermarket.

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- b. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- c. Food Service Provider.
- d. Food Distributor.
- e. 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 chapter.

Tier Two Commercial Edible Food Generator. Means a Commercial Edible Food Generator that is one of the following:

- a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- b. Hotel with an on-site Food Facility and 200 or more rooms.
- c. Health facility with an on-site Food Facility and 100 or more beds.
- d. Large Venue.
- e. Large Event.
- f. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- g. A Local Education Agency facility with an on-site Food Facility.

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 chapter.

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).

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).

8-77. Permits and Agreements.

(a) No person, contractor, or solid waste enterprise shall charge a fee or accept any form of compensation to collect any solid waste, hazardous waste or infectious waste upon, along or across any public highway in the city without first applying for and receiving all required permits and/or entering into any agreement(s) required by the city to perform such services. In addition to the permits and agreements required under this chapter, the applicant must obtain a business license prior to doing business within the city, and a separate vehicle permit for each and every vehicle used for collecting solid waste, hazardous waste or infectious waste and setting of containers within the city right-of-way. The permittee or franchisee shall place each vehicle permit issued pursuant to this chapter in the lower right front window of the vehicle so that it is clearly visible from the street.

(b) The city shall develop and implement a procedure for evaluating the performance of any and all permittees operating under the provisions of this chapter. Permitted haulers shall submit reports on their hauling activity, as required by the enforcement official. These reports shall be submitted in the format and frequency established by the enforcement official. Failure to provide said reports, by their established due date, may result in a civil citation pursuant to Section 1-36. If said reports are not submitted within forty-five (45) days of the imposition of a civil citation, along with payment of said penalty, the hauler's permit may be revoked as provided in Section 8-79. Failure to meet minimum diversion rates may result in the revocation of the permit as provided in Section 8-79. A franchisee shall have specific requirements and evaluation of their performance governed by the terms of the agreement. At the discretion of the enforcement official, the city reserves the right to utilize other means of enforcement contained within Section 1-33.

(c) Any person, contractor or solid waste enterprise who is issued a permit or agreement pursuant to this chapter shall comply with all of the regulations in this chapter including, but not limited to, the source reduction and recycling provisions of Section 8-84.

(d) Any person, contractor or solid waste enterprise desiring to provide temporary and non-recurring for-hire hauling must obtain a permit to remove or convey any solid waste, hazardous waste or infectious waste upon or along any public highway within the city from any commercial business or residential unit(s), shall sign and file an application with the city and pay a permit application fee and thereafter any other permit fee established by resolution of the city council. To the extent permitted by law, the information submitted in the application shall be kept confidential.

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

1. The name and address of the applicant.
2. The number and type of vehicles to be used by the applicant.

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3. Additional information, as established by the director, to assist the city's administration and oversight authority as established by state law.
4. For hazardous waste and infectious waste, written proof that the person or solid waste enterprise has obtained all necessary permits from the county, State of California and federal agencies for the collection of such waste and has insurance coverage for the transport and disposal of such waste.

(f) Solid waste enterprises who provide recurring collection service to any commercial business shall be required to operate under a franchise agreement that provides the following protections and guarantees:

1. Provision of all recurring collection programs to its customers, as required by the City of Costa Mesa Source Reduction and Recycling Element, and any State law or regulation incorporated into the agreement, and any other standards of service or performance requirements incorporated into the agreement, which includes, but is not limited to the following:
 - a. Reduction of solid waste to maintain a fifty (50) percent diversion rate through source reduction, recycling and composting, and a sixty-five (65) percent diversion rate for construction and demolition waste.
 - b. Guaranteed capacity for all waste collected at solid waste facilities to the extent required by State law and/or agreement terms. Solid waste facilities used must be regulated by the State and only receive, process, transfer, treat or otherwise handle waste under the terms established by their permits and/or other State and local regulations.
 - c. Technical, instructional, promotional, and educational programs to reasonably familiarize customers with current State laws and regulations, including AB 939, AB 341, AB 1826, AB 827, SB 1383, and any other laws or regulations that are incorporated into the agreement.
 - d. Various collections programs, containers, and related service provision methodologies that conform and comply with all State regulations specifically referenced and established in agreement terms.
 - e. Special waste programs as established in the agreement.
2. Provide insurance, performance bonds, access to financial records, and other reasonable and customary requirements that guarantee competent services and compliance with agreement terms.

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3. Provide information or additional financial information, including, but not limited to, the right to audit financial records, or require a performance bond, or other suitable evidence of financial responsibility, if at any time such information is found to be necessary by the city council. The permittee will provide a certified copy of the permittee's last fiscal year's financial report, audited by a certified public accountant. All financial information contained in the permit application made to the city pursuant to this chapter shall be deemed to be confidential and shall be retained by the city for its use and, under no circumstances, will such information be released to anyone other than the permittee without the consent of the permittee.

