

**EXETER CITY COUNCIL ACTION MINUTES
JANUARY 11, 2022**

A special meeting of the City Council, City of Exeter was held on Tuesday, January 11, 2022, at 5:00 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Steve Garver, Dave Hails, and Justin Mills

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, Shonna Oneal, Eekhong Franco

A. CALL TO ORDER SPECIAL MEETING

Mayor Sally called the special meeting to order at 5:00 p.m.

B. PUBLIC COMMENT REGARDING SPECIAL MEETING

No public comment was presented.

C. Public Hearing to receive input from the Community regarding the Redrawing of Election District Boundaries and receive a report from staff and National Demographics Corporation (NDC) on the redistricting process, permissible criteria to be considered to redraw same, and the proposed new district maps. City Clerk Shonna Oneal introduced the item and Dr. Tilton of NDC. Dr. Tilton provided a PowerPoint presentation highlighting the redistricting process and proposed new district maps for consideration. Mayor Sally opened the public hearing at 5:15 p.m. Vicki Riddle addressed the Council and posed questions regarding the formula and legal process an agency is required to go through for redrawing the maps. Dr. Tilton and City Attorney Julia Lew provided a response thereto. Receiving no further comment, Mayor Sally closed the public hearing at 5:23 p.m. Council posed questions and Dr. Tilton provided responses thereto. Several Council Members indicated that they preferred Map 105 or Map 106 given that they appeared to address the population and geographic concerns with the current district map and did not create overlap or vacant districts, and the demographic consultant noted he would keep those maps as potential options in the process. Following discussion, no action was requested or taken.

D. Adjourn Special Meeting

Mayor Sally adjourned the special meeting at 5:38 p.m.

A regular session of the City Council, City of Exeter was held on Tuesday, January 11, 2022, at 7:00 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Steve Garver, Dave Hails, and Justin Mills

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, Daymon Qualls, Rainbow Moore, Shonna Oneal, and Eekhong Franco

E. CALL TO ORDER REGULAR SESSION

Mayor Sally called the regular session to order at 7:00 p.m.

F. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was given by Council Member Mills and an invocation was given by Pastor Miriam Peralta.

G. PUBLIC COMMENTS:

Mayor Sally requested those who wish to speak on matters that are not on the agenda that are within the jurisdiction of the Exeter Council, or to address or request a matter be pulled from the consent calendar to do so at this time. She also stated comments related to Individual Business or Public Hearing items that are listed on the agenda will be heard at the time that matter is addressed on the agenda.

Mike Germaine addressed the Council to provide an update on upcoming projects at the Bark Park.

H. SPECIAL PRESENTATIONS (if any): None

ACTION MINUTES
EXETER CITY COUNCIL
Page 2, JANUARY 11, 2022

I. CONSENT CALENDAR:

It was moved by Mayor Pro Tem Alves, seconded by Council Member Mills and unanimously carried to adopt the consent calendar as presented.

1. Approve regular minutes of December 14, 2021
2. Payment of Bills
3. Payroll: December 10 and December 24, 2021
4. Adopt Resolution 2022-01 authorizing the City Administrator to sign and file, for and on behalf of the City of Exeter, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of a Drinking Water System Improvement Project.
5. Adopt Resolution 2022-02 Reaffirming Its Proclamation of a Local Emergency, Re-Ratifying the Proclamation of a State of Emergency by AB 361 issued on September 16, 2021, and Re-Authorizing Remote Teleconference Meetings of all Legislative Bodies of the City of Exeter for the Period of Thirty (30) Days Pursuant to Brown Act Provisions.

J. INDIVIDUAL BUSINESS ITEMS:

1. **Consideration of approval of an amendment to the Agreement For City Engineering Services Between The City Of Exeter And Quad Knopf, Inc.** City Administrator Adam Ennis provided a report for Council's review and consideration. Following a brief discussion, it was moved by Council Member Mills, seconded by Mayor Pro Tem Alves and unanimously carried to approve an amendment to the Agreement for City Engineering Services between the City of Exeter and Quad Knopf, Inc. as presented.

