A G E N D A
CITY OF SEASIDE
ENVIRONMENTAL
COMMITTEE

SPECIAL VIRTUAL MEETING
Tuesday, March 9, 2021
5:30 PM

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus) City of Seaside meetings will be adapted in the following ways:

- Meetings of the Seaside City Council and its Boards and Commissions will be conducted with virtual (electronic) participation only. Members of the public may watch the live stream of the City Council and Boards and Commission meetings at https://bit.ly/SeasideYouTube

- Members of the public may participate before and during each meeting by submitting comment(s) to cityclerk@ci.seaside.ca.us. The clerk will read each received public comment aloud into the record at the designated time, subject to time limits that may be imposed pursuant to the Brown Act. In the subject line of a public comment email, please specify the meeting body and date and indicate the relevant item number or "general" to help staff easily receive and organize public comments.

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. ENVIRONMENTAL COMMITTEE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the Board on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to two (2) minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

A. APPROVE MINUTES OF FEBRUARY 9, 2021

7. BUSINESS ITEMS

A. PRESENTATION BY AMAURY BERTEAUD OF AMBAG: SEASIDE'S 2018 GREENHOUSE GAS INVENTORY REPORT

RECOMMENDATION: Presentation

B. REVIEW PRIORITY IMPACT PLASTIC POLLUTION PREVENTION POLICY REVISIONS

RECOMMENDATION: Review proposed edits, discuss, and approve.

C. REVIEW LITTER ORDINANCE REVISIONS

RECOMMENDATION: Review proposed edits, discuss, and approve.

D. REVIEW OUTREACH STRATEGY FOR PIP4 - EXTERNAL CONSULTING TEAM VS. COMMITTEE SUPPORT

RECOMMENDATION: Discuss outreach needs, the potential support from a consulting team, and committee involvement.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
TBD
Seaside City Hall
5:30

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DRAFT MINUTES

CITY OF SEASIDE
ENVIRONMENTAL COMMITTEE

SPECIAL MEETING
Council Chamber
Tuesday, February 9, 2021
5:30 PM

1. CALL TO ORDER

5:31PM

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: Raak, Murphy, Abraham-Panni, Tu, Del Valle (joined meeting at 5:32)
Commissioner: Molle, present (joined meeting at 5:37)

3. ENVIRONMENTAL COMMITTEE

Raak: Updated the EC on membership. Acknowledged that Lori, former Commissioner, had to step down for personal reasons. Thanked her for her time and wished her all the best.
Noted that the EC would be getting a new member Timothy Randazzo, a CSUMB student.

4. REVIEW OF AGENDA

No objections were raised to the re-order of the item 7E to the end of the meeting.

5. PUBLIC COMMENT

Public speaker - Timothy Randazzo: Introduced himself to the EC.

Public speaker - Jason Campbell: Thanked the EC for continuing to hold these meeting. Noted he was speaking as member of the public not representing the City Council (CC). Mentioned CC is working on Goal Setting

meeting, part of which is Climate Change policy. Suggested that the EC could review the Climate Change policy and make any notes to CC.

6. APPROVAL OF MINUTES

Approval of minutes from Dec 8, 2020 and Jan 12, 2020.

MOTION: Tu, Second: Del Valle, Unanimous

7. BUSINESS ITEMS

A. REVIEW AND DISCUSS CITY COUNCIL GOALS

Raak: Gave a brief introduction/ background on the CC goals. Went through the goals and pick out those that were identified that would have an impact on the EC: City Beautification, Commission Diversity Ord, Climate Action Plan, Low income Recyling, National Monument Access, Development and Planning Projects (Campus Town, GP). Goals developed during a retreat sessions back in December but are still being refined at the moment.

Staff Liaison Beth Rocha: Presented slide taken from City Manager's presentation on the CC goal-setting meeting. CC will be meeting to further develop these goals. Staff was not included in this process due to COVID. Staff will continue to track and provide updates.

Murphy: Has been participating in some of the discussions around ADU development and increasing housing. In those conversations many environmental related issues have come up around the idea of parking, and availability of parking. Related to transportation, increasing sustainability and accessibility to transportation in Seaside so that parking does not continue to be an issue and so that we see fewer individual cars.

Another issue is the idea of electrification, tied in with new developments. However, we don't see a similar focus on water infrastructure. Water is an issue in Seaside. We are not looking at progressive water re-use, grey water, pre-approved water designs for grey and rain water, composting toilets in ADUs and new development, cost and energy use reductions, areas that tie between EC and CC concerns identified.

Molle: Thanked above for her comments. Mentioned that Ben Nurse had discussed grey water at the ADU workshop Monterey water district about grey

water, good next step for the commission. Low income targeted recycling. Can this be brought together with green commercial compost? How to connect the two?

Del Valle: Water infrastructure, any conversation of green infrastructure in regards to water? Has that been thought about within the City?

Tu: Would like to hear more on the low-income targeted recycling. Multifamily, past presentation.

Raak: Notes that multifamily will be the first categories impacted by composting requirements. Should target composting as well as recycling; look at waste diversion as a larger picture, not in targeted pieces. Bigger picture. Intersection. Can be lumped into different types of categories: youth, community support, community development, etc. Helpful for Cc to put in a format which the various committees and commission can understand what the CC priority is and will let the groups know what is important to the CC. Communicating the CC plans earlier so that EC can incorporated in their work plans for the upcoming year.

PUBLIC COMMENT:

Jason Campbell: Special meeting CC on how the scheduling for the work plan will play out. Provide further direction for the up-coming year. Balance with priorities. Please attend the Special meeting at 5:30 for further information. Grant for UPPER Broadway, grant for safer routes to schools. Hoping to get it, not received yet. Green infrastructure: pay attention to surface drainage (detention basins). Low income recycling: important to use, waste management district does a breakdown of where waste is coming from. Real consequences if the city does get its recycling in order. Higher cost for garbage removed from recycling.

B. **REVIEW AND RECOMMEND THE DRAFT PRIORITY IMPACT PLASTIC POLLUTION PREVENTION POLICY FOR CITY COUNCIL CONSIDERATION**

Raak: Gave a brief introduction regarding the draft policy. Currently doing stakeholder outreach next step is EC review and approve to send to CC. Hope is to move this forward enough to send to Council later in the spring.

Ban on single use plastics 8.60.014: not just restaurants, dry cleaning bags, Styrofoam (not just take out, no sale of polystyrene products – cups, coolers, etc.), balloon limits, and information posters regarding balloons and balloon disposal at places that sell balloons, no plastic water bottles at City events.

This does not detail the fine levels, it more about education. Helping businesses work to become compliant, work with Staff or EC and identify solutions.

Is this timely; is this the right thing to do right now? Businesses struggling with COVID?

1. 250% INCREASE IN SINGLE USE TO GO WARE
2. STATE LAWS WILL CONTINUE TO BE ENFORCED, OUR REVISIONS ARE MEANT TO COMPLIENT STATE POLICY.
3. IF THEY CAN MEET THE POLICY FOR SEASIDE THEN THEY CAN MEET IT FOR THE STATE.
4. ECONOMIC OUTLOOK IS BETTER THAN IT WAS LAST YEAR. EXPECTING TO RECEIVE MORE FEDERAL AND STATE SUPPORT THAT WILL HELP OUR ECONMIC RECOVERY.
5. SUPPORT EXISTING STYROFOAM POLICY, EXPANDS TO SINGLE USE PLASTICS. PLASTICS CONTINUE TO BE MORE LIMITED: ONLY RECYCLE 1,2 AND 5. MANY BUSINESSES ARE ALREADY OUT OF COMPLAINCE.
   a. POLICY WILL HELP TO ENSURE WE MEET REQUIREMENTS

How do we support businesses in Seaside?

