


Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: March 1, 2022
To: Honorable Mayor and City Councilmembers
From: Larry McLaughlin, City Manager
 Toni Bertolero, Engineering Consultant
Subject: SB 1383: Mandatory Organic Waste Disposal Reduction Ordinance
Recommendation : Introduction and Waiving of First Reading of Mandatory Organic Waste Disposal Reduction Ordinance
Funding: Currently Budgeted: _____ No N/A
 Net General Fund Cost: N/A
 Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (N/A) (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item before the City Council is the introduction and first reading of the Mandatory Organic Waste Disposal Ordinance.

BACKGROUND:

In September 2016, Senate Bill 1383 was signed into law and was promulgated in November 2020. In summary, SB 1383 as designed to reduce Short-Lived Climate Pollutants generated from the landfilling of organic wastes. The law also established statewide methane emissions reduction targets: 50% reduction in the amount of organic waste in 2020 (not achieved), and a 75% reduction by 2025.

SB 1383 also requires cities adopt various policies and ordinances and a summary of those key requirements and the status of the implementation is summarized in the table that follows.

Table 1- SB 1383 Requirements

Requirement	Mechanism	Deadline	Date of action
Enforcement components	Mandatory Organic Waste Disposal Ordinance	04/01/22 **	Adopt by 03/15/22
Purchasing and procurement policy for recovered organic materials	Amendment to the City Purchasing policy for Environmentally Preferred Purchasing Policy (EPPP)	04/01/22 **	03/15/22 (proposed)
Education and outreach, monitoring and reporting, regional compost procurement	Memorandum of Understanding (MOU) with ZWS/cities	01/01/22	11/16/22
Organic waste collection, education and outreach	Amendment to Recology Franchise Agreement	01/01/22	11/16/22
** Note:			

Both the Enforcement components and the EPPP changes had a “soft” deadline of 1/1/22 but the State will not be penalizing cities if requirements are not met by this date. The target is to adopt the new changes by April 1 when the first compliance report is due to the State.

DISCUSSION:

In accordance with State requirements under CalRecycle’s SB 1383 regulations, the proposed Ordinance includes:

- Organic waste reduction measures;
- Provisions to further diversion of organic waste, including requirements to source separate organic waste and recyclables;
- Educational requirements for commercial businesses;
- Reporting requirements for commercial edible food generators, food recovery services and organizations, and self-haulers;
- Investigation of complaints of non-compliance by members of the public or other entities; and
- Regulatory changes to align the municipal code with the already existing franchise for collection of solid waste and construction and demolition hauling within the City.

GOALS:

This action supports the following City Council Goals or General Plan Actions:

- COS 8-2: Coordinate with Sonoma County and nearby cities to implement regional greenhouse gas (GHG) reduction plans.
- COS 8-3: Encourage local businesses and industries to engage in voluntary efforts to reduce GHG emissions and energy consumption.
- consolidate efforts to reduce GHGs throughout the County.
- COS 9-13: Continue the citywide recycling program, actively encourage recycling citywide, including the recycling/composting of food waste, and advocate for a regional composting facility.
- COS 9-14: Continue efforts to reduce solid waste generation throughout the life of the General Plan.
- COS 9-17: Integrate the values and practices of environmental sustainability in government operations.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, staff anticipates receiving public comment from interested parties following the publication and distribution of this staff report. Such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date. In addition, a Legal Notice was posted on February 17, 2022 regarding the public hearing date, time and a brief description of the ordinance.

FISCAL IMPACT:

There are no direct fiscal implications from the requested action on the City. The fiscal impacts to the City for SB 1383 costs are passed along directly to customers receiving service under the requirements of the new regulations. The garbage rates under the City’s Franchise Agreement with Recology Sonoma Marin were modified and approved by Council and became effective in January 2022.

RECOMMENDATION:

It is recommended that Council introduce the ordinance, conduct a public hearing on the first reading of the ordinance and provide direction to staff for the second reading of the ordinance with changes, if any.