K. CITY COUNCIL ITEMS OF INTEREST

Council Member Garver reported on attending a tour of Tooleville and a TCRTA wherein they discussed upcoming funding available for local governments and small authorities for transit projects. Council Member Mills reported on attending a TCEDC meeting. Mayor Pro Tem Alves reported he will be attending the TCAG meeting on Monday. Council Member Hails reported on attending a tour of Tooleville and the Doh Dah Parade. Mayor Sally reported on attending the Doh Dah Parade.

L. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

City Administrator Adam Ennis provided a brief update on City projects and upcoming events in the City.

M. ADJOURN REGULAR MEETING

Mayor Sally adjourned the regular meeting at 7:23 p.m.

Shonna Oneal City Clerk

AVENU FINANCIAL SYSTEM
1/07/2022 12:19:47

Payments for Publication

CITY OF EXETER
GL335R-V08.15 PAGE

Approved on 1/07/2022 for Payments Through 1/07/2022

Vendor Name	Description	Amount
LYLES UTILITY CONSTRUCTION LLC	EMERGENCY REPAIR- WATER	142,013.52
**	Final Totals...	142,013.52

Approved on 12/30/2021 for Payments Through 12/30/2021

Vendor Name	Description	Amount
AAA QUALITY SERVICES	PORTA POTTY RENTALS	105.30
ADVENTIST HEALTH TULARE	NOV LAB FEES	1,725.00
AMERICAN BUSINESS MACHINES	CH-12/24-1/23/2022	14.84
BASIC	DEC COBRA ADMIN FEE	30.00
BLUE SHIELD OF CALIFORNIA	01/01-01/31/2022	29,397.13
C.L.E.A.	JAN 2022 LT DISABILITY	73.50
CALIFORNIA BUSINESS MACHINES	PW-12/22-1/21/2021 BASE	83.26
CALPERS	2022 REPLACEMENT CHARGES	193.68
CHARTER COMMUNICATIONS	12/06-01/05/2022	159.64
CITY OF EXETER	11/15-12/15/21-ASSE	1,795.31
COLANTUONO, HIGHSMITH &	NOV 2021 UUT COLLECTION	41.89
CSJVRMA	21/22 Q3 WORKERS COMP	87,159.00
CULLUM/TRENT	TRAINING: COM. POLICING	15.00
DASH MEDICAL GLOVES, INC.	NITRILE EXAM GLOVES	439.12
DEPT OF JUSTICE	NOV FINGER PRINTS	363.00
DURKEE/ MARK	CIT TRNG: JAN10-14 5X\$15	75.00
EMD NETWORKING SERVICES, INC.	COE INTERNET DOWN	354.53
ESTEVAN FELIX	TRNG: JAN 1014 15X5DAYS	75.00
FRONTIER CALIFORNIA INC.	5139-12/16-01/15/2022	756.29
GALANTE BROS. ENTERPRISES, INC	THINK SKIN PATCH> 1.5"	14,784.54
GOVERNMENT REVENUE SOLUTIONS	DEC. 2021 SUPP	2,979.06
LEAF CAPITAL FUNDING LLC	CH-KYOCERA TA4002I	169.02
MOONLIGHT MAINTENANCE	DEC PD OFFICE CLEANING	1,797.00
PRINCIPAL LIFE INSURANCE CO.	JANUARY PREMIUMS-31	4,476.29
RCN COMMUNICATIONS LLC	1YR NETCLOUD MOBILE ESSE	1,356.52
SOUTHERN CALIFORNIA EDISON	0041B-11/23-12/22/21	16,801.78
STANDARD INSURANCE CO.	JANUARY 2022 LIFE INS	2,130.83
TULARE COUNTY	NOV- PRINT	6,123.50
VALLEY EXPETEC	JAN 2022 MONTHLY AGREEME	6,628.27

**

Final Totals... 180,103.30

PAYROLL.....S BI-WEEKLY
CHECK FORM..CHEK CHECK REGISTER

RUN-01/06/2022 09.32.54 PAGE 1
PR311R-V14.12 Paymate

PERIOD 1 DATING 12/20/2021- 1/02/2022 CHECK DATE 1/07/2022
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
1202	63.69	CA STATE DISBURSEMENT UN	2	1 VENDOR CHECK
1203	570.60	FRANCHISE TAX BOARD	8	1 VENDOR CHECK