- Implementing long timeframe.
- Enhanced customer responsibility
  - Change the default expectation
    - Request money for transitional support
    - County is implementing green business network
    - 500 $ grants for businesses
    - Request 10,000, 80% go towards grants given to businesses to support them through the transition
    - Remaining 20% for signage, articles, and advertisements.
  - Delivery charge: PG just passed limitation to surcharges of 15%, Seaside should adopt a similar policy.
  - Partnerships for implementation:
    - Greenwaste, litter in storm water, education and outreach.

Gave a few examples of posters, which could be sent to businesses for them to post at their restaurants regarding napkins and condiments packages.

Asked if there were any additional changes in light of new circumstances? Wanted to acknowledge Del Valle's environmental justice aspects that were added.

Commission needs to do discuss, better define language especially for the outreach materials, bring back revisions at a later meeting then recommend and move it along to Council.

Molle: Great time for a paradigm shift. Due to COVID take out and to go orders are generally being eaten at home. Bring your own is really at a peak right now. Much of what we want to change is the consumer attitude. Likes the grant funds idea. Like the idea of the surcharge limit, hesitant to hang that onto the EC proposal – not sure how related the surcharge is to plastics.

Murphy: Thinks EC needs to make a clear connection for the environ policy and the door dash surcharge. How do they fit together? Generally supports all of the topics and is supportive of adding the environmental justice aspect language. Wants to set the tone of guiding people and businesses, not looking to be punitive.

Tu: Question on timeline extension: what is the time period at which you think that businesses would need to comply with these policies? **Raak:** Proposed to be between 6 to 9 months. Happy to take recommendations.

Tu: Not ready to give recommendation on timeframe. Wants more details on how to support small businesses in regards to environmental justice? How does a small business owns by communities of color, how the policy affect them. Maybe does not directly relate to Envir. Justice?

Del Valle: Elaborated on the Envir. Justice aspect of the Policy: Intro recognizes the connection between Environ Justice and small businesses and the connection between petroleum industry and how that is affecting communities of color. Goes beyond litter, goes beyond harming the environment, really harms those communities.

Murphy: Advocated supporting the grant program, in an equitable way to locally owner businesses, then maybe even considering demographics.

Del Valle: How can we best support the community, need to consider that all info is available is different language. Language justice.

Raak: Supported Del Valles statement: Good point for the policy, implementation of policy, and for the grants themselves.

Tu: Needs to be done in way that supports our small businesses. How would limiting balloons affect businesses bottom lines; especially for variety businesses. Encourage EC to relax policies for businesses

Raak: less worried about balloons, more concerned about Styrofoam. Balloons are more about education, not banning them. Happy to have Tu review the

policy to incorporate relaxed policies for small businesses. Small change to existing ordinance: Little Ordinance (a complementary component) 8.28.030 and 8.28.070.

Adds clarification defining compostable.

Requires businesses/property managers to collect litter from parking lot, sidewalk and street fronts at least once a day. Supports state requirements.

Knows that little is not just caused by the businesses, really it is customers.

Molle: Tragedy of the commons, need to clearly state who is responsible to keep the area clean.

Raak: Some businesses already do implement these policies: in and out. Challenges with something like this, in an area such as buffalo wild wings, chase bank, that parking lot is shared a number of different businesses, with one garbage area. Why property managers was included. Is it just the property manager who hires someone or each business is responsible for a certain area. Invited comments from Commission.

Murphy: This would apply to all businesses. Yes. Makes sense for the responsibility be placed on the property owner, responsibility may be transferred to a property manager once a place is renter.

Abraham-Panni: Make sense for property owner to be in charge Optics and operations, makes sense that we are asking to do this, And yet this could come across as piling on to businesses which are already understaffed. Shared parking lots, not sure every leasee would consider the parking lot theirs. Really the property owner would be responsible. Don't really have a compliance staff to address non-compliant businesses. As such, agrees with Murphy's suggestions.

Raak: Liked the comments given so far. Yes no staff for enforcement but does provide clear direction if things do become an issues.

PUBLIC COMMENT:

Jason Campbell: Gave disclaimer. Litter abatement (supportive of moving forward), plastics (also supportive). Supportive and listening.

Timothy Randazzo: All really amazing. Wants to support businesses while going through this transition, really should focus on the customer. EC has the opportunity to really amp up the education aspect of the transition, resources for public, resources for businesses. Litter Ord.: would like to see follow up on dialog. Does think that businesses should be responsible, they are there and see what is going one.

Carolyn Hinman:

Customer responsibility, lots of pieces of legislation which is moving forward which ABA 27: responsibility goes on customers. It does make sense for City to adopt these policies since the state is heading this way already.

Raak: Thanked for comments. Vote on EC to move forward with discussing and implementing the following: use your own language, env justice, food service delivery surcharge. Statistics about how much money businesses can save if implementing greener practices. Find more incentive. What will it look like in the long run. Fiscal impacts.

Raak:

EC will discuss and develop the language. If EC has comments the help inform the revisions. Please send via email and she will share with the subcommittee.

County- are people allowed to bring their own re-useable containers given new health code requirements? It is up to each individual business, would need to follow state requirements. Still legal and still possible, though most businesses are not doing it right now.

Entertain any motions – use your own and language around that, enviro justice, food service delivery surcharge limitations.

MOTION: Molle: subcommittee to consider and add language regarding the following: use your own and language around that, enviro justice, food service delivery surcharge limitations, second by **Murphy**. Unanimous.

C. **CLIMATE ACTION PLANNING**

RAAK: Gave updates on city and regional. Gave an update on the County's policies. HAD RFP go out. Scope development period (March), coordination with jurisdiction action plans would occur here. 3 areas which would be useful:

- inventory: might be able to get from AMBAG
- stakeholder engagement: would be great
- reduction strategies: proposed strategies which would be useful to and impact the City

Would cost saving option to work off this list of County policies.

Tried to get an idea of costs: 30-40k, depending on AMBAG. Key component is staff time. Is there staff to support the project: people or time? Don't want to lose out on working with County because could be a big $ saver.

Understanding the difference between sustainability plan vs a climate action plan. Not a ceqa expert. Some jurisdictions have ceqa compliant sustainability plans…might be something to do. Sustainability plan might not have as much technical info but might have other polices which might support habitat or water. It would be much broader than a climate action plan which is focuses on green house gas reduction. Would be good to inform council on the difference and get guidance from them.

D. ANNUAL WORK PLAN

Staff Liaison Beth Rocha: Already reviewed and approved by EC, but not decided on by Council. Main point of discussion would be whether or not we want to include any additional items in the work plan. Open to other suggestions and input from EC.

Raak:

Feels like EC has already discussed this, EC is already tackling. Would like to better understand CC priorities to better focus the ECs.

Murphy:

Identify strategic environ goals for the City. We have already done this and have goal and plan set up. Don't think the EC needs to formalize changes to the work plan. Already working on goals.

PUBLIC COMMENT

Jason Campbell: Work plan looks good. GP update is coming. This does have some environmental consequences. Would appreciate the EC taking a look at the next available draft of the GP.

