

CHAPTER 1

AN ORDINANCE REGULATING SOLID WASTE, RECYCLABLE AND ORGANIC MATERIALS, AND THE COLLECTION, REMOVAL AND DISPOSAL THEREOF

ARTICLE I. DEFINITIONS

Section 101. ACT means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016], the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

Section 102. AUTHORIZED COLLECTOR means such persons, firms or corporations collecting and delivering for disposal, recycling or processing solid waste (other than solid waste generated by a permitted building project) originating in the District and doing so under a contract or franchise agreement with the District,

Section 103. BOARD is the Sanitary Board of said District.

Section 104. CCR means the California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

Section 105. DISTRICT is Las Gallinas Valley Sanitary District, Marin County, California.

Section 106. COLLECTION means to take physical possession of solid waste at, and remove from, the place of generation for transport to a solid waste facility or other recovery activity.

Section 107. COMMERCIAL BUSINESS or COMMERCIAL means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family dwelling, or as otherwise defined in 14 (CCR) Section 18982(a)(6). A multi-family dwelling that consists of (5) or more dwelling units is “Commercial”, for the purposes of this Chapter.

Section 108. COMMERCIAL EDIBLE FOOD GENERATOR means a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). Food recovery organizations and food recovery services are not commercial edible food generators.

Section 109. CONSTRUCTION AND DEMOLITION DEBRIS or C&D means used or discarded materials resulting from construction, renovation, remodeling, repair, demolition, excavation or construction clean-up operations on any pavement or structure.

Section 110. CONTAINER or COLLECTION CONTAINER means, for the purpose of this Chapter, any bin, box or cart used for the purpose of holding solid waste for collection.

Section 111. COUNTY is the County of Marin.

Section 112. DEBRIS shall mean and include any and all material resulting from construction, demolition or temporary clean-up operations collected and transported on an occasional basis.

Section 113. DISPOSAL means the final disposition of Solid Waste at a Solid Waste Facility permitted for disposal.

Section 114. 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 chapter 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.

Section 115. ENFORCEMENT ACTION means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative notices, citations, fines, penalties, or using other remedies.

Section 116. ENFORCEMENT AGENCY means an entity with the authority to enforce part or all of this chapter as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity and the District. The Las Gallinas Sanitary District is an Enforcement Agency for all Sections of this chapter. The District may choose to

additionally delegate enforcement responsibility for certain sections, to other public entities or joint powers authority, including but not limited to Zero Waste Marin, and the County of Marin.

Section 117. ENFORCEMENT OFFICER means a person or entity the District Manager designates to enforce part or all of this chapter, or a Designated Entity by another Enforcement Agency authorized by the District Manager to enforce part or all of this chapter. The issuance of civil penalties or other penalties or fines will remain the authority of public enforcement entities and will not be delegated to a private entity.

Section 118 EXEMPT WASTE means biohazardous or biomedical waste, Hazardous Waste, medical waste, regulated radioactive waste, waste that is volatile, corrosive, or infectious, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials which are not acceptable for disposal at a solid waste landfill as defined in AB 939 and subsequent legislation, and those wastes under the control of the Nuclear Regulatory Commission.

Section 119. FOOD RECOVERY ORGANIZATION means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

Section 120. FOOD RECOVERY SERVICE means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Section 121. 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.

Section 122 GARBAGE means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.

Section 123. GENERATORS for the purpose of this Chapter, means a person or entity, including commercial generators and residential generators, that is responsible for the initial creation of organic materials, or as otherwise defined as “organic waste generator” in 14 CCR Section 18982(a)(48).

Section 124. HAULER means a person who collects material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. Hauler includes public contract haulers, authorized collectors, food waste self-haulers, and self-haulers. A person who transports material from reporting entity to another person is a transporter, not a hauler.

Section 125. HAZARDOUS WASTE shall mean all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State of California in Health and Safety Code Sections 25117, 25110.02, and 25115, or in the future amendments to or recodifications of such statutes, or identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency, pursuant to the Federal Resource Conservation and Recovery Act (42 USC Section 6901, et seq.), all future amendments thereto and all rules and regulations promulgated thereunder.

Section 126. "HEALTH OFFICER" means the health officer of the county, acting as health officer for the District.

Section 127. “INSPECTION” means a site visit where the District or its Designated Entity, reviews records, containers, and an entity’s collection, handling, recycling, or disposal of solid 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).

Section 128. MANAGER means the General Manager of the Las Gallinas Valley Sanitary District, or their Designated Entity, which may include District employees.

Section 129. ORGANIC MATERIAL OR ORGANIC WASTE means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, 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).

Section 130. ORGANIC MATERIAL PROCESSING FACILITY means any facility selected by the Authorized Collector that is approved by the District, or specifically designated by the District, operated and legally permitted for the purpose of receiving and processing organic materials.

Section 131. PERSON means any person or persons, firm, association, corporation or other entity acting as principal, agent or officer, servant or employee, for themselves or for any other person, firm or corporation.

Section 132. PREMISES includes a tract or parcel of land with or without habitable buildings or appurtenant structures. (CCR, Section 17225.50) For purposes of this chapter the word premises includes residential and commercial uses of the land, whether owned, leased, rented or subrented, including every dwelling house, dwelling unit, apartment house or multiple-dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, warehouse and every other place or premises where any person resides, or any business is carried on or conducted within the District.

Section 133. PROHIBITED CONTAINER CONTAMINANTS means (1) discarded materials placed in the designated Recyclables container that are not identified as acceptable source separated recyclables for the District's designated recyclables collection container; (2) discarded materials placed in the designated organic materials collection container that are not identified as acceptable source separated organic materials for the District's designated organic materials collection container; and (3) discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic materials to be placed in District's designated organic materials collection container and/or designated recyclables collection container, and (4) Exempt Waste placed in any container.

Section 134. RESIDENTIAL means, for the purposes of this chapter, any premise consisting of between one (1) and four (4) dwelling units, and onsite domestic uses accessory to

these dwelling units. A multi-family dwelling that consists of fewer than (5) dwelling units is “Residential”, for the purposes of this Chapter.

Section 135. SELF-HAUL means a person who hauls solid waste, organic waste or recovered material they have 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 materials to a destination owned and operated by the generator using the generator’s own employees and equipment.

Section 136. SOLID WASTE means all putrescible and nonputrescible solid and semisolid wastes, including garbage, recyclable materials, organic materials, demolition and construction wastes, bulky waste, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other discarded solid and semisolid wastes. (PRC, Section 49503) Solid waste does not include any of the following wastes: (1) Hazardous waste, as defined in the Public Resources Code Section 40141, (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code) and (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the Public Resources Code. Recyclable materials and organic materials are a part of solid waste.

Section 137. SOLID WASTE COLLECTION SERVICE means collection of solid waste originating in the District, by a persons, firms or corporations, and doing so under a contract or franchise agreement with the District.

