



Agenda
City of Vernon
Joint Special Business and Industry Commission and
Green Vernon Commission Meeting
Wednesday, December 15, 2021, 3:45 PM
Remote Location Via Zoom

Business and Industry Commission
Jack Cline, Jimmy Andreoli II, John Baca, Thomas Condon,
Crystal Larios, Navdeep Sachdeva, and Douglas Williams

Green Vernon Commission
Ron Daerr, Alan Franz, Daniel Alley, Catherine Browne, Hector
Morfin, Martin Perez, and Stan Stosel

SPECIAL REMOTE PROTOCOLS

Assembly Bill 361 (AB 361) authorizes public meetings to take place via teleconference because State and Local officials are recommending measures to promote social distancing. This meeting will be conducted entirely by remote participation via Zoom Webinar.

The public is encouraged to view the meeting at <https://www.cityofvernon.org/webinar> or by calling (408) 638-0968, Meeting ID 856-2635-8431#. You may address the Commission via Zoom or submit comments to PublicComment@ci.vernon.ca.us with the meeting date and item number in the subject line.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC COMMENT

At this time the public is encouraged to address the Commissions on any matter that is within the subject matter jurisdiction of the Commissions. The public will also be given a chance to comment on matters which are on the posted agenda during deliberation on those specific matters.

CONSENT CALENDAR

All matters listed on the Consent Calendar are to be approved with one motion. Items may be removed from the Consent Calendar by any member of the Commissions. Those items removed will be considered immediately after the Consent Calendar.

1. City Clerk

[Approval of Minutes](#)

Recommendation:

Approve the June 16, 2021 Joint Special meeting minutes.

[1. 20210616 Joint Special BIC-GVC Minutes](#)

NEW BUSINESS

2. Health and Environmental Control Department

Mandatory Organic Waste Disposal Reduction Ordinance

Recommendation:

Recommend that the City Council adopt the Organic Waste Disposal Reduction ordinance.

1. Proposed Mandatory Organics Recycling Ordinance

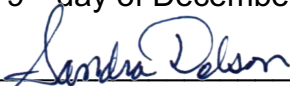
ORAL REPORT

Brief reports, announcements, or directives to staff.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting.

Dated this 9th day of December, 2021.

By: 
Sandra Dolson, Administrative Secretary

Joint Special Business and Industry Commission and Green Vernon Commission Agenda Item Report

Submitted by: Sandra Dolson
Submitting Department: City Clerk
Meeting Date: December 15, 2021

SUBJECT

Approval of Minutes

Recommendation:

Approve the June 16, 2021 Joint Special meeting minutes.

Background:

Staff has prepared and hereby submits the minutes for approval.

Fiscal Impact:

There is no fiscal impact associated with this report.

Attachments:

1. [20210616 Joint Special BIC-GVC Minutes](#)

MINUTES
VERNON BUSINESS AND INDUSTRY COMMISSION
GREEN VERNON COMMISSION
JOINT SPECIAL MEETING
WEDNESDAY, JUNE 16, 2021
COUNCIL CHAMBER, 4305 SANTA FE AVENUE

CALL TO ORDER

Chair Daerr called the meeting to order at 4:25 p.m.

FLAG SALUTE

Commissioner Morfin led the Flag Salute.

ROLL CALL

PRESENT: Business and Industry Commission
Jack Cline, Chair (via remote access)
Jimmy Andreoli II, Vice Chair (via remote access)
Thomas Condon, Commissioner (arrived at 4:35 p.m. via remote access)
William Davis, Commissioner (via remote access)
Duncan Sachdeva, Commissioner (via remote access)
Douglas Williams, Commissioner (via remote access)

Green Vernon Commission
Ron Daerr, Chair (via remote access)
Alan Franz, Vice Chair (via remote access)
Daniel Alley, Commissioner
Hector Morfin, Commissioner (via remote access)
Martin Perez, Commissioner (via remote access)

ABSENT: John Baca, Business and Industry Commissioner
Catherine Browne, Green Vernon Commissioner

STAFF PRESENT:

Arnold Alvarez-Glasman, Interim City Attorney (via remote access)
Lisa Pope, City Clerk (via remote access)
Fredrick Agyin, Health and Environmental Control Director (via remote access)
Angela Kimmey, Utilities Compliance Administrator (via remote access)

APPROVAL OF THE AGENDA

MOTION

Commissioner Williams moved and Vice Chair Andreoli seconded a motion to approve the agenda. The question was called and the motion carried 10-0, Commissioners Baca, Browne and Condon absent.