(g) Solid waste enterprises who provide temporary for-hire hauling of construction and de-construction debris shall be required to obtain and operate under a permit that provides the following protections and guarantees:

1. Provision of temporary collection programs to its customers, as required by the City of Costa Mesa Source Reduction and Recycling Element, and any State law or regulation incorporated into the agreement, and any other standards of service or performance requirements incorporated into the permit, which includes, but is not limited to the following:
 - a. Diversion from landfill of a minimum of sixty-five (65) percent of construction and demolition waste collected.
 - b. Technical, instructional, promotional, and educational programs to reasonably familiarize customers with current State laws and regulations, including CALGreen, and any other laws or regulations that are incorporated into the permit.
 - c. Various collections programs, containers, and related service provision methodologies that conform and comply with all State regulations specifically referenced and established in permit terms.
2. Provide insurance, access to financial records, and other reasonable and customary requirements as required by the enforcement official.
3. Provide information or additional financial information, including, but not limited to, the right to audit financial records, or require a performance bond, or other suitable evidence of financial responsibility, if at any time such information is found to be necessary by the enforcement official. The permittee will provide a certified copy of the permittee's last fiscal year's financial report, audited by a certified public accountant. All financial information contained in the permit application made to the city pursuant to this chapter shall be deemed to be confidential and shall be retained by the city for its use and, under no circumstances, will such information be

released to anyone other than the permittee without the consent of the permittee.

(h) The Costa Mesa Sanitary District ("CMSD") will continue its franchise for all single-family residential and multi-family residential receiving curbside service within the city. No other permittee will be allowed to operate in areas governed by the CMSD.

(i) Contractor self-haul permit applicants must comply with CALGreen requirements and provide per-project forms, as required by the director, and subsequently submit all waste disposal and diversion tickets associated with their project(s) at the time prescribed by the enforcement official. Failure to submit both the required form and all associated weight tickets shall subject the permittee to an administrative penalty as outlined in section 8-84.

8-78. Issuance or denial permits and agreements.

(a) When an application has been made to the city for a permit pursuant to this chapter, it shall be the duty of the enforcement official to consider the matter; and he or she shall have the right to grant, condition or deny the permit request, and such decision shall be subject to an appeal to the city council pursuant to Chapter IX of Title 2 of this Code. In granting, conditioning or denying the permit request, the enforcement official and the city council may take into consideration factors, including, but not limited to, the following:

1. The ability of the permittee to comply with the solid waste handling service standards enumerated in this chapter.
2. The ability of the permittee to comply with the equipment standards enumerated in this chapter.
3. The ability of the permittee to comply with the provisions regarding insurance or bonds enumerated in this chapter.
4. The ability of the permittee to provide programs and comply with the City of Costa Mesa Source Reduction and Recycling Element and associated State laws and regulations.

(b) No permit granted pursuant to this chapter shall be assigned or transferred without the consent of the enforcement official.

(c) The term of any new permit shall be for one calendar year, though holders of permits with a longer term shall be entitled to provide temporary service for the full remaining term of their respective permit. No permit granted pursuant to this chapter shall limit the right of the city to grant an exclusive or nonexclusive franchise for solid waste handling services in the city. A permit issued under this chapter shall not grant the permittee rights under California Public Resources Code section 49520, where at the time

the permit is granted the permittee did not have a right to continue service under such section.

(d) Agreements for the provision of recurring services by solid waste enterprises shall be established and executed at the city's discretion and for a term of the city's choosing.

8-79. Revocation of permit.

(a) In the event that any person, contractor or solid waste enterprise holding a permit to collect solid waste, hazardous waste, or infectious waste upon or along any public highway within the city from any commercial business or residential unit(s), violates any of the conditions of such permit, the provisions of this chapter, or any other ordinance, statute, or regulation relating to the collection, storage, or disposal of solid waste, hazardous waste, or infectious waste, or collects such solid waste in an unlawful, improper, or unsanitary manner, the enforcement official may revoke such permit issued to such person, contractor, or solid waste enterprise as provided by this section.

(b) The enforcement official may revoke a permit by issuing a written order to the permittee and the order shall state the grounds for such revocation, and that if proof of compliance is not provided to the enforcement official within thirty (30) calendar days from the date of the written order, the permit will be revoked forty-five (45) calendar days from the date the written order was mailed. The order shall be mailed by certified mail to the permittee. The written order shall be subject to an appeal to the city council pursuant to Chapter IX of Title 2 of this Code. Upon revocation of a permit, the permittee shall cease all services subject to the permit within seventy-five (75) calendar days from the date the order is mailed. The enforcement official may adopt regulations to implement the provisions of this section.