Section 138. SOLID WASTE FACILITY OR FACILITY means a solid waste transfer or processing station including Material Recovery Facilities, a recycling facility, a composting facility, a gasification facility, a transformation facility, an Engineered Municipal Solid Waste conversion facility, and a disposal facility. Solid waste facility additionally includes a solid waste operation that may be carried out pursuant to an enforcement agency notification as provided in regulations adopted by CalRecycle or otherwise set forth in the Act.

Section 139. 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, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

Section 140. SOURCE REDUCTION means any action which causes a net reduction in the generation of solid waste. Source reduction includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generator produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. Source reduction does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.

Section 141. TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- (a) Supermarkets with gross annual sales of \$2,000,000 or more
- (b) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (c) Food service provider, which 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.
- (d) Wholesale food vendor, which 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.
- (e) Food Distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

Section 142. TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- (a) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(b) Hotel with an on-site food facility and 200 or more rooms.

(c) Health facility with an on-site food facility and 100 or more beds.

(d) Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. 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.

(e) Large Event, which 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..

(f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(g) A local education agency facility with an on-site food facility. “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).

ARTICLE II. OPERATION

Section 201. Dumping or Burying. No Person shall dump, place or bury in any lot, land or street or alley within the District any Garbage or any other deleterious or offensive substance under any circumstances whatsoever, nor shall any Person dump, place or bury within the District any Waste Matter without first having obtained a permit from the District so to do.

Section 202. Accumulation. No Person owning or occupying any building, lot or premises within the District shall allow any Garbage or other deleterious or offensive substance

to accumulate or remain in or upon said building, lot or premises, except as otherwise provided in Section 210 hereof.

Section 203. Burning. No Garbage or other deleterious or offensive substance shall be burned.

Section 204. General. It is the intent of the District that every person residing or conducting business in this District shall subscribe to and participate in solid waste collection service approved by the District and provided by an Authorized Collector. Nothing in this chapter shall prevent generators from self-hauling to an authorized solid waste facility in addition to their solid waste collection service, consistent with self hauling requirements in this Chapter or from utilizing a temporary debris box service.

Section 205. Obligation of solid waste collection service.

(a) Except as otherwise provided by this Chapter, all occupied premises shall subscribe for solid waste collection service with the Authorized Collector as herein specified, and for such service a charge shall be collected as per a schedule of rates as shall be set by resolution of the District.

(b) A mandatory obligation is imposed on each person occupying any premise to separate and recycle all recyclable material and organic materials from the garbage generated on the premises.

(c) Every property owner, commercial generator, residential generator, or other organic material generator within the District shall have the obligation for disposal of solid waste as provided in this chapter through the designated Authorized Collector and shall pay the Authorized Collector for the solid waste collection service at the rates provided therefor. Failure of receipt of a bill does not obviate responsibility for payment. In each instance, the property owner shall be primarily responsible for the payment of the charges provided for herein.

(d) Generators shall arrange for a size, quantity and collection frequency of collection containers to adequately store all solid waste generated in connection with the premise between the times designated for collection service. The District shall have the right to review the number and size of such collection containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the District in order to meet the standards set forth in this chapter.

(e) Generators shall place source separated organic materials, including food waste, in the organic materials collection container; place source separated recyclable materials in the recyclable material collection container; and place garbage in the approved garbage collection container. Generators shall not place prohibited container contaminants into the garbage collection container, organic materials collection container or recyclable material collection container.

(f) If any person should fail to subscribe for the collection and disposal of solid waste or violate any other provision of this Chapter, said violation shall be presumed to be a nuisance upon the premises and shall be subject to enforcement actions.

(g) The Authorized Collector shall give written notice to the District Manager of the address of any occupied premise within the District which is not subscribing to the collection and disposal service provided by the Authorized Collector.

(h) The owner of each occupied premise shall subscribe for solid waste disposal services within 7 days of the occupancy of the premises. If the owner fails to subscribe for service, the authorized collector shall give the owner written notification that such service is required.

(i) Generators shall provide or arrange for access during all inspections and investigations (with the exception of a private residential dwelling unit) and cooperate with the District Manager or Authorized Collector during such inspections and investigations.

(j) Nothing in this section prohibits generators from preventing or source reducing waste generation, or otherwise diverting recyclable material and organic material as described in Section 222.

Section 206 . Residential generator requirements. Each residential generator shall subscribe to a level of solid waste collection service with the Authorized Collector that is sufficient to handle the volume garbage, recyclable material, and organic materials generated or accumulated on the premises and comply with requirements of those collection services.

Section 207. Commercial generator requirements.

(a) Commercial generators shall comply with the following requirements.

(1) Each commercial generator, including all multi-family dwellings that consist of five dwelling units or more, large events and large venues shall be responsible for compliance with the requirements of this Section.

(2) Each commercial generator shall subscribe to a level of service with an Authorized Collector that is sufficient to handle the volume of garbage, recyclable materials and organic materials generated or accumulated on the premises. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the Authorized Collector, by placing each type of material in designated collection containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper source separation of solid waste.

(3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors, conforming with requirements of this section, for employees, contractors, tenants, and customers, consistent with the solid waste collection service.

(4) Annually provide information to employees, contractors, tenants, and customers about organic materials recovery requirements and about proper sorting of solid waste.

(5) Provide educational information before, or within, fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic materials and source separated recyclable materials separate from garbage (when applicable) and the location of collection containers and the rules governing their use at each property.

(6) Accommodate and cooperate with the Authorized Collector's monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.

(7) If a commercial generator self-hauls, the commercial generator shall meet the self-haul requirements of this Chapter.

(b) Commercial generators, excluding multi-family dwellings consisting of five or more dwelling units, shall comply with the following requirements.

(1) Provide containers for the collection of source separated organic materials and source separated recyclable materials in all indoor and outdoor areas where garbage disposal containers are provided for customers, for materials generated onsite. Such containers do not need to be provided in restrooms. If a commercial generator does not generate any of the materials that would be collected in one type of collection container, then it is not required to provide that type of collection container in all areas where disposal collection containers are

provided for customers. Pursuant to 14 CCR Section 18984.9(b), the collection containers shall have either:

(2) A body or lid that is gray or black for collection of garbage, blue for collection of recycling, and green for collection of organic materials. A commercial generator 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.

(3) 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.

(4) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a collection container not designated for those materials per the solid waste collection service.

(5) Periodically inspect organic materials, recycling, and garbage collection 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).

(6) Commercial generators that are commercial edible food generators, as defined, shall comply with commercial edible food generator requirements.

Section 208. Storage. Generators shall store solid waste on their property or premises or shall require it to be stored or handled in such manner so as not to promote the propagation, harborage or attraction of animals or the creation of nuisance. (CCR, Section 17312). Each person who has a collection container shall keep the area where the collection container is located in a clean, safe and sanitary condition.