Attachments:

Proposed Mandatory Organic Waste Disposal Ordinance
City of Sebastopol Resolution No.6274-2019

ORDINANCE NUMBER _____

FIRST READING AND INTRODUCTION

AN ORDINANCE OF THE CITY OF SEBASTOPOL AND AMENDING SECTION 13.16.020, DEFINITIONS, AND ADDING SECTION 13.16.022, REGULATIONS FOR MANDATORY ORGANIC WASTE DISPOSAL REDUCTION, IN CHAPTER 13.16, COLLECTION AND DISPOSAL OF GARBAGE IN TITLE 13, PUBLIC SERVICES, OF THE SEBASTOPOL MUNICIPAL CODE

WHEREAS, in October 2014 Governor Brown signed AB 1826 into law requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week; and

WHEREAS, on or after January 1, 2016, local municipalities were required to implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units; and

WHEREAS, the law phased in the requirements for businesses over time, and the law contains a 2020 trigger that further increased the scope of affected businesses by imposing a maximum threshold of two cubic yards of solid waste generated by covered businesses; and

WHEREAS, state recycling law SB 1383 (Lara, Chapter 395, Statutes of 2016) and the Short-lived Climate Pollutant Reduction Act of 2016 (which created new Chapter 12 of Division 7 of Title 14 of the California Code of Regulations) require the California Department of Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of methane. The regulations proposed by CalRecycle place requirements on multiple entities including the City, 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, on December 8, 2020, CalRecycle approved the final text of regulations (“SB 1383 Regulations”) in Title 14 Division 7, Chapter 12 of the California Code of Regulations implementing SB 1383 Short-Lived Climate Pollutant Reduction Act of 2016; and

WHEREAS, state recycling law, SB 1383, and the Short-lived Climate Pollutant Reduction Act of 2016 require the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This Ordinance constitutes the City of Sebastopol’s method of enforcing SB 1383 Regulations. This Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators, such as grocery stores, food wholesalers, and schools to arrange to have the maximum amount of their edible food, that would otherwise be disposed of, be recovered for human consumption; and

WHEREAS, the new Chapter 7.10 will contain SB 1383-required definitions, which may conflict with existing solid waste-related definitions in the current Sebastopol Code in Chapter 13.16. Therefore, modifications are needed to some existing solid waste-related definitions in Chapter 13.16 to ensure consistency in the municipal code; and

WHEREAS, requirements in this Ordinance are consistent with other adopted goals and policies of the City including Resolution No. 6274-2019, Declaration of a Climate Emergency.

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

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Amendment. Section 13.16.020, Definitions, in Chapter 13.16, Collection and Disposal of Garbage, in Title 13, Public Services, is amended to read as follows:

13.16.020. Definitions.

- A. "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- B. "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).
- C. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- D. "City" means the City of Sebastopol.
- E. "City Enforcement Official" means the city manager.
- F. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- G. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 13.16.020(MMM) and 13.16.020(OOO) of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- H. "Compliance Review" means a review of records by a Jurisdiction to determine compliance with this ordinance.
- I. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- J. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

- K. “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- L. “Contract Agents” shall mean an agent or employee of the City of Sebastopol, or any person, firm, corporation or association or the agents or employees thereof with whom the City of Sebastopol shall have duly contracted under the terms hereinafter set out in this chapter, and under the provisions of the laws of the State of California, to collect, transport through the streets, alleys or public ways of the city, and dispose of refuse, garbage, wet garbage, and rubbish produced within the limits of the city.
- M. “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- N. “C&D” means construction and demolition debris.
- O. “Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- P. “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- Q. “Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- R. “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 Jurisdiction 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 reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Jurisdiction, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City or its Designee for collection services.
- S. “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).
- T. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- U. “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).