PUBLIC COMMENT

None.

NEW BUSINESS

1. Senate Bill 1383 (SB 1383) Action Plan and Waste Hauler Program Changes

Recommendation: Establish a Business and Industry Commission (BIC) SB 1383 Waste Hauler Temporary Ad Hoc Committee and a Green Vernon Commission (GVC) SB 1383 Waste Hauler Temporary Ad Hoc Committee for the purpose of facilitating discussion with City staff on the limited matter of the City's SB 1383 Solid Waste Management Program and the consolidation of waste hauling enterprises in Vernon, with the understanding that any resulting findings or proposals would be ultimately approved by the Vernon City Council; and appoint three members to each committee respectively.

Health and Environmental Control Director Agyin presented a PowerPoint on Senate Bill 1383 (SB 1383) Action Plan and Waste Hauler Program Changes.

Utilities Compliance Administrator Kimmey discussed staff support of business; difficulty in managing reporting of multiple haulers; Good Governance Measure to consolidate waste haulers; proposed ad hoc committees; complaints regarding trash haulers; and traffic, air quality, and efficiency issues.

In response to Commission questions, Health and Environmental Control Director Agyin explained the mandates and the City's responsibilities under SB 1383 and active haulers.

Commissioner Alley arrived at 4:45 p.m.

The Commission discussed the need for competition, preventing a monopoly, hazardous waste tracking, and reporting software.

Interim City Attorney Alvarez-Glasman discussed the provisions of the Public Resources Code requiring a five-year phase out.

David Fahrion, Chief Executive Officer for the California Waste and Recycling Association requested the opportunity to participate in the process due to their eight members' vested interests. He indicated opposition to limiting the franchises to one or two haulers.

Peter Corselli discussed the prior consideration in 2013 and requested the opportunity to provide input.

Matthew Kotanjian, AAA Rubish, offered to assist the City in achieving the requirements under SB 1383.

Commissioner Franz left the meeting at 5:10 p.m.

Commissioner Williams left the meeting at 5:15 p.m.

Marisa Olguin, Vernon Chamber of Commerce, discussed the City's success with recycling and encouraged allowing multiple haulers.

Nicole Waldman, AAA Rubish, encouraged retaining the current practice of allowing multiple haulers.

City Clerk Pope read emails from Peter Corselli and John Katangian.

MOTION

Vice Chair Andreoli moved and Chair Cline seconded a motion to establish the Business and Industry Commission (BIC) SB 1383 Waste Hauler Temporary Ad Hoc Committee of Jimmy Andreoli II, Thomas Condon, and Duncan Sachdeva for the purpose of facilitating discussion with City staff on the limited matter of the City's SB 1383 Solid Waste Management Program and the consolidation of waste hauling enterprises in Vernon. The question was called and the motion carried 5-0, Commissioners Baca and Williams absent.

MOTION

Commissioner Alley moved and Chair Daerr seconded a motion to establish the Green Vernon Commission (GVC) SB 1383 Waste Hauler Temporary Ad Hoc Committee of Ron Daerr, Daniel Alley, and Hector Morfin for the purpose of facilitating discussion with City staff on the limited matter of the City's SB 1383 Solid Waste Management Program and the consolidation of waste hauling enterprises in Vernon. The question was called and the motion carried 4-0, Commissioners Browne and Franz absent.

ORAL REPORTS

None.

ADJOURNMENT

With no further business, Chair Daerr adjourned the meeting at 5:41 p.m.

JACK CLINE,
Business and Industry Commission Chair

RON DAERR,
Green Vernon Commission Chair

ATTEST:

LISA POPE, City Clerk
(Seal)

Joint Special Business and Industry Commission and Green Vernon Commission Agenda Item Report

Submitted by: Veronica Petrosyan
Submitting Department: Health and Environmental Control Department
Meeting Date: December 15, 2021

SUBJECT

Mandatory Organic Waste Disposal Reduction Ordinance

Recommendation:

Recommend that the City Council adopt the Organic Waste Disposal Reduction ordinance.

Background:

Senate Bill 1383 (SB 1383) establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. Actions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, and on the environment. Targets to achieve a 50 percent reduction in level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025 are components of SB 1383. The California Department of Resources Recycling and Recovery (CalRecycle) has been tasked with managing the organic waste disposal reduction targets, and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. SB 1383 will further support California's efforts to achieve the statewide 75 percent recycling goal by 2020 (established by Assembly Bill 341), and strengthen the implementation of mandatory commercial organics recycling (established by Assembly Bill 1826).