Section 209. Solid waste collection areas. Each commercial business shall:

(a) Designate space on the property to be used for storage of collection containers for all solid waste generated on the property.

(b) Commercial businesses which receive communal solid waste collection services shall provide and maintain space within or adjacent to each waste enclosure, or adjacent to each

approved garbage collection container(s) for placement of sufficient approved organic materials collection container(s) and recyclable material collection container(s).

(c) Post a sign clearly identifying all garbage, recyclable material, and organic materials collection areas and the materials accepted therein shall be posted adjacent to all points of access to the collection area(s).

Section 210. Collection containers. It shall be the duty of every property owner, occupant and tenant of any premises within the District to store all solid waste in collection containers supplied by the Authorized Collector. These collection containers shall be constructed of metal or an approved plastic material and type which shall be watertight, nonabsorbent, animal resistant, durable, easily cleanable, equipped with handles, and having tight fitting covers such that the containers hold the solid waste without spillage and leakage, escape of odors or access of flies to the contents thereof (adapted from CCR, Section 17315).

Section 211. Collection container maintenance. Each collection container and its cover shall be kept clean, and the cover shall not be removed except to place solid waste therein or to empty the same. The Authorized Collector will maintain or replace collection containers as needed.

Section 212. Collection container placement.

(a) No collection container, other than those owned or rented by the District or Authorized Collector, shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, or remain in public view from any public right-of-way except as herein provided, but shall be maintained on the premises, except as may be provided for removing and emptying by the Authorized Collector on the day(s) and in the location designated for collection. No person shall place a collection container so that either the sidewalk or street gutter is obstructed.

(b) Collection containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up.

(c) For curbside collection service, the approved location for collection shall be the street curb line adjacent to such premises and collection containers shall be placed in the location by the occupant of such premises for collection by the Authorized Collector.

Section 213. Ownership of solid waste. Solid waste subject to collection by the Authorized Collector shall become the property of the Authorized Collector subject to this chapter after such time as the Authorized Collector takes possession of the wastes (CCR, Section 17334).

Section 214. Unauthorized removal and ownership of recyclable materials and organic materials.

(a) All recyclable materials and organic materials, upon being placed by the generator into a collection container and placed at an approved location for collection, shall become the property of the Authorized Collector owning the collection container, unless otherwise provided in a contract, license, or franchise agreement.

(b) No person, other than the Authorized Collector or District shall remove recyclable material or organic materials from a collection container placed at the location for collection.

Section 215. Tampering. No person shall tamper with, modify, remove from or deposit solid waste in any collection container which has not been provided for their use at a collection site, without the permission of the collection container owner. Nor shall any person tamper with any collection container or any recyclable materials on any premises, or collect, remove or dispose of the same, other than in the manner specified by this chapter.

Section 216. Collection Intervals. All solid waste accumulated at any residential generator or commercial generator's property or premise shall be collected at regular intervals of at least once each week, except that from any place which has solid waste from which foul odors arise, or which is a menace to public health, such solid waste shall be collected at such intervals as necessary for proper sanitation. Nothing in this chapter shall be deemed to prohibit the removal and hauling by any person of materials ordered by the health officer, fire chief or code enforcement officer to be removed upon the ground that the same constitute a health menace, fire hazard or public nuisance.

Section 217. Collection Schedule. Solid waste shall be collected as provided by this chapter at regular intervals on a schedule established by the Authorized Collector and approved by the District. The schedule may be changed as deemed necessary by the Authorized Collector and/or the District.

Section 218, Waivers.

(a) Pursuant to 14 CCR Section 18984.11, the District may grant waivers to commercial businesses for physical space limitations and/or de minimis volumes. Commercial businesses seeking a waiver shall submit their request in a form specified by the District Manager. After reviewing the waiver request, and after an on-site review, if applicable, the District Manager may either approve or deny the following waiver requests.

(1) De Minimis Waivers: The District may waive a commercial business' obligation to comply with some or all the organic waste collection service if the commercial business meets the following requirements:

A. Submit an application specifying the type of waiver requested and provide documentation as described below.

B. Provide documentation that either:

- i. The commercial business receives two cubic yards or more per week of solid waste collection service (including garbage, recyclable material and organic materials) and disposed organic materials comprises less than 20 gallons per week of the business' total weekly solid waste; or,
- ii. The commercial business receives less than two cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and disposed organic materials comprises less than 10 gallons per week of the business' total weekly solid waste volume.
- iii. For the purposes of subsections (i) and (ii) above, weekly solid waste collection shall be the sum of weekly garbage collection container volume, recyclable material collection container volume and organic materials collection container volume, measured in cubic yards.

C. Notify the District if circumstances change such that volume of commercial business' s organic materials placed in collection containers exceeds threshold required for waiver, in which case waiver will be rescinded.

D. Provide written verification of eligibility for de minimis waiver every five years if the District has approved de minimis waiver.

(2) Physical Space Waivers: The District may waive a commercial business' obligations (including multi-family dwellings) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if the District 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 materials collection requirements. 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 waiver from mandatory collection service.

B. Provide documentation that the premises lacks adequate space for the approved recycling collection containers and approved organic materials collection containers including documentation from its Authorized Collector, licensed architect, or licensed engineer.

C. Provide written verification to the District that it is still eligible for physical space waiver every five years if the District has approved application for a physical space waiver.

Section 219. Commercial Edible Food Generator Requirements.

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

(b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.

(c) Commercial Edible Food Generators shall comply with the following requirements:

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

- (2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for:
- (A) the collection of Edible Food for Food Recovery; or
 - (B) 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 the District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
- A. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - B. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - C. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (d) Nothing in this Chapter 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 220. Food Recovery Organization and Food Recovery Services requirements.

(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 that have their primary address physically located in the Jurisdiction and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section

18991.3(b) shall annually report to the District it is located in 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 April 1.

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

Section 221. Self hauler Requirements.

(a) Self-Haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated organic materials to a solid waste facility, operation, activity, or property that processes or recovers source separated organic materials.

(b) Self-haulers that are commercial businesses shall keep a record of the amount of organic materials delivered to each solid waste facility, operation, activity, or property that processes or recovers organic materials; this record shall be subject to inspection by the District. The records shall include the following information:

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

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

(3) Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. The Manager may restrict or prohibit self-hauling by a Generator if the Manager

determines, after providing notice and an opportunity for a hearing, that the Generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

Section 222. Right to divert recyclable material and organic materials.

(a) Nothing in this chapter limits the right of any person to donate, sell, or otherwise remove their recyclable materials so long as the removal otherwise complies with this Chapter.