- V. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
1. A food bank as defined in Section 113783 of the Health and Safety Code;
 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- W. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- X. “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).
- Y. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- Z. “Food Waste” means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food Waste includes but is not limited to meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food Waste does not include Exempt Waste.
- AA. “Garbage” means and includes kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits or vegetables. It shall also include crockery, bottles, tin vessels, ashes, and all or any refuse, save and excepting as herein defined as rubbish or wet garbage.
- BB. “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- CC. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- DD. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

- EE. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- FF. “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).
- GG. “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).
- HH. “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 ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- II. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- JJ. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- KK. “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).
- LL. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- MM. “MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.
- NN. “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).

- OO. “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).
- PP. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- QQ. “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).
- RR. “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).
- SS. “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).
- TT. “Person” as used herein shall mean any person, firm or corporation acting as principal, agent, or officer, servant or employee for himself or for any other person, firm or corporation.
- UU. “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).
- VV. “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 Jurisdiction’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 Jurisdiction’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 Jurisdiction’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- WW. “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).
- XX. “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).
- YY. “Recyclable materials” shall include all newsprint, glass, aluminum and steel cans, and plastic food and beverage containers which are intended to be disposed of in accordance with the Citywide weekly curbside recycling program-initiated July 1, 1989.
- ZZ. “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).

- AAA. “Refuse” means garden clippings, trimmings, brush and other items of a similar nature.
- BBB. “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).
- CCC. “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).
- DDD. “Rubbish” means all combustible and noncombustible waste and refuse matter, excepting garbage ordinarily accumulating in and about residences, flats, buildings, apartment houses, lodging houses, hotels, restaurants, eating houses, stores, shops, offices and other public buildings. Among other things, it shall not include brick, mortar, or other debris incident to the construction of buildings.
- EEE. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- FFF. “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).
- GGG. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- HHH. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
 2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- III. “Source separate” means the process of removing recyclable materials and organic materials from Solid Waste at the place of generation, prior to Collection, and placing such materials into separate containers designated for recyclable materials and organic materials, as further defined in 14 CCR section 17402.5(b)(4).
- JJJ. “State” means the State of California.

KKK. "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).

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

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

MMM. 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.

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

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

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

OOO. "Wet garbage" means all clean garbage suitable for food for hogs, coming from restaurants, cafes, cafeterias, hospitals, hotels, boarding houses, clubs, and all other like eating places in the City of Sebastopol, and from butcher shops and dealers in fresh vegetables and shall be held to consist of and include only kitchen and table refuse, offal and swill and every accumulation of animal and vegetable scraps, refuse or waste, and other matter that attends the preparation, consumption, decay, or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables. Provided, however, that said definition is not intended to, nor does it, include the by-products or butcher shops or dealers in fresh vegetables, where said by-products have a commercial value and are not decomposed nor offensive and where rejected by the owners or producers thereof as offensive or useless. (Formerly 5.42.010).

PPP. "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).

QQQ. "Zero Waste Sonoma" means the Sonoma County Waste Management Agency, doing business as Zero Waste Sonoma, which is a joint powers authority of the State of California.

SECTION 2. Addition. Section 13.16.022, Regulations for Mandatory Organic Waste Disposal Reduction, is added to Chapter 13.16, Collection and Disposal of Garbage, in Title 13, Public Services, to read as follows:

13.16.022. Regulations – Mandatory Organic Waste Disposal Reduction.

Subsections:

- A. Purpose and Findings.
- B. Zero Waste Food Ware Ordinance.
- C. Requirements for Single-Family Generators.
- D. Requirements for Commercial Businesses.
- E. Waivers for Generators.
- F. Requirements for Commercial Edible Food Generators.
- G. Requirements for Food Recovery Organizations and Services.
- H. Requirements for Haulers and Facility Operators.
- I. Self-Hauler Requirements.
- J. Procurement Requirements for City Departments, Direct Service Providers, and Vendors.
- K. Inspections and Investigations.
- L. Enforcement and penalties.
- M. Administrative appeal.

13.16.022.A. Purpose and Findings.