(c) If a franchisee fails to comply with agreement terms, the provisions of this chapter, or any other ordinance, statute, or regulation relating to the collection, storage, or disposal of solid waste, hazardous waste, or infectious waste, or collects such solid waste in an unlawful, improper, or unsanitary manner, the enforcement official may utilize remedies established in the franchise agreement to cure such violations and defaults in addition to any other remedy provided by law.

(d) If a permittee fails to comply with terms and conditions of the permit, the provisions of this chapter, or any other ordinance, statute, or regulation relating to the collection, storage, or disposal of solid waste, hazardous waste, or infectious waste, or collects such solid waste in an unlawful, improper, or unsanitary manner, the enforcement official may utilize remedies established in Section 1-33 to cure such violations and defaults in addition to any other remedy provided by law.

(e) If a permit or franchise agreement is revoked, no permit or franchise may be thereafter granted to such entity to collect solid waste, hazardous waste or infectious waste in the city until such time as the permittee or franchisee can first establish to the city its ability to comply with the provisions of this chapter.

8-80. Equipment requirements.

- (a) Vehicles used by the permittee for solid waste handling services shall be approved by the enforcement official or designee and shall be in safe and operable condition. Vehicles shall be painted with the firm name on each side at a minimum of three (3) inch-high letters. No materials shall leak, fall or be spilled from any such vehicle or bin attached thereto. Vehicles shall be equipped with shovels and brooms to clean up spillage. Equipment bodies shall be of metal and watertight. Vehicles must pass city approved inspections and meet applicable air quality and vehicle emissions standards. Truck bodies shall be closed when used to transport solid waste, hazardous waste or infectious waste contents to places of disposal or separation for recycling. The maximum gross weight imposed by the wheels of any one (1) axle shall not exceed twenty thousand (20,000) pounds. Vehicles shall be operated in such a manner as to minimize their exterior noise levels in the city. Vehicles must conform to the California Vehicle Code and all other applicable laws and are subject to inspection at any time by the city or the California Highway Patrol or other law enforcement agencies.
- (b) Each vehicle required to have a permit, pursuant to this article, must pass a California Highway Patrol Biannual Inspection of Terminals for each vehicle or other inspection approved by the director. Proof of inspection is required to be submitted to the public services department twice per year. Failure to pass the vehicle inspection may result in denial or revocation of the permit.
- (c) Each container of a residential unit utilizing curbside service shall comply with the requirements of the CMSD.
- (d) Containers to be used by industrial and commercial units and multifamily units not utilizing curbside service shall be provided by the permittee or franchisee. Containers shall have the name and the phone number of the permittee or franchisee clearly visible on two (2) sides in letters not less than three (3) inches in height. Containers shall be of a design and size to contain all the contents therein in such manner as to promote sanitary and healthy conditions. The owner of such containers shall maintain them in a safe and sanitary condition. The director shall have the authority to approve new containers at any time.
- (e) All permittees and franchisees shall maintain their containers to present a well-kept appearance and ensure that the container area is left clean of debris and refuse after pickup or delivery. Users shall be responsible for the cleanliness of the containers and sanitary conditions of the surrounding area between services.
- (f) All equipment and containers provided under an agreement with the city shall follow the standards established in section 8-80, in addition to standards established in the agreement.

8-81. Service standards.

- (a) In all areas of the city recurring services shall be provided at least once per week, unless the terms of an agreement provides otherwise. Pickups shall not be made between the hours of 8:00 p.m. and 7:00 a.m., unless otherwise approved by the enforcement official or CMSD. No collection will be allowed on Sundays. On Monday through Saturday, there will be no collection between the hours of 8:00 p.m. and 7:00 a.m. unless requested and specifically approved by the enforcement official. In the event of a holiday, pickups shall be completed one (1) day later than the regularly scheduled collection day. The following are considered to be holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day. Notwithstanding the forgoing, the director may grant a temporary waiver from these service standards for good cause or as otherwise required by law.
- (b) The schedule for recurring collections from commercial businesses shall be subject to review by the enforcement official and amended as provided for in the agreement. The schedule for temporary collections by permit holders is limited to specific construction, deconstruction, and property improvement projects on a schedule reasonably required to complete the required scope of work. Temporary collections shall follow the hours of operation established in subsection (a) unless written approval is obtained from the director or the building official in connection with a building or other applicable permit.
- (c) All commercial businesses that are multi-family properties of five units or more shall be provided a container or containers that have a minimum storage capacity of one-half ($\frac{1}{2}$) cubic yard of refuse per dwelling unit per week. The minimum service standards are subject to review by the director.
- (d) All collections of refuse from multi-family properties of five (5) or more shall be made from private property except where the enforcement official has made a written determination that there is a physical limitation or documented safety issue(s) that prevents collection service from private property.
- (e) The permittee or franchisee shall be allowed, unless specifically forbidden to do so by the owners or occupants, to enter private courts or places or other private property to make collections under an agreement or permit.
- (f) All franchisees shall maintain a place of business at some fixed place and shall maintain a business telephone line. The franchisee or permittee shall provide any updates to the telephone number and address to the city within seventy hours of any change. At all times during the hours between 8:00 a.m. and 5:00 p.m. of each day upon which collections are made, said office must be staffed to receive complaints regarding collection. An emergency number shall be made available to city hall for the hours between 5:00 p.m. and 8:00 a.m. and for days upon which collections are not made.