(b) Organic materials may be fed to animals on the premises where such organic materials is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the District Manager; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

(c) Organic materials may be used in on-site composting or community composting, pursuant to 14 CCR Section 18984.9(c), provided that such operation conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

Section 223. Collector Requirements

(a) A Collector providing Single-Family, Commercial, or industrial Organic Waste collection service to Generators within the District shall meet the following requirements and standards in connection with collection of Organic Waste:

(1) Through written notice to the District annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.

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

(3) Obtain approval from the District 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.

(b) Any person providing any service, function or activity governed by this chapter who has obtained a business license from, or entered into a contract or franchise agreement with the District shall fully comply with the terms of such franchise agreement, contract, business

license as well as with the provisions of this Chapter, and the administrative rules promulgated herein. Nothing contained in, or absent from, the provisions of this chapter shall relieve any such person of any obligation contained in such franchise agreement, contract, or business license, nor shall the fact of such franchise agreement, contract, or business license in any way relieve such person from the obligation to comply with the District's Municipal Code and other applicable law.

Section 224. Receptacles Provided by Collector. Collector must provide color coded, labeled solid waste containers to Single Family, Multi-family and Commercial Generators per the requirements in 14 CCR Section 18984.1, 18984.7 and 18984.8.

(a) Residential Service (Four or Fewer Units in a Single Structure):

(1) Garbage: Collector shall provide semi-automated tipper carts (Garbage Container) in 20, 32, 64, and 96-gallon capacities to be placed at the curb or Collector-designated location for one time per week collection at the rates and fees listed in Section 236. Twenty-gallon carts shall be available for smaller households and intensive recyclers. Carts should be placed at the designated collection by 6:00 a.m. the day of service. On-site collection for cans not at the curb is available for an extra charge. Items placed outside the cart or overflowing carts will incur an additional charge. Carts are the property of Collector. Collector will determine the appropriate collection location. Customers may set out additional containers or bags not to exceed 32 gallons in size for a fee listed in Section 219. Low-income rates referenced in Section 236 are available for qualifying customers.

(2) Recyclable Materials: Collector shall provide all residential customers with one 64-gallon dual sort recycling cart, (Recycling Container) one side for paper and fiber products, one side for glass, metal and plastic (#1 - #7) bottles and containers excluding polystyrene and compostable plastics. Cardboard may be broken down and tied into 24" by 24" bundles and left beside the recycling container. Carts or containers must be placed at the curb or, upon approval of Collector, the designated collection location next to their Garbage container for one time per week collection by 6:00 a.m. the day of service. Dual Sort Carts are the property of Collector. All residential customers must be offered recycling collection. Recyclable Material placed in Collector containers or at the curb for collection is the property of Collector, and the theft thereof is a crime.

(3) Organics: Collector shall provide all residential customers with one 32 or 64 gallon cart for Organics (Compost Container) to be placed at the curb or Collector-approved

designated collection location next to their Garbage container for one time per week collection by 6:00 a.m. the day of service. Customers may, for a fee listed in Section 236, have up to two additional 64-gallon carts to be set out on the regularly scheduled day. Individual carts should not weigh more than 65 pounds. Carts are the property of the Collector. All residential customers must be offered Organics collection.

(4) Additional Services: Special pickups of large, hard to handle, or bulky items may be requested for an additional fee listed in Section 236. Estimates shall be provided by Collector. These bulky items will be collected in non-compaction vehicles and taken into Marin Recovery Center (MRRC) for sorting resulting in greater re-use and recycling. Extra material can be collected for a fee listed in Section 236 in cans or bags not greater than 32 gallons when placed next to the regular container on collection day. Holiday trees will be collected curbside on the regularly scheduled pickup day during the month of January. If trees are greater than six (6) feet in length, they must be cut in half. All metal stands, plastic tree bags, and ornaments must be removed. Flocked trees will not be accepted.

(b) Commercial Service:

(1) Garbage: Collector shall provide semi-automated or automated tipper carts in 32, 64, and 96-gallon capacities to be placed for collection at the curb, or upon approval of Collector, the designated collection location. On-site collection for cans not at the curb is available for an extra charge. Collector will also provide bins from 2-, 3-, 4-, 5-, 6-, 10-, or 18-yard capacities for large volumes of material. Service levels shall range from one time per week to six times per week. Customers may set out additional containers or bags not to exceed 32 gallons in size for a fee as listed in Section 236. Collector retains approval of all service locations for bins. Collector also services customer-owned compactor units for the fees listed in Section 236. For safety and equipment purposes, Collector retains right of approval as to the type of compactor to be serviced and service location.

(2) Recycling: Collector shall provide unlimited commercial recycling collection of glass bottles and jars; aluminum and metal cans and containers; all plastic bottles and containers marked #1 - #7 (except polystyrene and compostable plastics); newsprint; office paper; and, fiber or cardboard. These materials will be collected in source-separated color coded carts, currently: blue for paper and paper-fiber products and brown for accepted commingled glass, metal and plastics, but will need to meet required color coding for new containers by 2036. Collector shall provide carts in 32 and 64-gallon capacity for collection from one time per week to six times per

week. Collector may provide 3 yard bins for cardboard collection with the Collector approval of the size and location. Collector will evaluate the appropriate container sizes on an individual customer basis. Pickups can be scheduled from one time per week to six times per week. Collector is to perform a simple visual waste audit at least one time per year for each commercial account to provide an estimate of the of recyclables still in the Garbage to help guide the customer in service changes to increase recycling. For an additional fee per Section_236,, the Collector may perform a detailed waste audit to determine composition and characterization of waste and will provide and will provide a detailed report with photos showing waste streams. This report will provide a detailed plan with recommendations regarding recycling service changes as well as an outreach and education plan. Recycling services must be offered to all commercial customers. Collector will provide services to comply with the State’s mandatory commercial recycling law.

(3) Organics: Collector shall provide semi-automated tipper carts (Organics Container) in 32 and 64 gallon capacities or bins to be placed at the curb or Collector-designated location for one time per week collection at the rates and fees listed in Section 236. Carts or bins should be placed at the designated collection by 6:00 a.m. the day of service. On-site collection for cans not at the curb is available for an extra charge. Items placed outside the cart or overflowing carts will incur an additional charge. Carts and bins are the property of Collector. Collector will determine the appropriate collection location.

(4) Additional Services: Special pickups of large, hard to handle, or bulky items may be requested for an additional fee listed in Section 236. Estimates can be provided. These bulky items will be collected in noncompaction vehicles and taken into MRRC for sorting resulting in greater re-use and recycling. Extra material can be collected for a fee listed in Section 236 in cans or bags not greater than 32 gallons when placed next to the regular container on collection day.