SB 1383 requires all jurisdictions (including the City of Vernon) to adopt an enforceable ordinance to implement the Short-Lived Climate Pollutants: Organics Waste Reduction regulations set forth by CalRecycle as well as a food recovery program. The legislation requires all California jurisdictions to implement mandatory organic recycling programs aimed at single-family residential, multi-family residential, and commercial solid waste generators. The law grants CalRecycle the regulatory authority to oversee the implementation of local programs, the ability to monitor performance, and to levy penalties against the jurisdiction for non-compliance.

On June 16, 2021, at a Joint Special Meeting of the Business and Industry Commission (BIC) and Green Vernon Commission (GVC), the Commissions established a BIC SB 1383 Waste Hauler Temporary Ad Hoc Committee and a GVC SB 1383 Waste Hauler Temporary Ad Hoc Committee for the purpose of facilitating discussion with City staff on the limited matter of the City's SB 1383 Solid Waste Management Program and the consolidation of waste hauling enterprises in Vernon. In an effort to obtain feedback from the Ad Hoc Committees, the Health and Environmental Control Department (HECD) provided the respective members a draft Mandatory Organic Waste Disposal Reduction Ordinance (Mandatory OWDR Ordinance) and ordinance highlights for review. The draft ordinance reviewed by the Ad Hoc Committee members is CalRecycle's model ordinance, and is being utilized to ensure that all applicable mandatory recycling laws are addressed.

At the November 9, 2021, Special Joint meeting, the BIC and GVC discussed the SB 1383 requirements and the City's Solid Waste Management Program, in consideration of comments and feedback received from the Ad Hoc Committee. The BIC and GVC proposed changes to the Mandatory OWDR Ordinance are as follows:

1. Include an exemption in the ordinance for small businesses based on SB 1383 waiver criteria
2. Include a definition for rendering.
3. Include self hauling requirements.

HECD was directed to incorporate the proposed changes to the Mandatory OWDR Ordinance for review at the December 15, 2021 Joint Special BIC and GVC meeting. Following approval from the the BIC and GVC, the Mandatory OWDR Ordinance will be presented to the City Council for review and adoption.

Fiscal Impact:

There is no fiscal impact associated with this report.

Attachments:

1. [Proposed Mandatory Organics Recycling Ordinance](#)

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERNON
ADDING ARTICLE IX TO CHAPTER 12 OF THE VERNON MUNICIPAL
CODE TO REGULATE ORGANIC WASTE DISPOSAL REDUCTION

SECTION 1. Recitals.

- A. Senate Bill 1383 (SB 1383) (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery (“CalRecycle”) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025.
- B. SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away.
- C. CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations.
- D. The SB 1383 Regulations take effect January 1, 2022, and require the City of Vernon to adopt an Ordinance to enforce the SB 1383 Regulations by said date.
- E. The City Council desires to add an Organics Recycling Ordinance to comply with the SB 1383 Regulations.

THE CITY COUNCIL OF THE CITY OF VERNON HEREBY ORDAINS:

SECTION 2. The City Council of the City of Vernon hereby finds and determines that the above recitals are true and correct and are a substantial part of this ordinance.

SECTION 3. Article IX of Chapter 12, is hereby added to the Vernon Municipal Code, to read as follows:

Chapter 12 WASTE MANAGEMENT AND RECYCLING

Article IX. Mandatory Organic Waste Disposal Reduction

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12.135 Enforcement

Section 12.50 Definitions

The following definitions shall apply to the provisions of this article:

- (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 City of Vernon.
- (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 of Vernon Enforcement Official” means the City Administrator, or other executive in charge or their authorized Designee(s) who are responsible for enforcing this ordinance.
- (e) “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.

- (f) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) “Compliance Review” means a review of records by a City of Vernon to determine compliance with this ordinance.
- (h) “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).
- (i) “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.
- (j) “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).
- (k) “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).
- (l) “C&D” means construction and demolition debris.
- (m) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
 - (1) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025

as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.

- (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.
- (2) The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.
- (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.” For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).
- (n) “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.
- (o) “Enforcement Action” means an action of the City of Vernon to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (p) “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 of Vernon and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City of Vernon, or its

Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City of Vernon, 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 of Vernon's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City of Vernon or its Designee for collection services.