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(g) The permittee or franchisee shall, in person or by his, her or its agent, visit the office of the enforcement official at such times as the enforcement official shall designate for the purpose of discussing any matters or subject relating to, and any complaints which may concern the performance of his or her or its permit or agreement. The permittee or franchisee shall report back to the enforcement official within the next working day regarding any action or procedure taken with reference to complaints or other matters discussed.

(h) In the event of a natural disaster, earthquake, storm, fire or other extraordinary occurrence that may tend to generate abnormal amounts of refuse, the city may require additional collection upon agreement between the enforcement official and the franchisee.

(i) In the event that franchise service is interrupted due to labor disputes or other events impacting the health, safety and welfare of the citizens of the city, the city shall have the right to take over and operate any and all equipment of the franchisee in order to continue service pursuant to the terms of the contract or permit if it is determined by the enforcement official to be necessary to the health, safety and welfare of the citizens of the city. If necessary, in the judgment of the enforcement official, city employees may operate said equipment.

(j) Solid waste enterprises or other for-hire haulers operating under an agreement shall comply with the service standards established in this section, in addition to any service standards established in their agreement.

8-82. Insurance and bonds.

(a) The permittee and franchisee shall at all times keep fully insured, at his, her or its own expense, all persons employed by him, her or it in connection with the contract or permit workers' compensation insurance as required by the State of California, and shall hold the city free and harmless from all liabilities that may arise by reason of the injuries to any employee of the permittee or franchisee who is injured while performing any work or labor necessary to carry out the provisions of a contract or permit. The permittee or franchisee, during the life of the permit or agreement, shall keep on file with the city Clerk evidence that the permittee is fully and properly insured as required by state law.

(b) If necessary, in the judgment of city council, the permittee and franchisee shall deposit with the city a cash deposit or a performance bond guaranteeing the performance of any permit which he, she or it may have with the city. The cash deposit or bond shall be in the amount and in a form approved by the city attorney.

(c) The permittee and/or franchisee shall agree to in a format approved by the city attorney and thereafter indemnify the city, its officers, employees and contractors against, and hold the city, its officers and employees, harmless from, any claims asserted against the permittee/franchisee on account of the negligence of the permittee/franchisee or its employees, by employees of the permittee/franchisee or by third parties, arising out of

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personal injuries or property damage, including hazardous material cleanup costs and penalties, suffered by any such persons on account of the operations of the permittee hereunder. The permittee and/or franchisee shall provide and maintain in effect, bodily injury, property damage and environmental liability insurance with limits in an amount approved by the city Attorney and as set forth in the permit granted. The permittee and/or franchisee shall have the city, its officials and employees named as an additional insured under each of the aforementioned policies, and such policies shall be endorsed to require thirty (30) days written notice to the city prior to any cancellation thereof. The permittee and/or franchisee shall furnish to the city certificates evidencing that the insurance required hereunder is in effect and such certificates shall be in a form approved by the city's risk management office.

(d) Solid waste enterprises operating under an agreement shall comply with the insurance and bonds requirements as established in their agreements.

8-83. Regulations.

(a) It is unlawful for any person to place, deposit, dump or cause to be placed, deposited or dumped any solid waste, hazardous waste or infectious waste in or upon any private property or in or upon any public property which the public is admitted by easement or license without the consent of the owner, or in or upon any public highway, street, alley, sidewalk, gutter, parkway or upon any private road, alley, sidewalk, gutter or driveway in common use, or upon any public property other than property designated or set aside as a disposal station for such purpose by resolution of the city council or county board of supervisors.

(b) It is unlawful for any person to place, deposit or dump solid waste, hazardous waste or infectious waste of any kind whatsoever upon any private or public property within a distance of one thousand (1,000) feet from any public highway in the city, or within a distance of five hundred (500) feet from any established residence or dwelling house within the city, or to cause or suffer or permit such solid waste, hazardous waste or infectious waste to be placed, deposited or dumped upon any public or private property within a distance of one thousand (1,000) feet of any public highway or within a distance of five hundred (500) feet of any established residence or dwelling house in the city, without first having obtained a use permit pursuant to the zoning laws of the city, county, and State of California, or pursuant to any other zoning law that may be hereafter adopted in the place and stead of said zoning laws of the city. The provisions of this subsection shall not apply to solid waste, hazardous waste or infectious waste placed into a container for pickup by a solid waste enterprise operating pursuant to a permit issued under this chapter.