TOTALS FOR CHECK FORM: CHEK

NEGOTIABLE CHECKS		COUNTS
0.00	*EMPLOYEE CHECKS	0
634.29	*VENDOR CHECKS	2
0.00	*BANK CHECKS	0
634.29	**TOTAL NEGOTIABLE CHECKS	2

OTHER CHECKS

0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
634.29	**TOTAL FOR CHECK FORM	

NON-NEGOTIABLE CHECKS

0.00	*DIRECT DEPOSIT STUBS	0
0.00	*VENDOR DIR DEP STUBS	0

PERIOD 1 DATING 12/20/2021- 1/02/2022 CHECK DATE 1/07/2022
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
49691	108.00	CLOCEA	4	1 VENDOR STUB ONLY
49692	684.00	EXETER POLICE OFFICER AS	3	1 VENDOR STUB ONLY
49693	188.28	EXETER POLICE OFFICER AS	3A	1 VENDOR STUB ONLY
49694	4,588.49	ENNIS/ADAM	206	1 STUB ONLY
49695	2,683.20	ONEAL/SHONNA N	203	1 STUB ONLY
49696	1,076.15	CARTER/AMY JO	502	1 STUB ONLY
49697	1,453.10	CORREA/BIANCA	630	1 STUB ONLY
49698	3,165.47	PARK MOORE/YUN GYUNG	703	1 STUB ONLY
49699	314.78	SANCHEZ/CESILIA	307	1 STUB ONLY
49700	2,276.03	FRANCO/EEKHONG	304	1 STUB ONLY
49701	1,581.19	PHILLIPS/ZACHARY	705	1 STUB ONLY
49702	1,407.40	CARRETERO/VANESSA	402	1 STUB ONLY
49703	2,428.98	CORREA/GABRIEL JR	436	1 STUB ONLY
49704	1,408.28	CULLUM/TRENT	444	1 STUB ONLY
49705	2,570.28	DURKEE/MARK	404	1 STUB ONLY
49706	1,787.06	ECHAVARRIA/TYLER J	443	1 STUB ONLY
49707	2,222.17	FELIX/ESTEVAN	704	1 STUB ONLY
49708	2,189.53	GIEFER/MICHAEL DAVID	438	1 STUB ONLY
49709	1,871.51	GUZMAN/TIMOTHY CHARLES	410	1 STUB ONLY
49710	3,367.79	HALL/JOHN T	406	1 STUB ONLY
49711	1,665.46	HAMPTON/JUSTIN	446	1 STUB ONLY
49712	2,462.47	INGLEHART/BRETT A	411	1 STUB ONLY
49713	1,428.52	MARX/CHRIS	706	1 STUB ONLY
49714	1,974.93	PHELPS/KEVIN M	429	1 STUB ONLY
49715	1,034.21	PRIDEAUX/TRACI	448	1 STUB ONLY
49716	2,467.99	YARBER/ISABEL	422	1 STUB ONLY
49717	1,542.76	ALDRIDGE/GARY	618	1 STUB ONLY
49718	1,408.66	ARROYO/MARIE	623	1 STUB ONLY
49719	1,339.15	BRASSFIELD/TRAVIS	619	1 STUB ONLY
49720	1,670.18	ESPINOLA/DANIEL M	602	1 STUB ONLY
49721	1,598.63	HUGGINS/KYLE AARON	621	1 STUB ONLY
49722	2,928.08	QUALLS/DAYMON	607	1 STUB ONLY
49723	1,725.54	RAMIREZ/JUAN	608	1 STUB ONLY
49724	714.19	WENDT/EDDIE	626	1 STUB ONLY
49725	1,643.04	MILLAN/MARCUS	622	1 STUB ONLY
49726	995.44	MILLER/JAMES	624	1 STUB ONLY
49727	729.84	MIRWALD/PHILIP	625	1 STUB ONLY
49728	1,917.26	HAYES/CURTIS W	437	1 STUB ONLY

**City of Exeter
Agenda Item Transmittal**

Meeting Date: January 25, 2022

Agenda Item Number: **E4**

Wording for Agenda: Authorize the piggyback of a contract that was competitively bid by City of Visalia for asphalt crack sealing and authorize the City Administrator to execute an agreement with Graham Contractors, Inc. of San Jose, CA in the amount of \$93,478 to perform asphalt crack sealing at various locations throughout the City subject to minor conforming and clarifying changes acceptable to the City Attorney.