- (q) "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).
- (r) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (s) "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).
- (t) "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.

- (u) “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).
- (v) “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.
- (w) “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).
- (x) “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.
- (y) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- (z) “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 Mixed Waste.
- (aa) “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).
- (bb) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City of Vernon’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (cc) “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).

- (dd) “Inspection” means a site visit where a City of Vernon 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).
- (ee) “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.
- (ff) “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.
- (gg) “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).
- (hh) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).
- (ii) “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.
- (jj) “MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

- (kk) “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).
- (ll) “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).
- (mm) “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.
- (nn) “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).
- (oo) “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).
- (pp) “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).
- (qq) “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).
- (rr) “Prohibited Container Contaminants”
 - (1) Two-container (blue/gray) collection service for Source Separated Recyclable Materials and mixed materials): “Prohibited Container Contaminants” means the following: (i) discarded materials placed in a Blue Container that are not identified as acceptable Source Separated Recyclable Materials for City of Vernon’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 of Vernon’s Blue Container; and, (iii) Excluded Waste placed in any container.

- (ss) “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).
- (tt) “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).
- (uu) “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).
- (vv) “Regional Agency” means regional agency as defined in Public Resources Code Section 40181.
- (ww) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices as remote monitoring technology in collection containers or on collection vehicles to visualize the contents of Blue Containers and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (xx) “Rendering Plant” means an establishment where one or more rendering materials are cooked, melted down, extracted, clarified, or otherwise processed to produce oil, tallow, grease, fertilizer, or animal feed. A rendering plant shall not include an establishment exclusively producing fats, oils, lard, or similar products for human consumption; nor any similar process in connection with, and incidental to, a slaughterhouse, abattoir, packing plant, or similar establishment producing food for human consumption.
- (yy) “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).
- (zz) “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).
- (aaa) “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).
- (bbb) “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.

- (ccc) “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.
- (ddd) “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).
- (eee) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (fff) “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.

- (ggg) “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 the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Mixed Waste or other Solid Waste for the purposes of collection and processing.
- (hhh) “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).
- (iii) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (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).
- (III) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
- (1) Supermarket.
 - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 - (3) Food Service Provider.
 - (4) Food Distributor.
 - (5) Wholesale Food Vendor.

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

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

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

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

(nnn) “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).

(ooo) “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).

Section 12.60. Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall comply with the following requirements:

- (a) Shall subscribe to City of Vernon’s Organic Waste collection services for all Organic Waste generated as described below in subsection (b). City of Vernon 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 of Vernon. 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).

- (b) Shall participate in the City of Vernon's Organic Waste collection service by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
 - (1) Two-container collection service (Blue Container/Gray Container system)
 - (a) Blue Container/Gray Container: Generator shall place only Source Separated Recyclable Materials in a Blue Container. Generator shall place all other materials (Mixed Waste) in a Gray Container.

Section 12.70 Requirements for Commercial Businesses

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

- (a) Subscribe to City of Vernon's two-container collection services and comply with requirements of those services as described below, except Commercial Businesses that meet the Self-Hauler Requirements in accordance with Section 12.110. City of Vernon 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 of Vernon.
- (b) Participate in the City of Vernon's Organic Waste collection service by placing designated materials in designated containers as described below.
 - (1) Two-container collection service (Blue Container/Gray Container system)
 - (A) Blue Container/Gray Containers: Generator shall place only Source Separated Recyclable Materials in a Blue Container. Generator shall place all other materials (Mixed Waste) in a Gray Container.
- (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Section 12.70(d)(1) and 12.70(d)(2) below) for employees, contractors, tenants, and customers, consistent with City of Vernon's Blue Container, and Gray Container collection service.
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of 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:

- (1) A body or lid that conforms with the container colors provided through the collection service provided by City of Vernon, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 12.70(d) pursuant to 14 CCR Section 18984.9(b).
 - (f) 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 of Vernon's Blue Container, and Gray Container collection service.
 - (g) Excluding Multi-Family Residential Dwellings, monthly inspect Blue Containers, and Gray 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).
 - (h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Recyclable Materials.
 - (i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Recyclable Materials separate from Mixed Waste (when applicable) and the location of containers and the rules governing their use at each property.