(c) No person shall burn any solid waste, hazardous waste or infectious waste within the city without having first complied with all rules and regulations of the city, the county, the South Coast Air Quality Management District and the state.

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(d) No person shall scavenge or bury any solid waste, hazardous waste or infectious waste within the city.

(e) Special arrangements must be made and permits issued by the county, State of California, and federal agencies for the disposal of any of the following items: Ammunition; explosives; industrial waste; chemicals; infectious; hazardous and radioactive waste; acids; drugs; medicines; human feces; unwrapped animal feces; and items which are too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs and tree stumps.

(f) Branches of trees, hedges, etc., shall be cut in lengths of not over four (4) feet and placed in containers or tied into bundles not exceeding fifty (50) pounds. All vacuum cleaner dust sweepings or ashes shall be wrapped and placed in the container. Newspapers and magazines may be bundled in bundles not exceeding fifty (50) pounds maximum. All metal containers may be placed in an enclosed container or wrapped in bundles not exceeding fifty (50) pounds maximum. In areas of curbside refuse collection, the requirements of this subsection are superseded by any requirements of the CMSD.

(g) It is unlawful for a person, contractor or solid waste enterprise to commingle solid waste collected from within the jurisdiction of the City of Costa Mesa with solid waste collected from any other jurisdiction. A violation of this subsection shall constitute grounds for revocation of a permit pursuant to section 8-79.

(h) For any type of solid waste collection in the city, it is unlawful for any person to use the services offered by a person, service, or enterprise that has not obtained all the required permits or agreements from the city pursuant to this chapter.

(i) It is unlawful for any person, contractor or solid waste enterprise to place solid waste collection containers on public property without the appropriate city permit or agreement. For the first violation of this subsection, the city may impound container(s) of non-permitted persons, contractors or solid waste enterprises forty-eight (48) hours after such container(s) are observed by the city or the city's agent. For the second violation of this subsection, the city may impound containers of non-permitted persons, contractors or solid waste enterprises previously noticed or impounded twenty-four (24) hours after such container(s) are observed the city or the city's agent. Any subsequent violations may be subject to immediate confiscation.

(j) Permitted haulers and haulers operating under an agreement shall place signage and/or markings on their containers to clearly identify them as property of the permitted/contracted hauler, as required by the city. When a container that does not contain signage or markings to clearly identify it as the property of a permitted hauler is observed, a notice shall be placed upon the container to inform its owner that illegal hauling has been established. The owner of that container will have forty-eight (48) hours to remove said container or place signage identifying it as property of the permitted/contracted hauler so that the city or city's agent can determine if it is the property of a permitted/contracted hauler.

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(k) If containers placed in violation of this section are not removed within the time periods set forth herein, an impound fee, per container, shall be imposed to cover the costs of impound, disposal of materials, container storage, and a civil citation penalty fee for city enforcement and administration. The impound fee shall be established by the city council. If the owner of the impounded container does not pay the full impound fee to the city within ninety (90) days of impound, the impounded container shall become the property of the city to satisfy the impound fee.

(l) The city reserves the right to, on an annual basis, enter into an impound services agreement, in accordance with the city's procurement policies. The selected solid waste enterprise shall be operating under an agreement and shall be authorized to enforce the city's franchise by confiscating any roll-off containers or trash bins used for illegal hauling within city limits. The contracted solid waste enterprise shall be authorized to collect the impound fee set forth herein. The owner of the container shall pay the impound fee in order to remove the property out of impound. If the owner does not pay within ninety (90) days of impound, the contracted solid waste enterprise shall keep the impounded container to satisfy its service and hauling charges. The impoundment of the containers does not prevent the city utilizing any civil, administrative or criminal remedies available pursuant to the Municipal Code.

(m) Generators that are persons residing in single-family homes or multi-family properties of four (4) units or less are considered Residential Organic Waste Generators for the purposes of this chapter. Residential Organic Waste Generators shall comply with the following requirements:

1. Subscribe to Organic Waste collection services provided through the Costa Mesa Sanitary District franchise (CMSD program).
2. Participate in the CMSD program by placing designated materials (Organic Waste, Non-Organic Recyclables, and other Solid Waste in designated containers, and shall not place Prohibited Container Contaminants in collection containers.
3. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

(n) Generators that are Commercial Businesses, including multi-family properties of five (5) units or more, must arrange for the recurring collection and recycling of solid waste as follows:

1. Subscribe to collection services provided by a city franchisee. 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

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of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the city.