(c) Multi-Family (Five or more Unit Structures):

(1) Garbage: Collector provides semi-automated or automated tipper carts in 32, 64, and 96-gallon capacities at the curb or designated collection location. Minimum service for all multi-family units is 32 gallons per unit, or the equivalent bin service. On-site collection for cans not at the curb is available for an extra charge. Collector will also provide bins from 2-, 3-, 4-, 5-, 6-yard capacities for large volumes of material. Service levels range from one time per week to six time per weeks. Collector retains approval of service locations for bins. Collector also

services customer-owned compactor units for the fees listed in Section 236. For safety and equipment purposes, Collector retains right of approval as to compactor type and service location. Apartments or multi-family complexes which have cart service for Garbage (no bin service) and fewer than 10 units, may be eligible to waive the 32 gallon per unit minimum in exchange for 20-gallon minimum service at the discretion of Collector based on the history of material collected at that location. Each complex would be required to have a 20-gallon cart for each unit. Complexes must have in place and make use of all available recycling services to be considered eligible for the waiver.

(2) Recycling: Collector provides unlimited multi-family recycling collection of glass bottles and jars; aluminum and metal cans and containers; all plastic bottles and containers marked #1 – 7 (except polystyrene and compostable plastics); newsprint, office paper, and fiber or cardboard. These materials will be collected in source-separated color-coded carts, currently: blue for paper and paper-fiber products and brown for accepted commingled glass, metal and plastics, but will need to meet required color coding for new containers by 2036. Cardboard or fiber not able to fit in containers may be broken down and tied into 24” x 24” bundles and placed alongside the recycling containers for collection. The list of acceptable Recyclable Materials is defined in this Chapter. Collector is to perform a simple visual waste audit at least one time per year for each commercial account to provide an estimate of the amount of recyclables still in the Garbage to help guide the customer in service changes to increase recycling. For an additional fee per Section 236, the Collector can perform a detailed waste audit to determine composition and characterization of waste and will provide a detailed report with photos showing the waste streams. This report will provide a detailed plan with recommendations regarding recycling service changes as well as an outreach and education program. Collector provides semi-automated tipper carts in 32 and 64-gallon capacity for collection from one time per week to six times per week. Recycling services must be offered to all multi-family customers. Recyclable Materials placed in Collector containers or at the curb for collection is the property of Collector, and the theft thereof is a crime. Collector will provide services to comply with the State’s mandatory commercial recycling law.

(3) Organics: Collector shall provide semi-automated tipper carts (Organics Container) in 32 and 64 gallon capacities or bins to be placed at the curb or Collector-designated location for one time per week collection at the rates and fees listed in Section 236. Carts or bins should be placed at the designated collection by 6:00 a.m. the day of service. On-site collection for cans not at the curb is available for an extra charge. Items placed outside the cart or

overflowing carts will incur an additional charge. Carts and bins are the property of Collector. Collector will determine the appropriate collection location.

(4) Additional Services: Special pickups of large, hard to handle or bulky items may be requested for an additional fee as listed in Section 236. Estimates can be provided. These bulky items will be collected in noncompaction vehicles and taken into MRRC for sorting resulting in greater re-use and recycling. Extra material can be collected for a fee listed in Section 236 in cans or bags not greater than 32 gallons when placed next to the regular container on collection day.

Section 225. Contract. Should the governing body of District enter into an exclusive contract with any Person for the right and privilege of collecting Garbage within the District, said contract may provide that such exclusive right shall not include debris-Box services for construction, demolition, and/or temporary clean-up purposes. Any such exclusive contract entered into as herein provided may be entered into upon such terms and conditions, consistent with this Ordinance, as the governing board may deem for the best interests of the District, for such period as District may determine and at rates to be hereinafter determined, which said contract shall incorporate this Ordinance therein and make it a part of such contract.

Section 226. ID - Disposal and Fee. Any such contract shall provide that the Collector shall collect and dispose of all Garbage at the rates herein fixed and determined; that the Collector will dispose of said Garbage at such place or places and by such means or methods as the governing board shall determine and pursuant to this Ordinance and all laws and ordinances of County applicable thereto; that the Collector shall pay to the District such fee annually as may be determined by the Board.

Section 227. Periodic Service. The Collector shall collect all Garbage, Recyclable Materials and Organic Waste as often as may be required by either District or any owner, resident or tenant; provided, however, that Collector shall provide not less than weekly service to each owner, resident or tenant within the District utilizing a Debris Box or Cart can as herein provided.

Collector may terminate service to any owner, resident or tenant for non-payment of the rates hereinafter established for a period of two (2) months from and after the date such payment is due. Prior to termination of such service, Collector shall notify District, in writing, of the date of termination and the reason thereof. Such notice shall be given by Collector to District not less than ten (10) days prior to the date of termination of service.

Section 228. Regulations. It shall be unlawful for any Person to collect or carry Garbage through the streets of the District without first having entered into a contract or obtaining a permit from the District so to do. The Collector shall not permit any Garbage to fall or remain on any public street or private premises in the District; shall close all gates used by it in collection service; shall operate quietly; and shall not damage the Container of any Person and shall place it in the position where found after emptying it. It shall also abide by any and all laws of the state, ordinances of the County, regulations and orders of the County Health Department or officer, and ordinances and general regulations of the District, now or hereafter adopted.

Section 229. Solid Waste Facility. The location of the disposal site intended to be used by the Collector in performing the contract must be approved by the County Health Officer of Marin County. No such solid waste facility may be located within two (2) miles of any city without its consent expressed by resolution of its City Council. No such solid waste facility may be located within two(2) miles of the District without its consent expressed by resolution of the Board.

Section 230. Assignment. Neither the contract, nor any part thereof, shall be assigned either voluntarily or by operation of law except upon the consent of the District expressed by resolution of its Board.

Section 231. Termination. Said contract shall provide that if the Collector fails, refuses or neglects to comply with the terms of the contract or of any laws, ordinances or regulations above referred to, for a period of thirty (30) days after being notified in writing so to do on the order of the Board of the District, then after hearing upon ten (10) days written notice to the Collector, the District is entitled to terminate the contract.

Section 232. Notice. Any notices provided in the contract shall be given personally or by mail to the business address of the addressee. If given by mail, time shall be computed from the date of deposit in a United States Post Office or box in the District.

Section 233. Private Removal. The franchise collector has been designated the exclusive Authorized Collector for Single Family and Commercial Garbage, Recyclable Materials and Organic Waste collection services. No Single Family or Commercial Generator may contract with another commercial enterprise or person for the collection of such materials. No person may collect, transport, or convey discarded Single Family or Commercial Garbage, Recyclable Materials or Organic Waste where any fee or other remuneration whatsoever is charged or accepted

for the collection, transportation, conveyance, processing or disposal of such material without holding a franchise from the District.

Section 234. Payment of Rates. It shall be unlawful for any Person to refuse to pay the rates herein fixed for the collection of Refuse.

Section 235. Disputed Rates. In any case where a dispute shall arise as to the rate to be paid Collector, the District shall have the power of final determination of such dispute, and both the Collector and owner, resident or tenant shall be bound thereby. In no event shall District be obligated in any way to Collector or any owner, resident or tenant for the collection of disputed accounts.