- (j) Provide or arrange access for City of Vernon or its agent to their properties during all Inspections conducted in accordance with Vernon Municipal Code Section 12.130 to confirm compliance with the requirements of this ordinance.
- (k) Accommodate and cooperate with City of Vernon's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 12.70(b). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, and Gray Containers.
- (l) At Commercial Business's option and subject to any approval required from the City of Vernon, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, and Gray Containers subject to written notification to or approval by the City of Vernon.
- (m) 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).
- (n) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Vernon Municipal Code Section 12.90.

Section 12.80 Waivers for Generators

(a) De Minimis Waivers

City of Vernon 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 written self-attestation and documentation that the business generates below a certain amount of Organic Waste material as described in Section 12.80(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 12.80(a)(2) below.
- (2) Provide written self-attestation that either:
 - (A) 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,

- (B) 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.
 - (3) Notify City of Vernon if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) The Commercial Business shall recertify the de minimis waiver every 5 years, if City of Vernon has approved de minimis waiver.
 - (5) The City of Vernon reserves the right to revoke a de minimis waiver at any time if the generator is found to be in violation of any section of this chapter.
- (b) Physical Space Waivers

City of Vernon 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 Jurisdiction 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 Vernon Municipal Code Section 12.60 or 12.70.

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.
- (2) Provide documentation that the premises lacks adequate space for Blue Containers including documentation from its hauler, licensed architect, or licensed engineer.
- (3) The Commercial Business or property owner shall recertify the physical space waiver every 5 years if City of Vernon has approved application for a physical space waiver.
- (4) The City of Vernon reserves the right to revoke a physical space waiver at any time if the generator is found to be in violation of any section of this chapter.

(c) Collection Frequency Waiver

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

(d) The City of Vernon may provide additional waivers of the requirements of this chapter to the extent permitted by applicable law.

(e) Review and approval of waivers will be the responsibility of the City of Vernon Enforcement Official, which may be the Director of Health and Environmental Control or their designated entity, legal counsel, or combination thereof.

Section 12.90. Requirements for Commercial Edible Food Generators

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing _____ 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.

(4) Allow City of Vernon's designated 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 December 31 of each year commencing no later than _____ or Tier One Commercial Edible Food Generators and January 1, 2024 for Tier Two Commercial Edible Food Generators provide an annual Food Recovery report to the City of Vernon that includes the following information:
- (A) Records as specified in Section 12.90c(5) of this ordinance or as otherwise specified in 14 CCR Section 18991.4.
 - (B) Amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.
- (d) Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

Section 12.100 Requirements for Food Recovery Organizations and Services

- (a) 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):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City of Vernon 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 of Vernon the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than January 1, of each calendar year.

Section 12.105 Requirements for Haulers and Facility Operators

(a) Requirements for Haulers

- (1) Non-exclusive franchised haulers, Permitted haulers, or Licensed haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the City of Vernon's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City of Vernon to collect Organic Waste:
 - (A) Through written notice to the City of Vernon annually on or before December 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, and Mixed Waste.
 - (B) Transport Source Separated Recyclable Materials, and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City of Vernon to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 12.105 of this ordinance, and City of Vernon's C&D ordinance.
- (2) Non-exclusive franchised haulers, Permitted haulers, or Licensed 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 franchise agreement, contract, or other agreement entered into with City of Vernon.

(b) Requirements for Facility Operators and Community Composting Operations

- (1) 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 of Vernon 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 of Vernon shall respond within 60 days.
- (2) Community Composting operators, upon City of Vernon request, shall provide information to the City of Vernon 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 of Vernon shall respond within 60 days.

Section 12.110. 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.
- (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 Jurisdiction. 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 in Section 12.110 10(c) to City of Vernon if requested.
- (e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 12.110 10(c) and (d).
- (f) In accordance with Vernon Municipal Code Section 12.23, Self-Haulers must obtain a permit from the City of Vernon prior to any self-hauling activities. Any applicant issued a Self-Hauler permit for Source Separated Recyclable Materials, Construction and Demolition, and/or Organic Waste found to be in violation of this ordinance, may have their self-hauler permit immediately and temporarily suspended, in accordance with

Vernon Municipal Code Section 12.23 (i). If such a permit is suspended or revoked, and the applicant will be required to subscribe to solid waste and recycling services from the City's franchise waste haulers within five (5) days of the suspension or revocation. Failure to subscribe to solid waste and recycling services may result in penalties prescribed in accordance with Vernon Municipal Code Section 12.135.