Submitting Department: Public Works
Contact Name: Daymon Qualls, Public Works Director
Phone Number: 592-3318
Email: dqualls@exetercityhall.com

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**

ABE

Department Recommendation:

Staff recommends that the City Council authorize the piggyback of a City of Visalia contract that was competitively bid for asphalt crack sealing and authorize the City Administrator to execute an agreement with Graham Contractors, Inc. of San Jose, CA in the amount of \$93,478 to perform asphalt crack sealing at various locations throughout the City.

Summary:

Using the results of Infrastructure Management Service's (IMS) survey as a guide, staff completed a secondary visual survey to determine which City streets could potentially benefit from a lower-cost maintenance treatment such as reclamite, thin skin patching, slurry seal, cape seal or crack sealing. The surveys identified several areas throughout the City that required remedial repair work prior to receiving any of the aforementioned low-cost maintenance treatments. This remedial repair work was recently completed through a contract with Galante Brothers Contractors. Public Works staff is now preparing contracts for the low-cost maintenance treatments. One of the treatments that can be completed in colder weather is crack sealing.

Accordingly, staff desires to piggyback the City of Visalia's contract that was competitively bid recently for asphalt crack sealing and authorize the City Administrator to execute an agreement with Graham Contractors, Inc. of San Jose, CA in the amount of \$93,478 to perform asphalt crack sealing at various locations throughout the City.

Background:

At the regularly scheduled Council meeting of February 13, 2018, staff gave a presentation on the condition of the City's streets. Staff recommended that the City should actively inventory its streets, determine which streets would benefit from lower cost maintenance treatments, and implement that program accordingly. A street survey had not been conducted since 2012 so on March 26, 2019, the Council awarded and authorized the City Administrator to execute an agreement with (IMS) to conduct an updated pavement condition survey throughout the City and directed staff to design a maintenance and repair program to maintain streets in the most cost-effective manner possible.

Fiscal Impact: The Council approved a CIP schedule for FY 20/21 and FY 21/22 which includes \$50,000 in funds programmed each year in the Transportation (113) account specifically for crack sealing projects.

Prior Council/Board Actions: No prior action

Attachments: City of Visalia – Crack Sealing Specs and Contract
City of Exeter – Crack Sealing Specs and Contract

Recommended motion to be made by Council/Board: I move to piggyback on the City of Visalia's competitively bid contract for asphalt crack sealing and authorize the City Administrator to execute an agreement with Graham Contractors, Inc. of San Jose, CA in the amount of \$93,478 to perform asphalt crack sealing at various locations throughout the City subject to minor conforming and clarifying changes acceptable to the City Attorney.

**City of Exeter
Agenda Item Transmittal**

Meeting Date: January 25, 2022

Agenda Item Number: F1

Wording for Agenda: Public Hearing to consider an ordinance to amend the Exeter Municipal Code, Title 8 – Health and Safety; Chapter 8.16 Garbage Collection and Disposal and Chapter 8.18 Commercial and Industrial Garbage Recycling Program; and introduce and give first reading of Ordinance 699 Repealing and Replacing Chapter 8.16 of Title 8 of the City of Exeter Code of Ordinances.

Submitting Department: Public Works
Contact Name: Daymon Qualls
Phone Number: 592-3318
Email: dqualls@exetercityhall.com

For action by:
 City Council

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**

ABE

Department Recommendation:

Staff recommends that Council hold a public hearing, accept and consider public comments, close the public hearing, introduce and give first reading of an Ordinance 699 Repealing and Replacing Chapter 8.16 of Title 8 of the City of Exeter Code of Ordinances.

Summary:

As explained during previous staff presentations, SB 1383 provides a complex array of mandatory requirements for cities requiring all residential and commercial premises to comply with a rigorous organic waste recycling program. The requirements are embodied in statewide regulations. The initial deadline was January 1, 2022, for adoption of an organic waste ordinance and compliance with the requirements. Through 2021, staff worked with Mid Valley Disposal to have an updated contract in place by the January 1, 2022 deadline to ensure that the operational requirements of SB1383 would be implemented by the deadline. Staff have communicated with CalRecycle that the ordinance amendment process would occur in January of 2022 to match the contract with Mid Valley already in place. The proposed ordinance complies with the SB 1383 requirements. Failure to comply subjects the City to penalties which will be enforced by CalRecycle.