E. ELECTRIFICATION AND SEASIDE DEVELOPMENTS (Discussed after Item G)

Reached out to CC about integrating electrification into the campus town project. Not currently incorporated, just language encouraging it. It will still be using natural gas. Disappointing, we should really be thinking forward regarding the energy use of large new development like this. It is a missed opportunity: will become outdate. Very much like using a pager in the age of cell phones.

Molle: Thought that was a state requirement for electric?

Raak: Does not seem that campus town was require to comply, not sure as to the detail as to why it is exempt.

F. **CONSIDER ALLOCATING $350 OF THE COMMISSION'S BUDGET FOR PRINTING FLYERS FOR RESTAURANT OUTREACH, AS RELATED TO PLASTIC REDUCTION**

Raak: Request to allocate part of EC budget, about $500 remaining, on signage for restaurants. Available in multiple languages. Showed two signs that would provided to busineses. 75 printouts : $350 at kinkos on FSC paper. Then distribute to businesses.

Will need support from the EC to distribute.

Molle: Supportive of it, surprised at cost. Would be happy to help distribute.

Staff Liaison Beth Rocha:Reminder the past few quarters CSUMB was working on something similar, but it got delayed due to COVID.

Murphy: Recommended doing a double-sided sign, one side English other Spanish. Supports action to move this forward. Think this would be a good allocation of funds.

Raak: Invited input from the EC on the design of the signage.

PUBLIC COMMENT

Jason: Does not like the use of the word "NO", might be a better way to spin it. Make it more positive.

Raak: Provided clarification on the placement of the NO sign. The NO sign would only be viewable to the workers, not meant for the public.

Timothy: Might be better to have a draft that is in English and then one in Spanish. Does agree that it should a double-sided piece of paper with English on one side and the other in Spanish.

MOTION: Abraham-Panni: Moved to approve as proposed, second **Murphy:** Unanimous.

G. **REQUEST EC MEMBER ATTEND THE NEXT NEIGHBORHOOD IMPROVEMENT COMMISSION MEETING**

Beth: Gave a brief presentation on why an EC member is needed at the NIC, NIC has $ from cannabis and EC could request funding from said Cannabis toward EC projects. Would be willing to attend the IC meeting on behalf of the EC, but needs direction on where the EC thinks the funds should be allocated

Raak: Requested Beth to send out email to EC identifying the next NIC meeting and request for ideas from the EC.

8. REPORTS FROM COMMISSIONERS

Murphy: Habitat subcommittee – communication with various groups. Parks and Rec, sustainable seaside (funding remaining, steward Lincoln Cunningham park, pollinators. Salsa: plantings, signage about pollinators, in addition to the Bee City USA, collaborative opportunities. Stewardship continues at all sites. Time for weeding! Please feel free to pitch in.

9. REPORTS FROM STAFF

Beth: City USA signs are up.

Raak: Thanked EC for their time, keep an eye for an email regarding special meeting for the plastics Ord.

7:24 pm: meeting concluded.

INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE, TITLE 8, CHAPTER 8.60 IN ITS ENTIRETY AND UPDATING REGULATIONS FOR SINGLE USE PLASTICS (FIRST READING – ROLL CALL VOTE)

ORDINANCE NO. XX-XX

INTRODUCTION OF AN ORDINANCE ADOPTING TEXT AMENDMENTS TO SEASIDE MUNICIPAL CODE TO AMEND TITLE 8, CHAPTER 8.60 IN ITS ENTIRETY TO ESTABLISH UPDATED REGULATIONS LIMITING SINGLE USE PLASTICS IN THE CITY (FIRST READING – ROLL CALL VOTE)

WHEREAS, single-use food and beverage packaging constitutes a significant and growing portion of waste generated in the City of Seaside; and

WHEREAS, food service ware made from materials that are not compostable, returnable or feasibly recyclable accumulates in our landfills and in the natural environment; and

WHEREAS, single-use plastic products are of special concern to the environment. Non-compostable plastic materials are typically manufactured from the byproducts of petroleum, a non-renewable resource. These products are highly durable, persist in the environment as litter and are consumed by wildlife, causing injury, illness and mortality, as well as becoming embedded in the food chain up to human consumption of microplastics; and

WHEREAS, The petrochemical industry, and the waste that it creates, disproportionately harms Black, Latinx, Indigenous and other communities of color and low-income communities at every stage of plastic supply chain — from fossil fuel extraction and processing to plastic production, use in consumer products, and disposal including incineration and leakage into the environment — by polluting our air, water, and soil.

WHEREAS, the single-use products used in our community are part of a global materials system and responsible disposal of products is impacted by market demands. This is especially true of plastic products; and

WHEREAS, compostable food service ware is available locally and affordably. When diverted into Monterey Regional Waste Management District's organics waste stream, these materials are converted into compost; and

WHEREAS, a 2019 study concluded that the Monterey Bay marine ecosystem is a part of a network of marine protected areas
that has microplastic concentrations which match and exceed those found in other marine regions; and

WHEREAS, multiple studies have concluded that reducing plastic litter inputs by source-reduction and waste management is one of the most valuable solutions to restore the oceans; and

WHEREAS, reducing and eliminating the most damaging plastic materials within the City of Seaside will help protect the local environment, including the Monterey Bay National Marine Sanctuary, from contamination and degradation, helping to steward our community's treasured natural resources and protect the assets critical to a thriving local tourist economy; and

WHEREAS, the City desires to update its policies to reduce waste, protect the environment and comply with state regulations aimed at diverting more waste from landfills and reducing land-based trash entering waterways; and

WHEREAS, a shift to re-usable and compostable food service ware has the potential to contribute to a number of positive local impacts, including more economical and environmentally sound waste management; and

WHEREAS, plastic pollution comes from a variety of sources in our community. In changing the name of the ordinance from "Environmentally Preferable Food Packaging" to "Priority Impact Plastic Pollution Prevention" the City better reflects the responsibility for all types of businesses to respond to the community needs.

NOW THEREFORE BE IT ORDAINED, THAT THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN, AS FOLLOWS:

SECTION 1. Seaside Municipal Code, Title 8, Chapter 8.60 is hereby deleted in its entirety and replaced as follows:

8.60: PRIORITY IMPACT PLASTIC POLLUTION.

Sections:

8.60.010 Findings and declaration of intent.
8.60.012 Definitions.
8.60.014 Ban on single-use plastic products and priority-impact plastic pollution.
8.60.016 Compostable Ware Requirements.
8.60.018 Compliance support and enforcement.

8.60.010. Findings and declaration of intent.

The city finds and declares that:

A. Single-use food and beverage packaging constitutes a significant and growing portion of waste generated in the City of Seaside.

B. Food service ware made from materials that are not compostable, returnable or feasibly recyclable accumulates in our landfills and in the natural environment.

C. Single-use plastic products are of special concern to the environment. Non-compostable plastic materials are typically manufactured from the byproducts of petroleum, a non-renewable resource. These products are highly durable, persist in the environment as litter and are consumed by wildlife, causing injury, illness and mortality, as well as becoming embedded in the food chain up to human consumption of microplastics.

D. The single-use products used in our community are part of a global materials system and responsible disposal of products is impacted by market demands. This is especially true of plastic products.

E. Compostable food service ware is available locally and affordably. When diverted into Monterey Regional Waste Management District's organics waste stream, these materials are converted into compost.

F. Reducing and eliminating the most damaging plastic materials within the City of Seaside will help protect the local environment, including the Monterey Bay National Marine Sanctuary, from contamination and degradation, helping to steward our community's treasured natural resources and protect the assets critical to a thriving local tourist economy.