1. 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 jurisdiction 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.
2. 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 the city to implement a Mandatory Commercial Recycling program.
3. 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 the city to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the city to implement a Mandatory Commercial Organics Recycling program.
4. 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 the city, 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.

5. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance seeks to reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, which would otherwise be disposed, be recovered for human consumption.
6. Requirements in this Chapter are consistent with other adopted goals and policies of the Jurisdiction including: City of Sebastopol General Plan goals and objectives that implement Green House Gas reduction, encourage recycling and reduction of solid waste, and Resolution 6274-2019 declaring a Climate Emergency.

13.16.022.B. Zero Waste Food Ware Ordinance.

The Zero Waste Food Ware Ordinance is in effect beginning August 1, 2022 (refer to Chapter 8.36 of Title 8, Health and Safety).

13.16.022.C. Requirements for Single-Family Generators.

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 13.16.022(I) of this chapter:

1. Subscribe to the City's Organic Waste collection services for all Organic Waste generated as described below in Section 13.16.022(C)(2). The City or its Designee shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the city. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site pursuant to SMC 7.08.160, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
2. Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described in Section 13.16.022(C)(3) and shall not place Prohibited Container Contaminants in collection containers.
3. Place Source Separated Green Container Organic Waste, including Food Scraps and Food-Soiled Paper, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

13.16.022.D. Requirements for Commercial Businesses.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

1. Subscribe to the city's three-container collection services and comply with requirements of those services as described below in Section 7.10.040(B), except Commercial Businesses that meet the Self-Hauler requirements in Section 7.10.090 of this Chapter. The city or its Designee shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the city.

Agenda Item Number 7

2. Except Commercial Businesses that meet the Self-Hauler requirements in Section 13.16.022(I) of this Chapter, participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described in Section 13.16.022(C)(3).
3. Place Source Separated Green Container Organic Waste, including Food Scraps and Food-Soiled Paper, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
4. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the city's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 13.16.022(I).
5. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Separated Recyclable Blue Container 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.
6. 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), for the containers provided by the business shall have either:
 - a. A body or lid that conforms with the City's Blue Container, Green Container, and Gray Container collection service.
 - b. Container labels that include language or graphic images indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text and graphic images that indicate the primary materials accepted and primary materials prohibited in the container.
7. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section 13.16.022(D)(4) pursuant to 14 CCR Section 18984.9(b).
8. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 13.16.022(I).
9. Excluding Multi-Family Residential Dwellings, commercial generators shall routinely inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees as soon as practicable if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
10. Annually provide written information or annual training to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
11. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

12. Provide or arrange access for the City or its Designee to their properties during all Inspections conducted in accordance with Section 13.16.022(K) to confirm compliance with the requirements of this chapter.
13. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 13.16.022(I) of this chapter.
14. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 13.16.022(G).

13.16.022.E. Waivers for Generators.

The City Manager or person authorized by Zero Waste Sonoma may grant waivers to commercial business for physical space limitations and/or de minimis volumes as described in Section 13.16.022(E)(1) and 13.16.022(E)(2) below. Commercial businesses seeking a waiver shall submit their request in a form specified by the City Manager. After reviewing the waiver request, and after an on-site review, if applicable, the City Manager may either approve or deny the following waiver requests. Anyone granted a waiver shall provide written verification of eligibility for a waiver at least every five years and shall notify the City if circumstances change such that they are no longer eligible for such waiver, in which case waiver will be rescinded.

1. De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material. Commercial Businesses requesting a de minimis waiver shall:
 - a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 7.10.050(A)(2) below.
 - b. Provide documentation that either:
 - (i.) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (ii.) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - c. Notify the city within thirty (30) days if circumstances change such that Commercial Business's Organic Waste exceeds the threshold required for a waiver, in which case the waiver will be rescinded.
 - d. Provide written verification of eligibility for de minimis waiver every five (5) years, if the City has approved a de minimis waiver.
2. Physical Space Waivers. The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection

requirements of Section 13.16.022(D). A Commercial Business or property owner may request a physical space waiver through the following process:

- a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- b. Provide written and photographic documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer; and
- c. Provide written verification to the City that it is still eligible for physical space waiver every five (5) years, if the City has approved an application for a physical space waiver.
- d. Zero Waste Sonoma, in cooperation with the City's franchised hauler and the City, will review and approve waivers.