Background:

SB 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, directs CalRecycle to develop regulations to divert 75% of organic waste from landfills and recover 20% of edible food for human consumption statewide by 2025. Although the law passed in 2016, the regulations were not approved until November 2020, giving jurisdictions only about one year to prepare for compliance with a significant and complex set of new requirements. A foundational requirement in the SB 1383 regulations is that jurisdictions must adopt an ordinance that incorporates the SB 1383 regulations by January 1, 2022.

The State regulations are set forth in Title 14, Division 7, Chapter 12 of the California Code of Regulations, entitled "Short-Lived Climate Pollutants." Because the regulations were developed and adopted in response to California Senate Bill 1383, they are often referred to as the "SB 1383 Regulations."

A. The SB 1383 Regulations.

SB 1383 Regulations place several new requirements on cities, waste haulers, and producers of organic waste, both businesses and residents, including:

- Providing organic waste collection to all residents and businesses
- Establishing an edible food recovery program that recovers edible food from the waste stream
- Conducting outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments.
- Capacity Planning (Evaluating our readiness to implement SB 1383)
- Producing recycled organic waste products like compost, mulch, and renewable natural gas (RNG)
- Inspecting and enforcing compliance with SB 1383
- Maintaining accurate and timely records of SB 1383 compliance

Most importantly, for the purposes of this report, the SB 1383 Regulations require cities to adopt an ordinance and/or other enforceable mechanisms to enforce the regulations. The proposed ordinance is a necessary step toward bringing the City into compliance with the SB 1383 Regulations.

B. The Proposed Ordinance

The proposed ordinance is primarily based on a model enforcement ordinance developed by CalRecycle but there has been significant customization. Its purpose is to incorporate SB 1383 requirements and serve as the enforcement mechanism that the law requires jurisdictions to have. The prescriptive nature of the SB 1383 Regulations leaves little flexibility in the content of the ordinance. The proposed ordinance addresses the regulatory changes mandated by SB 1383 to reduce greenhouse gas emissions. Some of the most significant proposed by the Ordinance include:

1. The addition of several new definitions which reflect the increasingly technical and complicated nature of State law in this area.
2. Automatic enrollment of all businesses and residents in a waste collection service that provides for recycling of both non-organic recyclables (e.g., bottles, cans, plastics, and glass) and organic waste (e.g., food, green waste, wood, and paper products), unless the business or resident obtains a waiver. The only reasons the City will grant waivers will be (a) if a business does not have sufficient space on its property for an organic waste container, or (b) if a business produces no organic waste or a de minimis amount of organic waste.
3. Several new requirements for commercial edible food generators, including grocery stores, businesses that distribute food to grocery stores, wholesale food vendors, restaurants over a certain size, hotels and health facilities over a certain size that have food facilities, and certain event venues. These generators must make arrangements to recover as much edible food as possible that would otherwise be thrown away, including contracting with food recovery organizations, and keep records of such efforts.
4. A requirement for the City's franchised waste hauler to provide a solid waste collection service that will comply with the SB 1383 Regulations. This is accomplished through a 3-container system which the City already has.

5. A requirement for self-haulers (individuals and businesses that haul their own solid waste) to obtain a permit from the City, separate non-organic recyclables and organic waste from other solid waste, take their waste to a permitted waste processing facility, and (for businesses) keep records of the amount of organic waste delivered to the solid waste processing facility.

6. Requirements on businesses (including owners of multifamily dwellings) to educate their tenants and employees about the new organic waste recycling requirements and provide appropriate separate waste containers for organic waste.

7. There are State-mandated penalties for violations, with residential penalties set at the minimum range. However, SB 1383 Regulations allow for the City to take an educational and non-punitive approach for the first two years (2022-2023).