2. Participate in Organic Waste, Non-Organic recyclables, and/or other solid waste collection services provided by franchisee in order to comply with State law. Participation includes placing designated materials in designated containers. Commercial Businesses not subscribing to such service with a franchisee shall make available to the city: (1) acceptable proof that a recycling program and/or organic waste recycling program is in place; (2) that program(s) includes all materials that require diversion under State law; and (3) that the generator provides the city with the program provider's name, contact information, and the volume or weight of recyclable organic and or non-organic materials collected on a quarterly or annual basis, in the form and format required by the city.
3. Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors to conform to the collection programs subscribed to through the franchisee or otherwise.
4. Commercial Businesses, excluding multi-family dwellings, shall provide containers for the collection of 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. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - a. A body or lid that conforms with the container colors provided through the collection service provided by the franchisee; or
 - 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 to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
5. Commercial Businesses, excluding multi-family dwellings, shall, to the extent practical through education, training, inspection and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the franchisee's collection service.

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6. Commercial Businesses, excluding multi-family dwellings, shall periodically inspect 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).
7. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of discarded materials.
8. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to place designated materials in designated containers, the location of designated containers, and the associated rules governing their use at each property.
9. Provide or arrange access for city or its agent to their properties during all inspections required to confirm compliance with the requirements of this ordinance.
10. If a Commercial Business wants to self-haul, it must meet the Self-Hauler requirements in Section 8-83(o) of this chapter.
11. Nothing in this chapter 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).
12. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 8-83(m)
13. On or after September 15, 2020, a business that generates two (2) cubic yards or more per week of commercial solid waste, as defined in Public Resources Code section 42649.1, per week, shall arrange for recycling services specifically for organic waste.
14. Commercial Businesses, including Multi-Family dwellings, that subscribe to landscaper services shall provide to the city all information required to determine if these collections satisfy SB 1383 requirements, in the form and format required by the city.
15. Property management companies that contract for trash service for any commercial business subject to this chapter are required to contract or otherwise make available recycling services and organic waste recycling services to comply with this section.

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(o) Waivers for physical de minimis volumes, physical space limitations, and/or collection frequency may be granted by the city if the following conditions are met:

- a. De Minimis Waivers may be granted to a Commercial Business, at the city's sole discretion. Such action would waive some or all of the Organic Waste requirements of this chapter if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below. Commercial Businesses requesting a de minimis waiver shall:
 1. Submit an application or complete a city-provided form specifying the services that they are requesting a waiver from.
 2. Provide documentation that either:
 - a. The Commercial Business's total Solid Waste Collection service is two cubic yards or more per week and Organic waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the businesses total waste; or,
 - b. The Commercial Business's total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - 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 five (5) years, if city has approved de minimis waiver.
- b. Physical Space Waivers may be provided to waive a Commercial Business's or property owner's obligations (including Multi-Family 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 8-83(k). A Commercial Business or property owner may request a physical space waiver through the following process:
 1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

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2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to city that it is still eligible for physical space waiver every five years, if the city has approved the application for a physical space waiver.
- c. 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 an 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.
- (p) Requirements for Commercial Edible Food Generators
- a. Tier One Commercial Edible Food Generators must comply with the requirements of this chapter commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
 - b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
 - c. Commercial Edible Food Generators shall comply with the following requirements:
 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (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.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

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4. Allow city's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
6. No later than February 1st of each year commencing no later than calendar year 2022 for Tier One Commercial Edible Food Generators and calendar year 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the city in the form and format established by the enforcement official.
- d. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food

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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).

- (q) Requirements for Haulers and Facility Operators.
- a. Franchised haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its permit conditions and/or franchise agreement.
 - b. 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.
 - c. 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.
- (r) Self-Hauler Requirements.
- a. Self-Haulers shall source separate all recyclable materials and Organic Waste 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.
 - b. 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.

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- c. 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:
 - 1. Delivery receipts and weight tickets from the entity accepting the waste.
 - 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected to the city if requested.
- e. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information to the city.
- (s) Inspections and Investigations by city.
 - a. city representatives and/or its designated entity 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 itself does not allow city staff or the city's designated officials to enter the interior of a private residential property for inspection unless otherwise authorized to do so. For the purposes of inspecting Commercial Business containers for compliance with this section, the city may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to this section.
 - b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with

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the city's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in Civil citations and any of the other penalties included in Section 1-33 and/or this chapter.