13.16.022.F. Requirements for Commercial Edible Food Generators.

1. 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.
2. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
3. Commercial Edible Food Generators shall comply with the following requirements:
 - a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - b. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - d. Allow the City or its Designee to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - e. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (i.) 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).
 - (ii.) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (iii.) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - 1) The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
 - 2) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - 3) The established frequency that food will be collected or self-hauled.

- 4) 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.

13.16.022.G. Requirements for Food Recovery Organizations and Services.

1. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - a. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - b. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - d. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
2. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 13 CCR Section 18991.5(a)(2):
 - a. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - b. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - c. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
3. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the city and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b)).
4. Food Recovery Capacity Planning
 - a. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the Zero Waste Sonoma, City, or its Designee, Food Recovery Services and Food Recovery Organizations operating in the city shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

13.16.022.H. Requirements for Haulers and Facility Operators.

Exclusive franchised hauler(s) providing residential, Commercial, or industrial Organic Waste collection services to generators within the city's boundaries is provided for by separate contract as referenced in Section 13.16.120.

13.16.022.I. Self-Hauler Requirements.

1. 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.
2. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
3. Self-Haulers that are Commercial Businesses, including Multi-Family Residential Dwellings, shall comply with the water-efficient landscaping standards as required by Chapter 14.32 of the SMC.
4. Self-Haulers that are Commercial Businesses, including Multi-Family Residential Dwellings, shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the city. The records shall include the following information:
 - a. Delivery receipts and weight tickets from the entity accepting the waste.
 - b. The amount of material in cubic yards or tons transported by the generator to each entity.
 - c. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

13.16.022.J. Procurement Requirements for City Departments, Direct Service Providers, and Vendors.

All City divisions and departments, direct service providers, and vendors to the City, as applicable, shall comply with the City's adopted *Environmentally Preferable Purchasing (EPP) Policy*, which includes a Recovered Organic Waste Product procurement provision and a Recycled-Content Paper procurement provision.

13.16.022.K. Inspections and Investigations.

1. City representatives and/or its Designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow the city to enter the interior of a private residential property for inspection.
2. All regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its Designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, condition of containers and labels, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for access to an entity's premises, or access to records for any inspection or investigation, is a violation of this chapter and may result in penalties.

3. Any records obtained by the City during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
4. The City's representatives and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
5. The 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.

13.16.022.L. Enforcement and Penalties.

1. The City Manager, as the City Enforcement Official, shall have primary responsibility for enforcement of this Chapter. The City Manager is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this Chapter. All such rules and regulations shall be consistent with the provisions of this Chapter.
2. The City Manager, and/or City Attorney, may determine in their discretion to send a notice to cure to a retailer prior to invoking the enforcement provisions of this section if there have not been prior complaints against the retailer for violation of this Chapter.
3. Anyone violating or failing to comply with any provision of this chapter shall be guilty of an infraction or misdemeanor as determined by the City Attorney under Chapter 1.04. The City Attorney may seek legal, injunctive, administrative or other equitable relief to enforce this chapter. The remedies and penalties provided in this section are cumulative and not exclusive and nothing in this section shall preclude the City from pursuing any other remedies provided by law. In addition to any relief available to the City, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in the enforcement of this Chapter.
4. Penalties for violations of any provision of this Chapter shall be as follows; provided, however, that no administrative citation may be issued or infraction charged for violation of a requirement of this chapter until one year after the Effective Date of the ordinance:
 - a. A fine not exceeding \$100.00 for the first violation
 - b. A fine not exceeding \$200.00 for a second violation of the same Code provision within one year; and
 - c. A fine not exceeding \$500.00 for each additional violation in excess of two, of the same Code provision within one year.
 - d. If continued willful violations occur the City reserves the right to suspend vendors use permit.
5. The remedies and penalties provided in this section are cumulative and not exclusive.