C. Non-Compliance

While the City expects to gain compliance from residents and businesses, SB 1383 Regulations provide CalRecycle with the ability to engage in enforcement actions of its own against the City if the designated level of compliance is not met. These actions may include:

- Conducting more frequent inspections;
- Taking over direct enforcement on non-compliant businesses within the City;
- Establishing a schedule for City compliance and a probationary period, requiring a work plan and that the jurisdiction demonstrates it has sufficient staffing to implement the requirements of the law; and/or
- Seeking administrative penalties against the City of up to \$10,000 per day.

Fiscal Impact: The actual fiscal impact to the City as a result of the adoption of the proposed ordinance is uncertain at this time. The City's contract solid waste hauler, Mid Valley Disposal, will be primarily responsible for monitoring many aspects of collection, inspection, and enforcement. However, the City will likely have administrative, record keeping, compliance review, and other costs associated with implementation of the proposed ordinance.

Prior Council/Board Actions: In December 2021, the Council approved a contract with Mid Valley Disposal which included operational requirements to meet the SB1383 regulations.

Attachments:

1. Current Title 8 – Health and Safety; Chapter 8.16 Garbage Collection and Disposal and Chapter 8.18 Commercial and Industrial Garbage Recycling Program
2. Amended Title 8 – Health and Safety; Chapter 8.16 Garbage Collection and Disposal and Chapter 8.18 Commercial and Industrial Garbage Recycling Program

<p>Recommended motion to be made by Council/Board: I move to give first reading of Ordinance 699 amending and restating Title 8 – Health and Safety; Chapter 8.16 Garbage Collection and Disposal and Chapter 8.18 Commercial and Industrial Garbage Recycling Program, read by title only, and waiving further reading in full.</p>

Chapter 8.16 - GARBAGE COLLECTION AND DISPOSAL

Sections:

8.16.010 - General provision.

Consent is given that the county health officer shall enforce and observe in the city all orders, quarantine regulations and rules prescribed by the State Department of Public Health, all statutes of the state and all ordinances of the county relating to the public health, all of which orders, regulations, rules, statutes and ordinances are declared to be effective within the city.

(Ord. 320 §1, 1974).

8.16.020 - Purpose.

The city, in order to more effectually promote and protect the public health and safety and reduce the danger and hazards of fires and conflagrations, reserves unto itself the exclusive right and power to collect, transport and dispose of, or to authorize, regulate, permit and control the collections, transportation and disposition of all refuse and rubble produced or found within the corporate limits of the city.

(Ord. 506 §1(part), 1990).

8.16.030 - Definitions.

For the purposes of this chapter, certain words and terms are defined as follows:

- A. "Authorized containers" means for rubbish or rubble only, sturdy leakproof, strong plastic, rubber or galvanized metal containers, between twenty and thirty-two gallons capacity, loaded weight not exceeding sixty pounds and approved by the finance director.
- B. "Bundle" means a package containing rubbish only, not exceeding four feet in its longest dimension nor sixty pounds in weight, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or leakage, and may be placed for collection immediately adjacent to a standard container, including but not limited to the following:
 - 1. Tree limbs;
 - 2. Brush and prunings;
 - 3. Christmas trees not exceeding four-foot lengths.
- C. "Container" or "cart" means a regulation automatic solid waste receptacle of approximately one hundred gallons' capacity provided by the solid waste superintendent or city's private contractor.
- D. "Garbage" means refuse accumulations of animal, fruit or vegetable matter that attend the storage, sale, preparation and use of meat, fish, fowl, fruits or vegetables; tin cans or other containers, originally used for foodstuffs; any other discarded or abandoned organic materials which are capable of rotting.
- E. "Refuse" means garbage, rubbish, or both.
- F. "Rubbish" means all organic or inorganic materials, not defined in this chapter as garbage or rubble, which are rejected, abandoned or discarded by the owners or producers thereof, as offensive or useless or no longer desired by such owners or producers. These materials include but are not limited to:
 - 1. Pasteboard boxes, paper, rags, used clothing;
 - 2. Discarded or abandoned bedding, mattresses, carpets, oilcloth and linoleum;

3. Sweepings or cleanings from buildings, yards, lawns or gardens;
 4. Bottles, tin cans or containers, broken crockery and glassware, metals, wire packing or wrapping materials, ashes;
 5. Trimmings from lawns, shrubs, plants or trees;
 6. Rope, twine, jute, bagging, or burlap.
- G. "Rubble" means rocks, concrete, bricks and similar solid material; plaster, dirt and similar abandoned or discarded inorganic, noncombustible, nonrotting materials; building construction or demolition waste materials; sod.
- H. "Standard containers" means strong plastic, rubber or galvanized metal containers, watertight, with tight-fitting covers, between twenty and thirty-two gallons in capacity, with cover handle and side bails or as otherwise approved by the city.