Section 12.115. Compliance with CALGreen Recycling Requirements

- (a) The City of Vernon has adopted by reference the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, as set forth in Vernon Municipal Code Sec. 24.106 and 24.107. Persons applying for a permit from the City of Vernon for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the City of Vernon. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to City of Vernon's building and/or planning code for complete CALGreen requirements.

Section 12.120. Model Water Efficient Landscaping Ordinance Requirements

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City of Vernon, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, including sections related to use of Compost and mulch as delineated in this Section 12.120.
- (b) The following Compost and mulch use requirements that are part of the MWELo are now also included as requirements of this ordinance. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- (c) Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 12.120(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

- (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- (2) The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 12.120(a) shall consult the full MWELO for all requirements.
- (d) If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWWELO September 15, 2015 requirements in a manner that requires City of Vernon to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

Section 12.125. Procurement Requirements for City of Vernon Departments, Direct Service Providers, and Vendors

- (a) City of Vernon departments, and direct service providers to the City of Vernon, as applicable, must comply with the City of Vernon's Recovered Organic Waste Product Procurement Policy and Recycled-Content Paper Procurement Policy.
- (b) All vendors providing Paper Products and Printing and Writing Paper shall:
 - (1) If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least

30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 5% of the total cost for non-recycled items.

- (2) Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
- (3) Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City of Vernon. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
- (4) Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City of Vernon is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
- (5) Provide records to the City of Vernon's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the City of Vernon's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City of Vernon. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Section 12.125(b)(3) and 12.125(b)(4) of this ordinance for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

Section 12.130. Inspections and Investigations by City of Vernon

- (a) City of Vernon 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, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow

City of Vernon to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with this chapter, City of Vernon may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with City's use of Remote Monitoring.

- (b) Any entity regulated under this chapter shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City of Vernon's employee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment, if applicable; or (iii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- (c) Any records obtained by the City of Vernon 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 of Vernon representatives 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 of Vernon shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

Section 12.135. Enforcement

- (a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City of Vernon Enforcement Official. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City of Vernon's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City of Vernon may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City of Vernon may choose to delay court action until such time as a sufficiently large number of

violations, or cumulative size of violations exist such that court action is a reasonable use of City of Vernon staff and resources.

(c) Responsible Entity for Enforcement

- (1) Enforcement pursuant to this ordinance shall be undertaken by the City of Vernon Enforcement Official, which may be the city administrator or their designated entity, legal counsel, or combination thereof.
 - (A) City of Vernon Enforcement Official(s) will interpret ordinance; determine if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - (B) City of Vernon Enforcement Official(s) may issue Notices of Violation(s).

(d) Process for Enforcement

- (1) City of Vernon Enforcement Officials will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 12.130 establishes City of Vernon's right to conduct Inspections and investigations.
- (2) City of Vernon may issue an official notification to notify regulated entities of its obligations under the ordinance.
- (3) For incidences of Prohibited Container Contaminants found in containers, City of Vernon will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 7 days after determining that a violation has occurred. If the City of Vernon observes Prohibited Container Contaminants in a generator's containers on more than three (3) occasion(s), within a calendar year, the City of Vernon may assess contamination processing fees or contamination penalties on the generator.
- (4) With the exception of violations of generator contamination of container contents addressed under Section 12.135(d)(3), City of Vernon shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
- (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City of Vernon shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the City of

Vernon's requirements contained in Section 12.135(k), Table 1, List of Violations.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City of Vernon 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.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

(g) Compliance Deadline Extension Considerations

The City of Vernon may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 12.135 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City of Vernon is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City of Vernon's procedures in the City of Vernon's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City of Vernon will

appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance

Beginning _____ and through December 31, 2023, City of Vernon 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 City of Vernon determines that Organic Waste Generator, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by _____ and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the City of Vernon determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 12.135, as needed.

(k) Enforcement Table

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with City of Vernon requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or

	property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the City of Vernon to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement	A hauler fails to keep a record of the applicable documentation of its approval by the City of Vernon, as prescribed by this ordinance.
Commercial Edible Food Generator Requirement	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 12.90.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 12.100

SECTION 4. Any provision of the Vernon Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 5. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 6. The City Clerk shall certify the adoption and publish this ordinance as required by law.

SECTION 7. This Ordinance shall become effective after the thirtieth day following its adoption.

APPROVED AND ADOPTED this ___ day of _____, 2021.

MELISSA YBARRA, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

ZAYNAH N. MOUSSA,
Interim City Attorney