G. The City desires to update its policies to reduce waste, protect the environment and comply with state regulations aimed at diverting more waste from landfills and reducing land-based trash entering waterways.

H. A shift to re-usable and compostable food service ware has the potential to contribute to a number of positive local impacts, including more economical and environmentally sound waste management.

I. Plastic pollution comes from a variety of sources in our community. In changing the name of the ordinance from "Environmentally Preferable Food Packaging" to "Priority Impact Plastic Pollution Prevention" the City better reflects the responsibility for all types of businesses and consumers to respond to the community needs.

8.60.012. Definitions.
Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the meanings set forth below:

"ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400, as that standard may be amended.

"BPI" means Biodegradable Product Institute.

"Care provider" means any entity that provides care to people or animals; this includes dentist office, medical care providers, veterinary care providers and day care facilities, including child and elder care. Exceptions include hospitals, pharmacies, nursing homes, homeless shelters, residential retirement communities and jails.

"City" means the City of Seaside.

"City Sponsored" means events that are directly managed and operated by the City of Seaside, co-sponsored events, any event requiring a city issued permit or receiving a fee waiver.

"City contractor" means any person or entity that has a contract with the city for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be donated or to be purchased at the expense of the city.

"Compostable" or "Certified Compostable" means a material that meets BPI, Cedar Grove, ASTM, or other standard designated as acceptable by the franchised waste hauler and undergoes degradation by biological processes during composting to yield carbon dioxide (CO2), water, inorganic compounds, and biomass within a nominal time frame. Compostable disposable food service ware must be clearly labeled compostable in accordance with the California Public Resources Code Section 42357 et seq. and all State and Federal labeling laws pertaining to the identification of compostable products, as those standards may be amended.

"Disposable food service ware" means single-use plastic disposable products used by a restaurant, vendor, food cart, merchant, food truck, or home kitchen, and food service industry for serving or transporting prepared ready-to-consume food or beverages for sale. This includes but is not limited to plastic plates, straws, cups, lids, utensils, bowls, stirrers, beverage plugs, trays, and hinged or lidded containers.

"Food provider" is any entity or city contractor doing business in the City of Seaside whose principal business is the sale of prepared food or

beverage for public consumption either on or off premises, which includes any fixed or mobile restaurant, food truck or food cart, drive-in, coffee shop, public food market, produce stand, special event vendor, grocery stores that sell or distribute prepared foods on-site or to-go, and other places where food or drink is prepared for sale or for service on the premises or elsewhere.

"Plastic" is a synthetic or semi-synthetic material derived from polymers, that can be molded into shape while soft and then set into a rigid or slightly elastic form. Plastic can be made from petroleum inputs or plant-based inputs.

"Plastic bag" means a single-use plastic bag of any size that is provided at point of sale or service to customers by a retail establishment, service establishment or care provider. Plastic bags include single-use plastic bags provided for the purchase of produce, deli goods and bulk goods.

"Polystyrene" means a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). This includes but is not limited to general-purpose polystyrene, polystyrene foam plate, bleached paperboard plate with low density polyethylene coating and bleached paperboard plate with polystyrene coating.

"Polystyrene foam" means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).

"Polystyrene foam, single or limited use" means any plate, cup, bowl, tray or similar item intended for single use and coolers, packaging and small fishing equipment that is used for a limited duration and/or which has the potential to break-into smaller pieces after use.

"Prepared food" means food or beverage prepared for consumption on the food provider's premise or elsewhere using any cooking or food preparation technique. This does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation.

"Priority Impact Plastic Pollution" means any plastic product referenced in this code section posing a threat to a healthy, functioning ecosystem, including all animal life throughout the food web. It also includes plastic

that negatively impacts the well-being of our community, through litter and human health impacts.

"Recycled paper bag" is defined as a bag that contains no old-growth fiber and is made up of 75% percent post-consumer recycled materials, and clearly indicates to the user the bag is certified compostable or recyclable.

"Retail establishment" or "retail store" means all sales outlets, stores, shops, vehicles, dispensaries, non-profits, resale businesses or other places of business located within the City of Seaside that operate primarily to sell or convey goods directly to the consumer.

"Reusable" means designed or intended for long-term reuse, in contrast to disposable.

"Reusable bag" means any bag that is specifically designed and manufactured for multiple reuse, and is either: (1) made of cloth or other washable woven fabric; or (2) made of durable material that is at least 2.25 mils thick that can be cleaned or disinfected at least 125 times. A reusable bag may be made of recyclable plastic such as high density polyethylene (HDPE), low density polyethylene (LDPE).

"Service establishment" means any entity that provides a service including but not limited to vehicle service and maintenance, pet grooming / boarding service and dry cleaning.

"Single-use bag" is defined as a bag, other than a reusable bag, recycled paper bag, or compostable bag, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-use bags include bags, a maximum size of 11 inches by 17 inches, provided to the customer to (1) transport produce, bulk food or meat from a product, bulk food or meat department within a store to the point of sale; (2) hold prescription medication dispensed from a pharmacy; or (3) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag.

"Single-use plastic" means single-use plastic bags, cartons, boxes, or containers that are provided at the point of sale to customers and are not certified compostable. These typically include plates, cutlery, cups, lids, straws, "clamshells" and other containers. This further includes non-compostable plastic-lined cups.

"Straw" means a tube through which beverages, slurries, smoothies, and similar products may be ingested by the consumer.

8.60.012 Customer choice for single-use accessories

A. No retail establishment, service establishment or care provider shall provide single-use accessories — including condiment packages, utensils and napkins — unless requested by the customer.

B. Delivery services operating within the City of Seaside are required to provide an option to request or decline these products as part of any online ordering system.

8.60.014 Ban on single-use plastic products and priority-impact plastic pollution.

C. No retail establishment, service establishment or care provider shall provide non-compostable single-use plastic bags, cartons, boxes, or containers at the point of sale to customers. This includes food service ware such as plates, cutlery, cups, lids, straws and "clamshell" take-out packages. This further includes hot beverage cups lined with non-compostable plastic.

D. Exemptions: medical devices, medical products, prescription drugs, and the packaging used for these products, which require approval from the United States Food and Drug Administration, licensed manufacturing facilities, and goods prepared and packaged off-site.

E. All restaurants must provide reusable food service-ware to dine-in customers. When condiments are part of table service (as defined under *Restaurant, Cafe, Coffee Shop* in SMC 17.98), they must be provided to customers in containers over ten (10) ounces, or in reusable or compostable packaging.

F. Single-use paper bags provided to customers shall contain a minimum of 75% percent post-consumer recycled fiber and must be recyclable or compostable, as defined in this chapter.

G. Vendors, contractors, special events promoters, and sub- vendors, while performing under contract or permit with the City are prohibited from providing single-use plastic or polystyrene products to customers at the point of sale or point of distribution.

H. All restaurants must provide reusable food service-ware to dine-in customers.

I. No business or nonprofit organization shall use balloons for the promotion of business activities or special events. This includes but is not limited to: restaurants, car dealerships, community events organized by or on behalf of the City or other entity.

J. Balloons shall be prohibited in and on all public parks or public land, whether that use is public or private, required to be permitted or is an allowed unpermitted use.

K. Any business selling balloons shall display and/or provide City-compliant, standardized information to customers purchasing balloons on the environmental impacts of balloons and the prohibition on balloons in Seaside's public parks and public lands.