Section 236. Rates to Be Charged, Unincorporated Portion of District. The maximum monthly charges that shall be collected for all occupied premises within the unincorporated portion of the District for the collection, removal, and disposal of Garbage, shall be specified in Appendix A as follows:

(a) Single and Multiple Dwelling Premises: rates shall be as specified in Appendix A. One can of compacted Garbage will be charged at the two-can rate. Should the Collector elect to furnish Debris Boxes or Containers for multi-residential premises in lieu of the containers specified, the commercial box rate schedule shall apply. If any gallon can is placed five (5) feet to fifty (50) feet from the nearest street, an additional distance charge as specified in Appendix A will be collected for each can so placed. If any can is placed over fifty (50) feet from the nearest street, the additional distance charge specified in Appendix A will apply for each additional fifty (50) feet for each container so placed. A single removal of Garbage, if removed with a regular collection and on an occasional basis, shall be charged at the rate specified in Appendix A.

(b) Commercial and/or Industrial Premises: The maximum monthly charges that shall be collected by Collector for Debris Boxes, including the cost of rental thereof, provided for the regular and continuing use of owners, occupants, or tenants of premises classified as commercial and/or industrial, shall be specified in Appendix A. Boxes containing non-recyclable material weighing more than three hundred (300) pounds/cu.yd., shall be subject to a surcharge as specified in Appendix A.

(c) Commercial and/or Industrial Container Service: In the event Containers are used by the owners, occupants, or tenants of premises classified as commercial and/or industrial, the maximum monthly charge as specified in Appendix A shall apply.

(d) On-Call Collection Service: In the event that a customer requests and the Collector elects to furnish Debris Boxes to be retained at the premises of the customer for less than a regular and continuing term, the maximum rates per pickup in addition to the monthly rental charges are as specified in Appendix A. NOTE: This service is a discontinued service that is not available to new customers but only to grandfathered accounts as designated by the current Collector. It is not to be confused with the unregulated Debris Box service which does not include a regular monthly fee and is covered under section “Special Services” below. In addition, these containers must not contain any putrescible waste.

(e) Locked Boxes: For locked boxes, there will be an additional charge as specified in Appendix A.

(f) Loose Garbage: For loose Garbage removed by Collector upon special request of the owner, occupant or tenant of any premises, the maximum rate shall be as specified in Appendix A.

(g) Compacted Garbage: All of the above rates for collection of Garbage, which has been compacted by mechanical, electrical, or hydraulic means, shall be multiplied by two and one-half (2-1/2) times if such Garbage does not include recyclables, and two (2) times if such Garbage does include recyclables.

(h) Special Services: Should the owner, occupant, or tenant of any premises request Collector to provide a Debris Box for a single removal of Debris, on an occasional basis, Collector may provide such special service, and the charge to be paid to Collector therefor shall be agreed upon in advance between the Collector and the owners, occupant, or tenant of such premises and such charge shall be at the reasonable nondiscriminatory rate. In any case where the monthly charge for the collection, removal and disposal of Garbage is not hereinabove established, such charge may be agreed upon between the Collector and the owner, occupant or tenant, in advance, and with the approval of the General Manager of such official thereof as may be delegated the responsibility of approving such rates.

For Commercial Services as specified in Section 224(b)(2) and Multi-Family (Five or More Unit Structures) as specified in Section 224(c)(2), the Collector can perform a detailed waste audit to determine the composition and characterization of waste and will provide a detailed report with photos showing the waste stream for an additional fee. This fee will vary depending on the size of and complexity of the customer’s service however the fee charged shall be agreed upon in advance

between the Collector and the owner, occupant, or tenant of such premises and such charge shall be at the reasonable nondiscriminatory rate.

(i) Overloading: No container for receiving and holding Garbage, Organic Materials or Recyclable Materials or debris which is to be collected by Collector shall be overloaded. Such container shall be considered to be overloaded when the contents thereof will not fit within the confines of the container.

Section 237. Rates to Be Charged, City of San Rafael Portion of District. Rates established by the City of San Rafael.

Section 238. Inspections.

(a) The District Manager, Authorized Collector, or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for inspection. For the purposes of inspecting collection containers for compliance, the District Manager or Authorized Collector may conduct container inspections for prohibited container contaminants using remote monitoring, and generators shall accommodate and cooperate with the remote monitoring.

(b) A Person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the District Manager or Authorized Collector during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in collection containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties.

(c) Any records obtained by the District Manager, Authorized Collector, or designee, during inspections, investigations, remote monitoring and other reviews shall be subject to the

requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

(d) The District, Authorized Collector or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter.

Section 239. Violation—Penalty.

(a) Violation of any provision of this chapter shall constitute an infraction and may be grounds for issuance of a Notice of Violation and assessment of an administrative citation and penalty by the District's Enforcement Officer or its Designated Enforcement Agency.

(b) Enforcement Actions under this chapter shall only be initiated beginning January 1, 2024 and may include the issuance of an administrative citation and/or assessment of a fine. The District's procedures on imposition of administrative citations and fines shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter. Any section of this chapter may be enforced by the District or, if agreed to, by its designated Enforcement Agency.

(c) A violation may be punishable by:

(1) A fine not exceeding one hundred dollars for a first violation;

(2) A fine not exceeding two hundred dollars for a second violation of the same provision of this code within any twelve consecutive month period;

(3) A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive-month period. Any citation issued after the issuance of a third citation or violation of the same provision of this code within any twelve consecutive-month period may be charged as a misdemeanor pursuant to the provisions of Chapter 1 of this code.

(d) The District Manager or designated Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days or sooner of issuance of the notice.

(e) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the District Manager or designated Enforcement Agency shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the District's standard procedures or the standard procedures of its designated Enforcement Agency.

(f) Residential generators shall not be subject to fine or penalty.

(g) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The District 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 District staff and resources.

Section 240. Constitutionality. If any section, sub-section, sentence, clause or phase of this Ordinance be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 241. Posting. [Reserved.]

Section 242 Repeal of Ordinances. Ordinance No. 28, adopted by the Sanitary Board of said District on December 14, 1961, and Ordinance No. 188, adopted by the Sanitary Board of said District on December 16, 2021 are hereby repealed. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**LAS GALLINAS VALLEY SANITARY DISTRICT
APPENDIX A - SCHEDULE OF RATES**

RESIDENTIAL REFUSE COLLECTION RATES			
Rate increase:		6.45%	
Effective date:		01/01/2024	
Residential Service (Bundled service includes 1 landfill (garbage) cart, 1 organics cart, & 1 recycling split cart)			
REOCCURRING CHARGES	Weekly Service Rates (Billed Quarterly)	Flat rate	
		Monthly Rate	Quarterly Rate
	20 gallon cart	\$39.76	\$119.28
	32 gallon cart	\$46.76	\$140.28
	64 gallon cart	\$93.52	\$280.56
	96 gallon cart	\$140.28	\$420.84
	Low income - 20 gal* cart	\$31.81	\$95.43
	Low income - 32 gal* cart	\$37.41	\$112.23
	Low income - 64 gal* cart	\$74.82	\$224.46
	Low income - 96 gal* cart	\$112.22	\$336.66
	Additional Organics Cart Rental (35 or 64 gallon cart)	\$2.76	\$8.28
	Additional Split Cart Rental (64 or 96 gallon cart)	\$2.76	\$8.28
	Additional Monthly Charges	Monthly Fee (per cart, each way)	Quarterly Fee
	Distance 0' - 50'	\$6.42	\$19.26
	Distance Over 50'	\$8.26	\$24.78

*Must meet PG&E CARE program eligibility requirements.