(Ord. 515 §1, 1992; Ord. 506 §1(part), 1990).

8.16.040 - Residential and commercial collection service.

- A. All dwellings, apartment houses and places of business in which refuse accumulates within the city shall be required to use the collection service approved by the city and to pay the charges set by the city council.
- B. The city, or its private contractor, shall provide three automatic refuse carts for the use of each residential unit in the city: one for general refuse, one for green waste and one for recyclable materials. All carts shall remain the property of the city or its private contractor. The city or its private contractor shall, once weekly, collect and dispose of garbage from each cart placed at the curbside in front of each residence, or in the alley at the designated location. The total solid waste placed in each cart shall not exceed two hundred twenty pounds. Containers shall be removed from curbside not later than six-thirty p.m. of the day of the scheduled pickup.
- C. The city or its private contractor, upon request of the customer, shall provide an additional one-hundred-gallon cart for residential garbage/garden rubbish. An additional monthly fee shall be assessed for extra carts. If a residence repeatedly accumulates refuse beyond the capacity of their existing service, then that customer shall be required to obtain an additional cart.
- D. Collection of solid waste from apartment complexes shall be the same as for single-family residences, except as follows:
 1. Bin service shall be provided for apartment complexes consisting of five or more residential units.
 2. One-hundred-gallon automatic containers will be provided for each unit at apartment complexes consisting of four or less units.
- E. Collection of solid waste from commercial establishments receiving solid waste collection service from the city or its private contractor shall be made as many times per week as the solid waste superintendent may order. If a commercial establishment repeatedly accumulates refuse beyond the capacity of their existing service, then that establishment shall be required to obtain additional bin capacity or more frequent pickups per week.

(Ord. 596 §1, 2002; Ord. 575 §1, 1998; Ord. 554 §1, 1995; Ord. 529 §1, 1993; Ord. 515 §2, 1992; Ord. 506 §1(part), 1990)

8.16.050 - Charges and fees.

- A. The charge or charges to be made or paid for the collection and disposal of the several classes of refuse defined in this chapter shall be fixed and determined by ordinance of the city council adopted by a two-thirds vote thereof.
- B. Billing for refuse disposal service, and payment thereof, shall be to and by the person in whose name water service is rendered to the property served. Upon written application by the property owner of tenant-occupied property, billing and payment may be made to and by the property owner.
- C. Both billing and payment shall be made concurrently with sewer service charges and water charges. Payments of sewer service shall not be accepted without concurrent payments for the same period of service for refuse disposal service.
- D. As established on the first day of November, 2005, the refuse rates to be charged and paid in the city are as follows:

	One 100-Gallon Container	Two 100-Gallon Containers
Churches and commercial multiple units, including trailer courts	\$16.02	\$22.97
	One 100-Gallon Container + One 100-Gallon Green-waste Container + One 100-Gallon Recyclable Container	Two 100-Gallon Containers + One 100-Gallon Green-waste Container + One 100-Gallon Recyclable Container
Single-family residence	\$16.60	\$22.97
	One 60-Gallon Container + One 100-Gallon Green-waste Container + One 100-Gallon Recyclable Container	
Senior citizens in single-family residence	\$15.94	

Commercial/Industrial	Cost Per Month
One yard one time per week	\$34.87
Two yard one time per week	\$59.78
Two yard two times per week	\$100.11
Three yard one time per week	\$76.47

Three yard two times per week	\$132.09
Four yard one time per week	\$98.71
Four yard two times per week	\$194.66
Six yard one time per week	\$125.16
Six yard two times per week	\$250.30
Two six yard two times per week	\$496.59
Three six yard two times per week	\$699.38
Three six yard three times per week	\$1,045.59
Five two yard two times per week	\$383.76

E. Future rate adjustments shall be established, from time to time, by resolution of the city council, and shall supersede the rates set forth in this section.