L. The sale of single-use or limited-use polystyrene foam products is prohibited within the City. The use of single-use or limited-use polystyrene foam products is prohibited in all public spaces, including beaches and parks. Single-use or limited-use polystyrene foam products includes any plate, cup, bowl, tray or similar item intended for disposal after a single use, as well as coolers, packaging and fishing equipment that is used for a limited duration and/or has the potential to break into smaller pieces after short periods of use.

M. City-sponsored events shall prohibit the sale or distribution of plastic water bottles.

N. Events held at City-operated facilities that have Water Filling Stations, for which a permit or fee waiver has been issued, are prohibited from using single-use plastic cups and bottled water.

8.60.016 Compostable Ware Requirements.

A. All food providers within the city utilizing disposable food service ware shall use certified compostable products. This includes but is not limited to plates, napkins, straws, cups, lids, utensils, bowls, stirrers, beverage plugs, trays and hinged or lidded containers. Non-plastic single-use products shall be allowed only if they are currently accepted for recycling by the designated waste hauler.

B. Business establishments providing compostable or non-plastic recyclable materials shall provide separate compost and recycling collection bins to customers and ensure proper collection by the designated waste hauler.

C. Bags used to protect items such as meat, produce, wet items from on-site deli counters or on-site preparation and storage, or for any carry-out protection, should be made of BPI-, Cedar Grove- or ASTM-compliant compostable materials or be a reusable item provided by the customer.

D. Where possible, priority consideration should be given for reuse over single-use compostable or recyclable products. In accordance with State Health Code, businesses may accept customers' reusable containers brought in for take-out or to-go, following procedures to isolate the container from the food-preparation area and sanitize the surface with which it came into contact.

E. All City facilities utilizing disposable food service ware shall use products that are BPI-, Cedar Grove- or ASTM-certified compostable.

F. City contractors and special events promoters utilizing disposable food service ware shall use BPI-, Cedar Grove- or ASTM-certified compostable products while performing under a city contract or permit.

G. All plastic straws, including PLA/bioplastic are prohibited. Exceptions shall be made to the consumer self-identifying as needing a PLA/bioplastic or plastic straw, whereupon it should be provided to the consumer upon request.

8.60.018 Compliance support and enforcement.

A. Item 8.60.012 shall be enforced 3 months from the date of ordinance approval.

B. All remaining portions of this ordinance shall be enforced starting on January 1, 2022. During the transition period, businesses may use any remaining non-compliant material.

C. Prior to January 1, 2022, positive encouragement and support for the business community will include informational resources for transition to compliant materials through voluntary informational sessions with a member of city staff or Environmental Commission, or designate, who will provide support and education.

D. Businesses shall acknowledge awareness of this ordinance and may request assistance with compliance at time of business license renewal.

E. The City attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter.

F. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

G. The City may inspect any care provider, City contractor, commercial and residential lodging provider, food provider, retail establishment or service establishment subject to this code to verify compliance.

H. Violation of this chapter will be considered a public nuisance. In addition to any other remedies or penalties that may be available, any violation described in the preceding paragraphs shall be subject to abatement by the City, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by an injunction issued by the superior court in a civil action, based upon a showing by the City that said violation exists.

SECTION 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional."

SECTION 3. CEQA Findings.

The City of Seaside determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) per section 15378. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities that have the potential for causing a significant effect on the environment. Additionally, CEQA Guidelines section 15307 provides an exemption for actions which assure the maintenance, restoration or enhancement of a natural resource. A regulated reduction in single-use source plastics has a corollary reduction in microplastics and solid waste management which restores or enhances the Monterey Bay. In this case, the activity either has a beneficial (non-significant) effect on the environment and is exempt from CEQA or is categorically exempt from CEQA.

SECTION 4. Effective date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

Introduced at a duly noticed Public Hearing on XXX, and passed to print.

PASSES AND ADOPTED BY THE COUNCIL OF THE CITY OF SEASIDE this XXth day of March, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

APPROVED:

_____
Ian N. Oglesby, Mayor

ATTEST:

_____
Lesley Milton-Rerig, City Clerk

Please See section 8.28.070 for strike-though adjustments and other track changes throughout.

8.28.010 Declaration of purpose. SHARE
In enacting this chapter, the city council finds as follows:

A. The purpose of this chapter is to regulate discarded materials handling in order to protect the public health, safety, and welfare and to meet the city's obligations under applicable law.

B. Pursuant to the California Constitution, the city is authorized to enact ordinances to protect the public health, safety, and welfare. Pursuant to Public Resources Code Section 40059, aspects of discarded materials handling of local concern include, but are not limited to, the frequency of collection, means of collection and transportation, level of service, charges and fees, and whether discarded materials services are to be provided by means of nonexclusive, partially exclusive, or wholly exclusive franchise, contract, license or permit, and the terms and conditions of such franchise, license, or permit. (Ord. 1028, 2016)

8.28.020 Severability. SHARE
If any section, sentence, clause, or phrase of this chapter is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions. The city council declares that it would have passed this chapter and each section, subsection, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional, and would have passed and adopted the same even though any parts, sections, subsections, sentences, clauses or phrases that may be held invalid had been omitted therefrom. (Ord. 1028, 2016)

8.28.030 Definitions. SHARE
For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Agreement" means a contract entered into between the city and a service provider providing for, among other things, the award of a franchise, payment of franchise fees, and procedures for the service provider's collection, transportation, processing, and/or disposal of discarded materials and the setting of rates and charges for services.

"Applicable law" means all laws, statutes, rules, regulations, guidelines, permits, actions, determinations, orders, approvals, or requirements of the United States, state of California, regional or local government authorities, agencies, boards, commissions, courts, or other bodies having applicable jurisdiction, that from time to time apply to or govern the management of discarded materials, or any other materials described in this chapter.

"Bin" means a metal container with a hinged lid and wheels, less than ten cubic yards in size, for the deposit of discarded materials, designed to be collected with a front- or rear-loading collection vehicle.

"Cart" means a plastic container with a hinged lid and wheels, and a capacity of twenty, thirty-two, sixty-four, or ninety-six gallons (or similar volumes) that is serviced by an automated or semi-automated collection vehicle.

"City" means the city of Seaside, a municipal corporation, and its duly authorized representatives.

"City-authorized service provider" means a permittee or franchisee authorized by the city council which has received written approval, through an agreement or otherwise, to collect, transport, process, or dispose of discarded materials within the city.

“City manager” means the city manager for the city of Seaside or any designee of the city manager as being authorized to address specific issues covered by this chapter.

“Commercial” means of, from or pertaining to nonresidential premises where business activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing, and industrial operations, but excluding businesses conducted upon residential property which are permitted under applicable zoning regulations and are not the primary use of the property.

“Compactor” means a mechanical apparatus that compresses materials together with the container that holds the compressed materials or the container that holds the compressed materials if it is detached from the mechanical compaction apparatus. Compactors include two to eight cubic yard bin compactors serviced by front-end loader collection vehicles and ten to fifty cubic yard drop box compactors serviced by roll-off collection vehicles.

“Construction and demolition debris” or “C&D debris” means discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair or demolition operations on any pavements, excavation projects, houses, commercial buildings, or other structures, excluding excluded waste.

“Container” means a receptacle used to accumulate discarded materials on premises for scheduled or periodic collection. Containers may be carts, bags, bins, drop boxes, compactors, public litter containers, or other city-approved receptacles.

“Contractor” means any person or entity holding, or required to hold, a contractor’s license of any type under applicable law, or who performs (whether as applicant, contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to commercial or residential premises in Monterey County.