NOTE: We may not be able to accommodate any collection requests NOT at the curb due to a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

	Additional Service Fees per Occurrence	Fee
ONE TIME SERVICE FEES	Return Fees - Off day	\$25.00
	Return Fees - Same day	\$10.00
	Resume Service/Late Fee	\$35.00
	Contamination (cart) any size cart	\$30.00
	Overload/Overweight (cart)	\$25.00
	Extra bag garbage	\$15.00
	Extra bag yard waste	\$10.00
	Steam Clean (cart)	\$15.00
	Special Collection	\$35.00
	Special Handling (Bulky items)	\$30.00
	Bulky item fees per item	Fees Vary
	Cart Strap Set-up Admin Fee	\$25.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
96 Gal Cart Replacement Fee	\$75.00	
64 Gal Split Cart Replacement Fee	\$90.00	
96 Gal Split Cart Replacement Fee	\$100.00	

**LAS GALLINAS VALLEY SANITARY DISTRICT
APPENDIX A - SCHEDULE OF RATES**

COMMERCIAL REFUSE MONTHLY COLLECTION RATES

Rate increase: 6.45%
Effective date: 01/01/2024

	COMMERCIAL CARTS, BINS, ROLL-OFFS							Additional One Time Empty/On Call
	Collections per Week							
	1	2	3	4	5	6		
Garbage								
20 gallon cart*	\$40.66	\$81.32	\$121.98	\$162.64	\$203.30	\$243.96	\$9.38	
32 gallon cart	\$47.83	\$95.66	\$143.49	\$191.32	\$239.15	\$286.98	\$11.04	
64 gallon cart	\$95.66	\$191.32	\$286.98	\$382.64	\$478.30	\$573.96	\$22.08	
96 gallon cart	\$143.49	\$286.98	\$430.47	\$573.96	\$717.45	\$860.94	\$33.11	
1 yard bin	\$334.82	\$670.45	\$1,005.28	\$1,340.10	\$1,675.65	\$2,010.39	\$77.27	
2 yard bin	\$506.15	\$977.30	\$1,448.09	\$1,918.81	\$2,389.97	\$2,860.72	\$116.80	
3 yard bin	\$677.48	\$1,284.13	\$1,890.87	\$2,497.54	\$3,104.26	\$3,711.01	\$156.34	
4 yard bin	\$894.50	\$1,753.53	\$2,612.75	\$3,471.70	\$4,330.76	\$5,190.09	\$206.42	
5 yard bin	\$1,111.54	\$2,222.95	\$3,334.64	\$4,445.87	\$5,557.28	\$6,669.22	\$256.51	
6 yard bin	\$1,287.20	\$2,439.87	\$3,592.66	\$4,745.32	\$5,898.12	\$7,050.91	\$297.05	
10 yard roll-off	\$2,045.06	\$3,877.92	\$5,710.35	\$7,542.96	\$9,375.96	\$11,208.50	\$471.94	
18 yard roll-off	\$3,356.19	\$6,288.99	\$9,221.69	\$12,154.55	\$15,087.57	\$18,020.28	\$774.51	
20 yard roll-off	\$4,090.12	\$7,755.82	\$11,420.69	\$15,085.93	\$18,751.90	\$22,417.00	\$943.87	
25 yard roll-off	\$5,112.67	\$9,694.80	\$14,275.86	\$18,857.42	\$23,439.89	\$28,021.26	\$1,179.85	
Organics (F2E or Compost)	1	2	3	4	5	6	Additional One Time Empty/On Call	
32 gallon	\$22.59	\$45.18	\$67.77	\$90.36	\$112.95	\$135.54	\$5.21	
64 gallon	\$45.18	\$90.36	\$135.54	\$180.72	\$225.90	\$271.08	\$10.43	
1 yard	\$158.08	\$316.16	\$474.24	\$632.32	\$790.40	\$948.48	\$36.48	
2 yard	\$316.16	\$632.32	\$948.48	\$1,264.64	\$1,580.80	\$1,896.96	\$72.96	
3 yard	\$474.24	\$948.48	\$1,422.72	\$1,896.96	\$2,371.20	\$2,845.44	\$109.44	
10 yard roll-off	\$1,431.54	\$2,863.08	\$4,294.62	\$5,726.16	\$7,157.70	\$8,589.24	\$330.36	
18 yard roll-off	\$2,576.77	\$5,153.54	\$7,730.31	\$10,307.08	\$12,883.85	\$15,460.62	\$594.64	
20 yard roll-off	\$2,863.08	\$5,726.16	\$8,589.24	\$11,452.32	\$14,315.40	\$17,178.48	\$660.71	
25 yard roll-off	\$3,578.85	\$7,157.70	\$10,736.55	\$14,315.40	\$17,894.25	\$21,473.10	\$825.89	
Garbage Compactors (Per empty)								
Roll-off Compactor Tipping fee per ton		\$162.30			Roll-off Compactor Hauling charge		\$329.67	
Stationary FL (Per Compacted Yard)		\$137.48			Roll-off Compactor Special handling		Rates Vary	
Other Charges	Service		Fee		Details			
	Lock		\$25.00		Monthly fee			
	Box rental		Fees Vary		Minimum Bimonthly fee			
	Minimum Load		ML		Monthly fee			
	Distance < 50ft		\$6.42		Monthly fee per cart, each way			
Distance > 50ft		\$8.24		Monthly fee per cart, each way				

* Customers must have a sufficient level of service for the volume of material generated. Requests for 20gal carts require assessment and approval of a Route Manager.