13.16.022.M. Administrative appeal.

1. A person aggrieved by the imposition of an administrative penalty or imposition of response costs pursuant to this chapter may appeal the decision by filing with the City Clerk a statement addressed to the City Manager and setting forth the facts and circumstances regarding the appealed action. The City Clerk shall notify the applicant, in writing, of the time and place set for the hearing on the appeal.
2. The hearing on the appeal must be held within 30 business days of the City Clerk's receipt of the appeal.

3. The City Manager or his designee shall serve as hearing officer and shall issue a decision regarding the appeal within 10 business days of the conclusion of the hearing. The hearing officer's decision is final.

SECTION 3. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law. This Ordinance shall take effect and be in full force thirty (30) days after its passage.

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of March 1, 2022.

VOTE:
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Mayor Patrick Slayter

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

Resolution Number 6274-2019

CITY OF SEBASTOPOL CITY COUNCIL RESOLUTION DECLARING A CLIMATE EMERGENCY
AND COMMITTING TO ON-GOING ACTIONS TO RESTORE A SAFE CLIMATE

WHEREAS, all the nations of the world have signed the 2015 Paris Agreement which has a stated objective of "...keeping a global temperature rise this century well below 2° Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5° Celsius;" and

WHEREAS, in October 2018 the Intergovernmental Panel on Climate Change (IPCC), the largest collaborative, consensus-based effort among the world's scientific community, released a Special Report on Global Warming of 1.5°C, stating that "Human activities are estimated to have [already] caused approximately 1.0°C of global warming above pre-industrial levels;" and

WHEREAS an increase in global average surface temperatures results in numerous secondary effects, including: rapidly rising sea levels, decreased snowpack, accelerating melting of ice sheets in Greenland and Antarctica, accelerated melting of Arctic permafrost, increasing incidence and intensity of extreme weather events such as heat waves, droughts, hurricanes, etc., increasing incidence and intensity of wildfires, spread of diseases, and more; and

WHEREAS, the IPCC's Special Report on Global Warming of 1.5°C states that the nations of the world must limit global temperature rise to 1.5°C above pre-industrial averages in order to maintain environmental conditions on earth that are compatible with life as it has evolved; and

WHEREAS, the IPCC's Special Report on Global Warming of 1.5°C states that in order to have a 2-in 3 chance of limiting global warming to 1.5° C, our remaining 'carbon budget' is equal to 10 years of current greenhouse gas emissions; and

WHEREAS, on September 12, 2018 Governor Jerry Brown signed "Executive Order B-55-18 To Achieve Carbon Neutrality" committing the State of California to economy-wide "...carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter," a target that accords with the recommendations of the IPCC's Special Report on Global Warming of 1.5°C; and

WHEREAS, restoring a safe and stable climate requires a Climate Mobilization at all levels of government and society on a scale, scope, and speed not seen since World War II to reach zero greenhouse gas emissions across all sectors at emergency speed, to rapidly and safely draw down or remove all the excess carbon from the atmosphere; and

WHEREAS, marginalized communities worldwide—including people of color, indigenous communities, low-income people, those with disabilities, and the unhoused—are already disproportionately affected by climate change; and

WHEREAS, a Just Transition to a safe climate must encourage the active participation and protection of marginalized communities and work to ensure that they benefit first from a sustainable and equitable economy, including good-paying jobs and other tenets of a Green New Deal effort; and

WHEREAS , the City of Sebastopol has been a leader in addressing human-caused climate change, having made significant investments in municipal solar and pioneered adoption of solar building requirements and has made bold commitments in its participation in the greenhouse gas reduction efforts enumerated in the Regional Climate Protection Authority's (RCPA's) Climate Action 2020 Plan; and