“Customer” means a person subscribing with a city-authorized service provider for collection services.

“Discarded materials” means any one or combination of solid waste, recyclable materials, organic materials, salvageable materials, C&D debris, and/or excluded materials discarded by a generator within the city.

“Drop box” means an open-top container with a capacity of ten to forty cubic yards that is serviced by a roll-off collection vehicle.

“Electronic waste” means any discarded electronic devices and components as well as substances involved in their manufacture or use as defined under various federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements, as they may be amended from time to time, of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any hazardous waste.

“Excluded waste” means hazardous waste, household hazardous waste, medical waste, universal waste, volatile, corrosive, radioactive and toxic substances or materials, waste that would, as a result of or upon 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, waste that would present a significant risk to human health or the environment, or otherwise cause a nuisance; but not including de minimis volumes or concentrations of waste of a type and amount normally found in residential discarded materials after implementation of programs for the safe collection, 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 recyclable materials or organic materials which have been properly source separated and placed by a generator for collection by a city-authorized service provider, pursuant to the city-authorized service provider’s agreement with the city.

“Food scraps” means discarded food and food-soiled materials that will decompose and/or putrefy. Food scraps is a subset of organic materials.

“Franchise” means the exclusive or nonexclusive rights granted by the city council to provide collection services to customers in the city.

“Franchise fee” means the fee paid by a franchisee to the city for the privilege to hold a franchise.

“Franchised discarded materials” means those categories of discarded materials required to be collected or otherwise handled by a franchisee, as described in and pursuant to a franchise agreement, unless exempt as described in SMC 8.28.100.

“Franchisee” means the holder of a franchise in the city.

“Generator” means any person whose act or process produces discarded materials, or whose act first causes discarded materials to become subject to regulation.

“Hazardous waste” means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the state of California in Health and Safety Code Sections 25110.02, 25115, and 25117 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 (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.

“Household hazardous waste” or “HHW” means hazardous waste generated at residential premises within the city. HHW includes: electronic waste, universal waste, paint, stain, varnish, thinner, adhesives, auto products such as old fuel, used motor oil, used oil filters, cleaners and sprays, pesticides, fertilizers and other garden products, needles, syringes, and lancets.

“Litter” means discarded materials, debris, vehicle parts, and all other materials, things, or objects which if thrown, distributed by the elements, or deposited as hereinafter prohibited tends to create a public nuisance, blight or danger to the public health, safety and welfare.

“Medical waste” means materials which are generated or produced as a result of diagnosis, treatment, or immunization of humans or animals; the production or testing of biologicals and sharps waste; laboratory waste including human or animal specimen cultures from medical and pathology laboratories; cultures and stock of infectious agents from research and industrial laboratories; waste from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research, and discarded animal vaccines; human or animal surgery specimens or tissues; waste containing materials contaminated with excretion exudates or secretions from humans that are required to be isolated by infection control staff, the attending physician, or local health officer to protect others from highly communicable diseases; biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities and other similar establishments that are identified in Health and Safety Code Section 25117.5 as may be amended from time to time.

“Multifamily” means any residential premises, other than a single-family premises, with five or more dwelling units used for residential purposes (regardless of whether residence therein is temporary or permanent). Multifamily is a subset of residential.

“Organic materials” means those materials approved by the city for collection in its organic materials collection program. Organic materials include yard trimmings, ~~and~~ food scraps and BPI, ASTM or Cedar Grove certified compostable materials. No discarded material shall be considered organic materials, however, unless such material is separated from solid waste and recyclable materials.

"Person" means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.

"Premises" means any land or building in the city. Premises include permanent and transient human dwellings and places of accommodation, commerce, or recreation.

"Recyclable materials" means those materials approved by the city and the franchised hauler for collection in its recyclables collection program. No discarded material shall be considered recyclable materials, however, unless such material is separated from solid waste and organic materials.

Commented [1]: Not sure what this means…

"Residential" means any property, premises or place on which is constructed one or more buildings or other structures containing one or more dwelling units. Residential includes both multifamily and single-family premises.

"Salvageable materials" means discarded materials that may be subsequently reused in their original form for the same or similar purpose.

"Single-family" means any detached or attached house or residence designed or used for occupancy by one family. Single-family may include residential units of a duplex, triplex, or four-plex residential structure. Single-family is a subset of residential.

"Solid waste" means solid waste as defined in California Public Resources Code, Division 30, Part 1, Chapter 2, Section 40191 and regulations promulgated hereunder that this chapter requires generators within the city to set out for collection unless generators elect to self-haul materials in accordance with this chapter. Excluded from the definition of solid waste are excluded waste, C&D debris, source separated recyclable materials, and source separated organic materials. Notwithstanding any provision to the contrary, solid waste may include de minimis volumes or concentrations of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment, and disposal of household hazardous waste in compliance with Sections 41500 and 41802 of the California Public Resources Code as may be amended from time to time. Solid waste includes salvageable materials only when such materials are included for collection in a solid waste container.

"Universal waste" means all wastes as defined by Title 22, Subsections 66273.1 through 66273.9 of the California Code of Regulations. These include, but are not limited to, batteries, fluorescent light bulbs, mercury switches, and electronic waste.

"Yard trimmings" means those discarded plant or otherwise nonanimal organic waste materials that will decompose and/or putrefy. Yard trimmings is a subset of organic materials. (Ord. 1028, 2016)

8.28.040 Inspection of collection premises. SHARE

The city manager or their designee may visit all premises within the city limits from time to time and examine the sanitary conditions of said premises to determine whether the premises is in compliance with the provisions of this chapter. Upon notification, all persons, including city-authorized service providers, shall comply with the provisions of this chapter. (Ord. 1028, 2016)

8.28.050 Accumulation of solid waste. SHARE

It shall be unlawful for the owner, occupant, or manager of any premises to allow the accumulation of any discarded materials in, on, or under any premises at any time which is, or may become, a menace to health, safety, general welfare, and sanitation or a fire hazard. It shall be unlawful for the owner, occupant, or manager of any premises to ever at any time suffer, permit, or allow any discarded materials of any kind to remain in, on, or under such premises for a period exceeding that allowed by applicable law. Any unauthorized accumulation of discarded materials on any property or premises is hereby

declared an unlawful public nuisance, is hereby prohibited, and may be abated pursuant to the provisions of Chapter 8.30 SMC, Property Maintenance Ordinance. (Ord. 1028, 2016)

8.28.060 Improper deposit of solid waste. SHARE
A. It shall be unlawful for any person to place, deposit, keep, or bury any discarded materials on, in, or under any premises, as hereinafter provided. It shall be unlawful for any person to deposit any discarded materials in any city sewer or plumbing fixture or pipe connected thereto, except through an approved mechanical device which shreds and grinds said material. It shall be unlawful for any person to bury discarded materials.