- c. Any records obtained by the city during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
 - d. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
 - e. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.
- (t) Enforcement.
- a. Violation of any provision of this chapter 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 chapter include but are not limited to issuance of a civil citation and assessment of a fine pursuant to Chapter II of Title 1 of this Code. Any violation of this chapter may also be enforced pursuant to any other remedy at law or in equity, including but not limited to those set forth in of Chapter I of Title 1 of this Code.
 - b. Responsible Entity for Enforcement
 - 1. Enforcement pursuant to this ordinance may be undertaken by the city enforcement official, as defined.
 - 2. Enforcement may also be undertaken by a County Agency enforcement official, if so designated, in consultation with city enforcement official, or a Non-local Entity enforcement official.
 - 3. City enforcement official(s) (and County Agency enforcement official, if applicable) will interpret ordinance; determine the applicability of

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waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

4. City enforcement official(s) and County Agency enforcement official may issue Notices of Violation(s).

c. Process for Enforcement.

1. City 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 8-83(p) establishes city's right to conduct Inspections and investigations.
2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. City may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, city may commence an action to impose penalties, via a civil citation and fine as set forth herein.

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

- a. Civil Penalty Amounts for Types of Violations. The amount of civil penalties for each violation shall be as adopted by resolution of the city council that is consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132, and 36900.

d. Education Period for Non-Compliance.

Beginning January 1, 2022 and through December 31, 2023, city will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the city 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

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compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(u) 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 consistent with this chapter. At the discretion of the enforcement official, the city may also use the other remedies available under Section 1-33.

8-84. Source reduction and recycling by franchisees and permit holders.

(a) This section is enacted for the purpose of compliance with the California Integrated Waste Management Act of 1989 in accordance with California Public Resources Code sections 40000 et seq. ("Act"). The city has adopted a source reduction and recycling element and household hazardous waste element pursuant to said Act which provides for the imposition and collection of charges to fund the preparation, adoption and implementation of said elements. Such charges shall be determined, fixed and established by the city council by resolution. Such charges may be changed by the city council from time to time by resolution.

(b) A permittee or franchisee, shall comply with the following source reduction and recycling requirements:

1. All permittees shall take all necessary steps to cause solid waste from their collection activity to be diverted from landfills as required by permit terms and CALGreen requirements.
2. The permittee or franchisee shall provide quarterly reports to the public services department, on the form and in the format required by the city, summarizing its progress in diverting solid waste generated by its customers in the city as required by California Public Resources Code sections 41870 and 41821. The quarterly reports shall identify the tonnage collected, tonnage recycled, percentage of waste recycled, materials recycled, and the facilities receiving all waste generated. In addition, quarterly reports shall provide the level of customer specific data required to enable the city to be in compliance with state-mandated reporting requirements. Quarterly reports shall be due thirty (30) days after the calendar quarter's end. Late reports shall be subject to a fine, which shall be established by city council resolution. All requested report data shall be

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provided. Incomplete reports shall not be accepted and shall be considered as late reports until they are fully completed.

3. As a permittee or franchisee of the city, the permittee or franchisee shall be an authorized recycling agent of the city and shall become the owner of all solid waste and recyclable materials, and hazardous waste and infectious waste collected pursuant to the permit. The permittee or franchisee is solely responsible for arranging for the collection, transportation, recycling, and disposal of all solid waste, hazardous waste or infectious waste collected pursuant to the permit. The recyclables become the property of the permittee once placed in the collection bin.

(c) A contractor self-haul permittee, as a condition of the permit, shall comply with the following requirements to show compliance with Section 8-84:

1. Apply for per-project permits. These per-project permits are required for each job performed during the calendar year in which the permittee is authorized by the city to haul the solid waste they generate.
2. Pay required per-project fees, which shall be established by city council resolution.
3. Complete and submit all required forms.
4. Divert sixty-five (65) percent of the solid waste generated by the contractor's business activity on that project, or present the city with evidence showing the maximum amount of solid waste was diverted from landfills.
5. Pay any penalty assessed by the city for failure to provide required reports, weight tickets, or other requested substantiation of compliant hauling activity requested by the city. These penalties are as follows:
 - a. A penalty amount equal to three (3) times the established per-project fee, for failure to submit any required form or weight ticket for that project.
 - b. A penalty amount equal to two (2) times the established per-project fee, for failure to achieve a sixty-five (65) percent diversion rate or provide substantiation that the maximum solid waste possible was diverted from landfill. It shall solely be at the city's discretion, to determine if the maximum solid waste possible was diverted from landfill.

(d) Failure of the permittee to comply with the provisions of this section shall subject the permittee to additional civil penalties as determined and approved by city council pursuant to California Public Resources Code section 41954.

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(e) Notwithstanding the provisions of Section 8-83, a person or entity owning or occupying an industrial, commercial, multifamily residential, or residential unit shall be permitted to create and use compost, as defined in California Public Resources Code section 40116, on the private or public property that such person or entity owns or occupies.