WHEREAS, the City of Sebastopol must continue and strengthen its leadership role by converting to an ecologically, socially, and economically regenerative economy at emergency by speed and helping to rapidly organize a regional Just Transition and climate emergency mobilization effort.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Sebastopol declares a climate emergency threatens our city, region, and all life on Earth; and

BE IT FURTHER RESOLVED, the City of Sebastopol commits to working with the RCPA to update the City of Sebastopol's content in the RCPA's Climate Action 2020 and Beyond Plan; and

BE IT FURTHER RESOLVED , the City of Sebastopol commits to a city-wide Just Transition and climate emergency mobilization which includes 1) **mitigation**: reducing city-wide greenhouse gas emissions to net zero by no later than 2030 (or on a timeline that guarantees the highest odds of success), 2) **drawdown**: immediate removal of carbon from the atmosphere to near pre-industrial levels, and 3) **adaptation and resilience**: measures in preparation for the inevitable consequences of a rapidly warming planet; and

BE IT FURTHER RESOLVED, the City of Sebastopol will begin an immediate evaluation of all existing and future policies, projects, purchases, and priorities in accordance with the goals of mitigation, drawdown, and adaptation; and

BE IT FURTHER RESOLVED, the City of Sebastopol commits to keeping the considerations of disadvantaged, medically sensitive and minority communities central to all climate emergency mobilization planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs.

BE IT FURTHER RESOLVED, the City of Sebastopol commits to ongoing education and active engagement of all city staff, businesses, contractors, consultants, residents, and independent community groups in alignment with the goals of mitigation, drawdown, and adaptation; and

BE IT FURTHER RESOLVED, the City of Sebastopol will create a new entity or body, or expand the purpose of an existing one, that will carry forward these climate-related efforts; and

BE IT FURTHER RESOLVED, the City of Sebastopol acknowledges that full public participation of its residents, including its disenfranchised communities, youth, elders, community organizations, labor groups, businesses, and academia, is essential to the success of this effort; and

BE IT FURTHER RESOLVED, the City of Sebastopol will work with agencies, groups, and organizations to assess current citywide activity-based GHG emissions and GHG emissions from consumption of goods and services—and to track GHG emissions and publicly report annually on progress toward the City’s goal of zero net emissions;

BE IT FURTHER RESOLVED, City of Sebastopol commits to contributing to the RCPA’s development of a countywide 2030 Climate Emergency Mobilization Strategy that focuses on identifying key local actions – including a 10-year Emergency Policy Package prioritizing a short list of the most impactful local policies that will drive systems change and identify the key areas for state level advocacy.

BE IT FURTHER RESOLVED, the City of Sebastopol will review during the FY 20-21 City budget hearings the potential creation of a Climate Emergency Mobilization Liaison to drive this effort in our jurisdiction and to review potential funding resources to support the participation of this staff member (or a designated RCPA staff member) in the RCPA coalition of local governments mobilizing regional climate action; and

BE IT FURTHER RESOLVED , the City of Sebastopol joins a nationwide call for a regional Just Transition and emergency mobilization at all levels of government to restore a safe climate, and will partner with local, regional, and State agencies to implement immediate actions -- including, but not limited to, those in Attachment A -- to help safeguard its residents against the consequences of climate change.

IN COUNCIL DULY PASSED this 3rd day of December 2019.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

AYES: Councilmembers Gurney, Hinton, Vice Mayor Glass and Mayor Slayter

NOES: None

ABSENT: Councilmember Carnacchi

ABTAIN: None

APPROVED: 
Patrick Slayter, Mayor, City of Sebastopol

ATTEST: 
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

**Attachment A:
List of Climate Actions for the City of Sebastopol
By Sebastopol Climate Action**

1. **All Electric Reach Code** - Building ordinance would require new residential construction to use only high-efficiency electric appliances. As new building types have been reviewed and analyzed by the California Energy Commission, the All Electric Reach Code would apply to them.