B. It is unlawful for any person to place, deposit or dump, or cause to be placed, deposited or dumped in any containers reserved for the use of any other household, business or other entity (including the general public, in the case of public litter containers), any discarded materials without express written permission from such household, business or other entity. Businesses and residents shall not rely on public litter containers for the deposit of materials generated at their household or business. (Ord. 1028, 2016)

8.28.070 Responsible collection of ~~Placing~~ litter on street, sidewalk, alley, or public place.
It shall be unlawful for any person to throw, place, scatter, or deposit, or cause to be thrown, placed, scattered, or deposited, upon any street, sidewalk, alley, public right-of-way or public place in the city, any litter, except that a property owner, occupant, tenant, customer, or their employee may place properly containerized or packaged materials at the curbside, parkway, or alley on regularly scheduled days provided by the city-authorized service provider for removal of the same. Any litter or other discarded materials located in the public right-of-way immediately adjacent to a premises shall be deemed to have originated from that premises unless the owner thereof can prove, to the reasonable satisfaction of the city manager, that such materials did not originate from their property. Litter or debris in parking lots or in the front of businesses (including sidewalk and curb or gutter) shall be the responsibility of the business owner to collect and properly dispose of at the end of each shift or each business day, whichever is more frequent. If a parking lot is shared by multiple businesses, it is the responsibility of the property owner to collect litter or to assign responsibility to the lease-holder(s). Any litter or other discarded materials containing names, addresses, or other identifying information shall be deemed to have originated with the person or location identified therein. (Ord. 1028, 2016)

Outstanding Questions:

- Is there a fine for littering?

8.28.080 Burning of solid waste. SHARE
It shall be unlawful for any person to burn any discarded materials, or any other material described in this chapter, in or on any commercial or residential premises, fire place or pit, street, alley, park, or public place within the city limits. (Ord. 1028, 2016)

8.28.090 Scavenging. SHARE
It shall be unlawful for persons other than the appropriate city-authorized service provider to collect discarded materials placed for collection in containers labeled for use in connection with waste management program(s) sponsored by the city or a city-authorized service provider. (Ord. 1028, 2016)

8.28.100 Universal service requirements. SHARE
A. Mandatory Subscription. No person shall reside, inhabit or lease to any other person residential property, and no person shall operate any business or lease to any other person commercial property within the city, at any time during which franchised discarded materials collection service is not being provided to the premises by a city-authorized service provider, unless exempt as provided herein. No real estate broker, service or salesperson shall arrange for such rentals without assuring that the agreement

includes requirements that such services exist. The legal owner of property and the occupant of such property shall each be separately responsible for ensuring compliance with this provision.

B. Exception for Self-Haulers.

1. Residents or property owners may opt to haul their own discarded materials with the express written permission from the city manager. Such permission shall be conditioned on the city receiving satisfactory documentation of the proper management of discarded materials from that premises.

2. Residents or property owners who opt to haul their own discarded materials must comply with applicable law, including requirements for recycling and separation of recyclable and/or organic materials, where applicable.

3. Residents or property owners who opt to haul their own discarded materials must do so at intervals determined satisfactory by the city manager in the written exemption approval.

4. Residents or property owners who opt to haul their own discarded materials who fail to abide by the above guidelines may have their written exemption approval revoked at the discretion of the deputy city manager – administrative services.

5. An administrative fee for exemption pursuant to this section may be collected annually to offset the cost of administration of the exemption in the amount specified in the application for exemption.

C. Temporary Exemption for Nonoccupancy.

1. Upon request to the city-authorized service provider, service may be placed on hold for any property currently unoccupied due to vacation or other circumstance for a period of up to thirty days; provided, that in any three-hundred-and-sixty-five-day period, service for any property shall not be placed on hold for combined periods in excess of sixty total days. Any hold period longer than thirty days must be approved by the deputy city manager – administrative services. Should the customer place any container for collection during the period of the requested vacation hold, without previously notifying the city-authorized service provider of an early end to the service suspension, the customer shall be responsible for all charges associated with service as though service had never been suspended. Service holds as described herein may be subject to administrative charges as approved by the city.

2. Upon presentation of evidence that any property is undeveloped or unoccupied, the deputy city manager – administrative services may issue a temporary exemption for as long as the qualifying circumstances exist, but not to exceed one year, unless another application for exemption is made and approved.

3. An administrative fee for exemption pursuant to this section may be collected to offset the cost of administration of the exemption in the amount specified in the application for exemption.

4. Decisions of the deputy city manager – administrative services are subject to appeal per SMC 8.28.240. (Ord. 1028, 2016)

8.28.110 Recyclables and organics diversion requirements. SHARE
City may make rules or policies from time to time which may require generators or specific groups of generators to participate in recycling related activities in order to be compliant with or otherwise support applicable law. Such rules or policies may include but are not limited to: requiring participation in recyclable materials and/or organic materials collection programs; requiring education of customers, employees, and visitors about recycling programs; and requiring submittal of reports to city about recycling related activities. (Ord. 1028, 2016)

8.28.120 Construction and demolition debris requirements. SHARE
Contractors (as defined in SMC 8.28.030), and all holders of franchise(s), permit(s), and/or license(s) for C&D debris collection service and the operation of other related programs within the city shall at all times comply with the following:

A. Applicable law as it may be amended from time to time, including without limitation all laws related to management of C&D debris, preparation of C&D debris management plans and reports, and diversion of C&D debris from disposal; and

B. All written and published city policies and/or administrative guidelines regarding the collection, tracking, and/or reporting of C&D debris. (Ord. 1028, 2016)

8.28.130 Collection – Franchise. SHARE
A. The city may grant an exclusive or nonexclusive franchise agreement for franchised discarded materials collection service and the operation of other programs required by applicable law within all or any portion of the city.

B. A person may not be permitted to be the franchisee for a period exceeding twenty years without the award of a subsequent franchise agreement being the subject of a request for proposals process to ensure that the best overall value is provided to the city, its residents and businesses. The request for proposals process may consider numerous factors affecting the value of services including, but not necessarily limited to: the experience and/or reputation of the provider, the quality or level of service provided, the recycling services offered, and the cost of the service. There is no obligation placed on the city to select the lowest priced provider of services identified through such process if such provider does not represent the best overall value.

C. The city may regulate, by ordinance or resolution and through the franchise agreement, all aspects of the service, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges, fees, and nature, location, and extent of providing such services.

D. Low Income Senior Rates.

1. The city, through an agreement(s) with a franchisee(s), shall provide a discount for low-income senior citizen customers. Such discount shall be available for any customer aged sixty-five years or above; provided, that such customer demonstrates that they receive assistance under third party utility discount programs such as PG&E's California Alternate Rates for Energy ("CARE") ratepayer assistance program. The amount of the discount, along with the application requirements, shall be documented and published by city and franchisee(s) through the franchise agreement or other written policy.

2. Customers receiving discounted rates prior to July 1, 2015, shall be eligible to continue receiving discounted rates; provided, that the qualifying conditions for such rates continue to exist, to the reasonable satisfaction of city. City may require periodic verification that customers receiving such discount continue to inhabit the premises. The amount of the discount, along with the application and qualification requirements, shall be documented and published by city and franchisee(s) through the franchise agreement or other written policy.

E. When a franchise agreement for the collection of discarded materials is in effect, no person, other than employees of the franchisee, may collect, haul or transport discarded materials within the district, including drop boxes, except as set forth in the franchise agreement and self-haulers pursuant to SMC 8.28.100(B).

F. Any grantee of a franchise agreement shall pay to the city a franchise fee, the amount of which shall be set forth in the franchise agreement and approved by the city council. The city council shall have the right

to adjust the amount or calculation of the franchise fee from time to time at any point during the term of the franchise agreement, subject to the procedures for adjustment described in the franchise agreement.

G. No person other than the franchisee or other city-authorized service provider, or an agent or employee thereof acting within the scope of their employment, shall tamper or meddle with, or remove items from, a container or receptacle placed by a generator for collection by the city or that city-authorized service provider.