(f) The requirements of this section shall not apply to the solid waste handling services provided by the solid waste enterprises operating under agreements with the city or under contract with the CMSD, provided the CMSD establishes source reduction and recycling standards that are compliant with all State mandates upon the waste collected under the CMSD's contract. City franchise agreements will have all recycling requirements established therein.

8-85. [intentionally omitted].

8-86. Solid waste hauler permittees and agreement holders to comply with solid waste agreement with Orange County.

Notwithstanding the provisions of this chapter, any person or solid waste enterprise holding a permit or agreement issued pursuant to this chapter shall be required as a condition of that permit or agreement to comply with the provisions of the solid waste agreement between the County of Orange and the City of Costa Mesa, and as amended, which agreement is attached as Appendix A to Title 8 and incorporated herein by this reference. The provisions of this section shall be effective July 1, 1997.

Section 2. Uncodified Provisions of this Ordinance.

The following provisions of this Ordinance shall not be codified in the Costa Mesa Municipal Code unless and until the city council so ordains.

All permittees and/or franchisees in existence at the time of the adoption of this ordinance that had been granted a franchise under former section 8-87 shall continue to comply with the following requirements until the expiration of their permit and/or franchise:

(a) *Franchise fee.* Every franchisee shall pay a franchise fee as set by city council resolution based on the percentage of quarterly gross receipts. The purpose of the franchise fee is to provide funds to the city to pay for the maintenance and rehabilitation of the public highways in the city and for other general revenue purposes. Franchisees that are permit holders shall pay an annual minimum franchisee fee in the amount of ten thousand dollars (\$10,000.00). This fee shall be prorated in the amount of two thousand five hundred dollars (\$2,500.00) per quarter beginning with the quarter in which the franchise is granted. Such annual minimum franchisee fee payments shall be paid to the city upon issuance of a permit pursuant to section 8-77 of this chapter and, thereafter, by January 1 of each calendar year. Failure to timely pay franchise fees shall result in a penalty in the amount of five (5) percent of the delinquent franchise fee owed, plus an additional one and one-half (1.5) percent of the fee for each month, or any portion thereof,

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that payment is late. Failure to timely pay franchise fees may also result in the commencement of permit revocation proceedings. The annual minimum franchise fee shall be credited only toward the franchise fees that accrue during the same calendar year in which the minimum fee is paid. Agreement holders shall pay franchise and other fees in the amounts and schedules established in their respective agreements.

(b) *Quarterly franchise fee reports and payments.* Every franchisee is required to submit a quarterly franchise fee report and pay the established franchise fee on all gross receipts for that quarter. Pre-paid franchise fees are used to satisfy this quarterly obligation up to the full pre-payment amount. Failure to submit payment and the required report within forty-five (45) days of the end of each calendar quarter shall result in a fine, which shall be established by city council resolution, for each non-submittal. Submission of an incomplete report shall constitute a failure to submit a report and shall be subject to the same fine as that for non-submittal.

(c) *Records requirements.* Every franchisee shall maintain all records relating to its solid waste handling services pursuant to this section, including, but not limited to, customer lists, billing records, services requests, cash receipts records, records demonstrating compliance with the requirements of section 8-84(b) of this chapter, and other documents and materials that reasonably relate the franchisee's compliance with this section. Upon five (5) business days' notice, such records shall be made available for city inspection at the franchisee's regular place of business. If the franchisee's regular place of business is not located within the county, the franchisee shall make such records available for city inspection at a location within the county, as determined by the city.

(d) *Audit requirements.* An independent auditing firm shall perform an audit, at the city's expense, of any franchisee's records (the "city audit") to ensure compliance with the provisions of this section on an annual and/or as-needed basis, to be determined by the city. The scope of the city audit shall be set by city council resolution. If a city audit determines that a franchisee has not paid its full franchise fee, the city shall invoice the franchisee for the amount of the net deficiency plus a penalty fee equal to twenty (20) percent of the net deficiency.

(e) *Exemption for CMSD.* The franchise fee imposed pursuant to this section shall not be imposed upon any hauling performed under franchise or contract with the Costa Mesa Sanitary District for any revenue the solid waste enterprise earns under that franchise or contract.

Section 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the ordinance in question may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3). In addition, the Ordinances is exempt pursuant to CEQA Guidelines Section 15308 (Class 8, Actions by

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Regulatory Agencies for the Protection of the Environment) because the adoption of this Ordinance is required to comply with state law in order to protect the environment.

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The city council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED AND ADOPTED this 19th day of October, 2021.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

DRAFT

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2021-16 was duly introduced for first reading at a regular meeting of the City Council held on the 5th day of October 2021, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 19th day of October, 2021, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 19th day of October, 2021.

BRENDA GREEN, CITY CLERK

(SEAL)