a. Estimated upfront savings of \$6,171 per home (or \$3,361 per multifamily units). Estimates from Santa Rosa city staff report 06/11/2019

b. Assuming 36 housing units are built over the next three years, 86 metric tons of carbon dioxide equivalents (CO₂e) would be avoided which would be a reduction of 2.4 CO₂e annually for a standard single-family home compared to a 2019 code compliant house.

c. Needs State approval for reach codes that go beyond Title 24 regulations. Sonoma Clean Power has a template for State approval documentation.

d. [Berkeley first city in California to ban natural gas in new buildings](#)

2. **Municipal Solar**. Solar assessment of additional sites.

a. Possible new sites include the public parking lots and the city corporate yard.

b. Examine the possibility of micro-grid power storage, such as the SRJC has done.

3. **Moratorium on New Fossil Fuel Infrastructure** - Applies to new gas stations

4. **Oversight of Procurement** - "Sustainable purchasing" for the City of Sebastopol.

5. **Data Gathering**

a. **Annual Reporting of Consumption** - Local Gas and Electricity Baseline Data

i. The city on an annual basis makes a request to PG&E for a breakdown of consumption based on residential, commercial and industrial sectors for gas and electricity for the 95472-zip code. This data is then posted on the City website. [Public energy data request portal](#)

b. **Evaluation of existing municipal solar**

i. Evaluate the savings (KWh, GHG, \$) the city has achieved since installing solar arrays on most of the municipal buildings and water/sewage pumping stations. This could be done with possible assistance of SSU students.

c. **Evaluation of existing building requirements for residential and commercial solar**

i. Estimate the savings (KWh, GHG, \$) the solar building requirement has saved. This could be done with possible assistance of SSU students.

ii. Pass on lessons learned implementing it to other jurisdictions since all of California is now having to implement solar in new buildings.

6. **Education** - The city embarks on multiple public education initiatives. For example:

a. Travelling exhibit based on a 10' x 10' pop up shade structure, display table, graphics and interactive exhibit components that provides community education around action items that citizens can take to reduce GHG emissions, decrease household and business waste and increase resiliency.

- b. Publicize on the city website and newsletter all available local resources for climate and zero waste actions. Examples include:
 - i. Launch before year end of Sonoma Clean Power's incentives for Heat Pump Water Heaters, Heat Pump Space Heaters and other energy saving devices.
 - ii. Sonoma Climate Challenge
 - iii. Zero Waste best practices for households
- c. Provide handouts available at city hall for climate best practices.
- d. Leverage community groups to put on climate education events and help tell the success stories.

- i. Climate speaker series
- ii. Climate workshops for teachers

7. Begin the discussion to create climate committee or expand the scope of the Zero-Waste committee to encompass broader climate actions.

8. Work to accelerate transportation electrification

- a. Team with RCPA/CCP (and others) to encourage EV (purchase/lease)
- b. Address local EV infrastructure enhancements (See RCPA Shift Sonoma County Plan).
 - i. Make electric car charging stations more visible.
 - ii. Increase numbers of DC fast chargers
- c. Organize EV Rides/shows (include E-bikes).
- d. Sharing purchase/lease strategies for new buyers. Share info for buying/leasing used EVs.

9. Fund a grant writer to find money for climate initiatives, such as:

- a. Climate Action Coordinator contract position. This person would be responsible for measuring/monitoring/reporting on progress of any action items that are adopted. Civicspark/Climatecorp provides training to these new hires. For example, the City of Alameda hired a coordinator as intern via Civicsparks or ClimateCorp
- b. Youth climate corp summer jobs.
- c. Zero Waste initiatives.
- d. Conducting free solar evaluations, developing/implementing communication/outreach tools/strategies.
- e. Stipends for SSU/SRJC students to conduct studies/research/monitoring
- f. Incentives for converting to electric in homes (fuel switching).
- g. Energy and/or lighting retrofits in city-owned buildings
- h. Solar + battery storage capacity in critical city infrastructure for emergencies and PG&E planned power outages.