H. It shall be unlawful for any person to solicit, accept, engage or otherwise utilize discarded materials handling service for paid consideration by a person not authorized to provide such service.

I. No person other than the franchisee or other city-authorized service provider shall offer to handle discarded materials or handle discarded materials on behalf of another in exchange for compensation in any form or amount. (Ord. 1028, 2016)

8.28.140 Collection – Other authorized collectors. SHARE

A. The city may grant exclusive or nonexclusive franchise(s), permit(s), and/or license(s) for recyclable materials collection service and the operation of other programs required by applicable law within all or any portion of the city. The terms of such permits or licenses shall be determined by the city. No person other than such city-authorized service providers shall offer to handle recyclable materials or handle recyclable materials on behalf of another in exchange for compensation in any form or amount. Holders of such franchise(s), permit(s), and/or license(s) shall at all times comply with applicable law, as it may be amended from time to time.

B. The city may grant exclusive or nonexclusive franchise(s), permit(s), and/or license(s) for C&D debris collection service and the operation of other programs required by applicable law within all or any portion of the city. The terms of such permits or licenses shall be determined by the city. No person other than such city-authorized service providers shall offer to handle C&D debris or handle C&D debris on behalf of another in exchange for compensation in any form or amount.

C. The city may grant exclusive or nonexclusive franchise(s), permit(s), and/or license(s) for home or site clean-out collection service and the operation of other programs required by applicable law within all or any portion of the city. The terms of such permits or licenses shall be determined by the city. No person other than such city-authorized service providers shall offer to handle discarded materials resulting from clean-out collection services or handle discarded materials resulting from clean-out collection services on behalf of another in exchange for compensation in any form or amount. Holders of such franchise(s), permit(s), and/or license(s) shall at all times comply with applicable law, as it may be amended from time to time.

D. It shall be unlawful for persons, contractors, landscapers or drop box haulers not in possession of a franchise(s), permit(s), and/or license(s) for discarded materials collection granted by the city to remove discarded materials from premises within city unless such discarded materials are generated as incidental to other services performed by such contractor, landscaper or other person (not including agents or subcontractors to the person providing such service). (Ord. 1028, 2016)

8.28.150 Collection – Discarded materials ownership. SHARE

A. Upon placement of discarded materials in a designated collection container, such discarded materials shall become the property of the city or the city-authorized service provider engaged to collect such material, as determined by the city-authorized service provider agreement.

B. It is unlawful for any person, except for the city or a city-authorized service provider, engaged to provide such service, to collect discarded materials from designated collection containers.

C. Nothing in this chapter limits the right of any person to sell, donate, or otherwise divert their own discarded materials from landfilling, except that recyclable materials, organic materials, C&D debris, and salvageable materials deposited into containers provided by city or a city-authorized service provider and placed for collection shall become the property of the city or city-authorized service provider as provided for in subsection A of this section. (Ord. 1028, 2016)

8.28.160 Collection – Interference with collection. SHARE
It shall be unlawful for any person in any manner to interfere with the collection, removal, or disposal of discarded materials by city or a city-authorized service provider. (Ord. 1028, 2016)

8.28.170 Collection – Vehicles. SHARE
A. It shall be unlawful for any person to collect, transport, or carry discarded materials in any vehicle which does not comply with all applicable laws.

B. It shall be unlawful for any individual to discard any object directly into any vehicle owned or operated by the city or a city-authorized service provider except for any city or city-authorized service provider personnel, duly authorized agents, or volunteers. (Ord. 1028, 2016)

8.28.180 Containers – Placement of discards. SHARE
The person in charge of any premises in the city may gather the discarded materials together and put such materials into a container approved by the city for that premises which can be conveniently handled by the city or a city-authorized service provider. Carts, bins, drop boxes, and compactors shall be deemed acceptable for use by customers to store franchised discarded materials where approved by the city. City may approve additional or alternative containers or discarded materials bundling formats from time to time. (Ord. 1028, 2016)

8.28.190 Containers – Residential premises. SHARE
Residential containers shall be placed as follows:

A. Carts shall be screened from view, except when placed for collection. Each cart shall be placed for collection by five a.m. of collection day and no earlier than the preceding evening, and shall be removed by ten p.m. of collection day.

B. For purposes of this section, “screened” means blocked from public view from the street or public right-of-way with a permanent fence, enclosure, landscaping, or other comparable facility as approved by the city manager.

C. All containers shall be placed and maintained in a location readily accessible to the city and not constituting either a fire hazard or a public nuisance.

D. Upon written notification from the city that containers are being maintained in a hazardous or offensive condition, they shall be relocated immediately by the customer.

E. Failure to relocate the containers following notice shall be unlawful. (Ord. 1028, 2016)

8.28.200 Containers – Commercial premises. SHARE
All commercial customers shall comply with the following requirements regarding containers and their placement:

A. All containers shall be placed and maintained in a location readily accessible to the city and not constituting either a fire hazard or a public nuisance.

B. Upon written notification from the city that containers are being maintained in a hazardous or offensive condition, they shall be relocated immediately by the customer.

C. Failure to relocate the containers following notice shall be unlawful. (Ord. 1028, 2016)

8.28.210 Containers – Commercial enclosures. SHARE
All commercial customers shall comply with the following requirements regarding container enclosures:

A. All commercial container enclosures shall have adequate space accommodations for solid waste, recyclable materials and organic materials containers, in accordance with applicable law, and the city's standard plans and specifications.

B. All new commercial developments must include adequate space accommodations for enclosures in accordance with applicable law, and are subject to a plan check process including review, at a minimum, by the city manager.

C. Enclosures must be located in places convenient for the removal of discarded materials and must be approved by the city manager. Enclosures, including gates and gate hardware, must be maintained in good working condition, and readily accessible by the city or city-authorized service provider. If an enclosure is not adequately maintained, service may be withheld until the condition is remedied to the satisfaction of the city manager. (Ord. 1028, 2016)

8.28.220 Containers – Exclusive use. SHARE
A. It is unlawful for any person to dump or place any material into, or to utilize, any container without consent of the owner or person to whom the container has been provided by city-authorized service provider.

B. It is unlawful for any person, without the consent of the owner or person to whom the container has been provided by city-authorized service provider, to enter into a container for the purpose of salvaging or recovering any item therein or for the purpose of utilizing the container to rest or sleep therein.
(Ord. 1028, 2016)

8.28.230 Prohibited materials. SHARE
Materials not permitted to be placed in containers for collection by the city or city-authorized service provider include excluded waste, hot ashes, sharps, flammables, live ammunition, explosive substances, poison, hazardous chemicals, offal, animals, and similar materials. Disposal of excluded waste shall be performed through a licensed collection and disposal company which complies with all applicable laws and regulations. No person shall place in containers any wearing apparel, bedding, or other material from homes or other places where highly infectious or contagious diseases have prevailed. City and city-authorized service providers shall maintain a current list of prohibited materials, and shall make such list available to generators. Generators are responsible for obtaining and reviewing such list of prohibited materials, and acting in accordance with applicable law. (Ord. 1028, 2016)

8.28.240 Appeals to city manager. SHARE
A customer may appeal a decision of the deputy city manager – administrative services to the city manager in writing to the city manager within five days of receipt of the deputy city manager's ruling. The written appeal must state the reason for the appeal and specify any facts or evidence in support of the request. The city manager or designee, who may be a city hearing officer, will promptly consider the appeal and provide a written decision within ten days of the filing of an appeal. The city manager's determination will be final. (Ord. 1028, 2016)