NOTE: All container types and sizes may not be available at all locations depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.
On Call rate only available with approval from Route Manager

	COMMERCIAL SERVICE FEES	
	Service	Fee
Commercial Service Fees		
Return Fee - BIN		\$75.00
Return Fee - CART -same day		\$10.00
Return Fee - CART -off day		\$25.00
Late Fee/Resume Service Fee		\$35.00
Contamination (BIN)		\$50.00
Contamination (CART)		\$30.00
Overload/Compaction (BIN)		\$60.00
Overload/Compaction (CART)		\$25.00
Additional Empty/Bag Garbage		\$15.00
Additional Empty BIN		Fees vary
Extra Bag Yard Waste		\$15.00
Steam Clean (1-6 yard BIN)		\$95.00
Steam Clean (CART)		\$15.00
Steam Clean (COMPACTOR/ROLL-OFF)		\$225.00
Lock Set-up Admin Fee		\$25.00
Lock Single Use Fee		\$5.00
Lock Purchase Fee		\$20.00
Lock Bar Bin Set-up Fee		\$75.00
Overweight Charge Per Ton*		\$205.00
20 Gal Cart Replacement Fee		\$55.00
32 Gal Cart Replacement Fee		\$60.00
64 Gal Cart Replacement Fee		\$65.00
96 Gal Cart Replacement Fee		\$75.00
64 Gal Split Cart Replacement Fee		\$90.00
96 Gal Split Cart Replacement Fee		\$100.00
Bin Repair/Replacement Fee**		Fees vary

*Boxes exceeding 300lbs/yard

**Fees vary by size up to \$1,200, not to exceed current replacement value.

**LAS GALLINAS VALLEY SANITARY DISTRICT
APPENDIX A - SCHEDULE OF RATES**

MULTI-FAMILY DWELLING REFUSE MONTHLY COLLECTION RATES

Rate increase: 6.45%
Effective date: 01/01/2024

RECURRING CHARGES	MFD CARTS, BINS, ROLL-OFFS	Collections per Week						Additional One Time Empty/On Call	
	Garbage	1	2	3	4	5	6		
	20 gallon cart*	\$39.75	\$79.50	\$119.25	\$159.00	\$198.75	\$238.50	\$9.17	
	32 gallon cart	\$46.76	\$93.52	\$140.28	\$187.04	\$233.80	\$280.56	\$10.79	
	64 gallon cart	\$93.52	\$187.04	\$280.56	\$374.08	\$467.60	\$561.12	\$21.58	
	96 gallon cart	\$140.28	\$280.56	\$420.84	\$561.12	\$701.40	\$841.68	\$32.37	
	1 yard bin	\$309.24	\$535.75	\$762.19	\$988.70	\$1,215.20	\$1,441.74	\$71.36	
	2 yard bin	\$506.15	\$977.30	\$1,448.09	\$1,918.81	\$2,389.97	\$2,860.72	\$116.80	
	3 yard bin	\$677.48	\$1,284.13	\$1,890.87	\$2,497.54	\$3,104.19	\$3,710.84	\$156.34	
	4 yard bin	\$894.50	\$1,753.53	\$2,612.75	\$3,471.70	\$4,330.76	\$5,190.09	\$206.42	
	5 yard bin	\$1,111.54	\$2,222.95	\$3,334.64	\$4,445.87	\$5,557.28	\$6,669.22	\$256.51	
	6 yard bin	\$1,287.20	\$2,439.87	\$3,592.66	\$4,745.32	\$5,898.12	\$7,050.91	\$297.05	
	10 yard roll-off	\$2,045.06	\$3,877.92	\$5,710.35	\$7,542.96	\$9,375.96	\$11,208.50	\$471.94	
	18 yard roll-off	\$3,356.19	\$6,288.99	\$9,221.69	\$12,154.55	\$15,087.57	\$18,020.28	\$774.51	
	20 yard roll-off	\$4,090.12	\$7,755.82	\$11,420.69	\$15,085.93	\$18,751.90	\$22,417.00	\$943.87	
	25 yard roll-off	\$5,112.67	\$9,694.80	\$14,275.86	\$18,857.42	\$23,439.89	\$28,021.26	\$1,179.85	
	Organics	1	2	3	4	5	6	Additional One Time Empty/On Call	
	Additional Organics Cart Rental (35 gallon cart) after 4 TOTAL carts per cart per month	\$2.76	\$5.52	\$8.28	\$11.04	\$13.80	\$16.56	NA	
	Additional Organics Cart Rental (64 gallon cart) after 4 TOTAL carts per cart per month.	\$2.76	\$5.52	\$8.28	\$11.04	\$13.80	\$16.56	NA	
	1 yard	\$158.08	\$316.16	\$474.24	\$632.32	\$790.40	\$948.48	\$36.48	
	2 yard	\$316.16	\$632.32	\$948.48	\$1,264.64	\$1,580.80	\$1,896.96	\$72.96	
	3 yard	\$474.24	\$948.48	\$1,422.72	\$1,896.96	\$2,371.20	\$2,845.44	\$109.44	
	Garbage Compactors (Per empty)								
	Roll-off Compactor Tipping fee per ton		\$162.30			Roll-off Compactor Hauling charge		\$329.67	
	Stationary FL (Per Compacted Yard)		\$137.48			Roll-off Compactor Special handling		Rates Vary	
	Other Charges	Service		Fee		Details			
		Lock		\$25.00		Monthly fee			
		Box rental		Fees Vary		Minimum Bimonthly fee			
		Minimum Load ML		Fees Vary		Monthly fee			
		Distance < 50ft		\$6.42		Monthly fee per cart, each way			
	Distance > 50ft		\$8.24		Monthly fee per cart, each way				

NOTE: Minimum service level is 32 gallons per unit or equivalent volume. Decrease to 20 gallon per unit is subject to company review and approval.
NOTE: Up to four (4) Organics carts provided at no additional charge. Additional carts may be rented for a nominal monthly fee.
NOTE: All container types and sizes may not be available depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

On Call rate only available with approval from Route Manager

ONE TIME SERVICE FEES	MFD One Time Service Fees	Fee
		Return Fee - BIN
	Return Fee - CART -same day	\$10.00
	Return Fee - CART -off day	\$25.00
	Late Fee/Resume Service Fee	\$35.00
	Contamination (BIN) Per Yard	\$50.00
	Contamination (CART)	\$30.00
	Overload/Compaction (BIN)	\$60.00
	Overload/Compaction (CART)	\$25.00
	Additional Empty/Bag Garbage	\$15.00
	Extra Bag Yard Waste	\$10.00
	Additional Empty Garbage	Fees vary
	Steam Clean (BIN)	\$95.00
	Steam Clean (CART)	\$15.00
	Steam Clean (COMPACTOR/ROLL-OFF)	\$225.00
	Lock Set-up Admin Fee	\$25.00
	Lock Single Use Fee	\$5.00
	Lock Purchase Fee	\$20.00
	Lock Bar Bin Set-up Fee	\$75.00
	Overweight Charge Per Ton*	\$205.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
	64 Gal Split Cart Replacement Fee	\$90.00
	96 Gal Split Cart Replacement Fee	\$100.00
	Bin Repair/Replacement Fee**	Fees vary by size up to \$1,200

*Boxes exceeding 300lbs/yard

**Fees vary by size not to exceed current replacement value.