(Ord. 679 §1, 2015; Ord. 596 §2, 2002; Ord. 575 §2, 1998; Ord. 554 §2, 1995; Ord. 529 §2, 1993; Ord. 515 §§3, 4, 1992; Ord. 506 §1(part), 1990)

8.16.060 - Unlawful acts.

- A. It is unlawful for any person to throw or deposit, or cause to be thrown or deposited, any rubbish or waste matter, as the terms are defined by this chapter, in a container belonging to another resident or business, in or upon any vacant lot, or on or upon any street, alley, gutter, highway, park or other public place in the city, or to deposit or place or keep any rubbish or waste matter except in the manner prescribed in this chapter.
- B. It is unlawful to burn refuse in the open air within the corporate limits of the city without first obtaining a permit to do so.
- C. It is unlawful for any person, firm or corporation within the city, other than duly authorized collectors of the department of public works or licensed collectors, to gather, collect, transport, burn, bury or dispose of any garbage, rubbish or rubble, or to remove any receptacle containing the same from any place where the same was placed by any occupant, excepting that rubbish and rubble may be transported and lawfully disposed of by the customer who owns or controls the premises serviced upon which it was accumulated.
- D. It is unlawful for any person to bury refuse at any place within the city or to keep, place or deposit refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied, or under the possession and control of such person; provided, however, that lawn and garden trimmings may be composted.

- E. It is unlawful to create, cause, or add to any refuse accumulation not placed for regular or special hauls, or to cause the attraction or collection of insects or rodents, or to burn any garbage, leather, rubber, plastic, green or wet vegetation or organic material or to burn any other substance producing smoke problems or odor problems within the city.
- F. It is unlawful to deposit or use refuse for lot filling or leveling purposes.
- G. It is unlawful for any person, firm or corporation to permit any manure to accumulate on premises under his or its control, in such manner or to such extent, as to give rise to fly-breeding conditions or to objectionable odors upon any public highway, street, or alley or upon any premises within the city.

(Ord. 506 §1(part), 1990).

8.16.070 - Health and safety measure.

This chapter shall be enforced as a health and safety measure to prevent the nuisances of refuse accumulation and disposition, including odors, insect or rodent attractions, smoke problems or odor problems. The city council finds that each and all of the above specified conditions constitute a public nuisance and are unlawful, in violation of this chapter, and subject to immediate abatement by any officer of this city.

(Ord. 506 §1(part), 1990).

8.16.080 - Collection generally.

Any person or persons in possession, charge or control of any boardinghouse, restaurant, cafe, hotel, apartment, eating house, dwellinghouse, multifamily dwelling, court, commercial establishment, flat, or owning or occupying any premises whatsoever having refuse within the city shall provide or cause to be provided, and at all times keep or cause to be kept, suitable and sufficient standard containers for the deposit of refuse and rubble as defined in this chapter for the premises. Any such person or persons will be provided with and will pay for regular collection and disposal services, as provided in this chapter, for the removal and disposal of refuse and rubble from the premises or containers. The number of containers provided and the amount of regular service retained by occupants or owners of premises shall be sufficient to take care of the refuse and rubble normally produced or originating from or upon the premises during intervals between collections without spillage, escape of odors, fly breeding or otherwise creating a nuisance. At least one standard container shall be provided for each dwelling unit, commercial or institutional establishment. A large number of standard containers and service based thereon shall be provided and paid for as directed by the city in accordance with the provisions of this chapter.

(Ord. 506 §1(part), 1990).

8.16.140 - Administration and enforcement.

- A. The administration and enforcement of this chapter is the responsibility of the city administrator or his designated representative or representatives.
- B. The city administrator shall recommend for adoption by the city council, in resolution form, any rules and regulations required to enforce or carry out the provision of this chapter.
- C. Fire department personnel, and such other persons as may be authorized by the city administrator, are authorized to enter any hotel, restaurant, or other public place, or yard or outbuilding to determine compliance with the provisions of this chapter.
- D. It shall be a misdemeanor for any person, firm, corporation or association, or any agent or employee thereof, to hinder, threaten, impede or obstruct a city refuse collector in the performance of his duty as defined in this chapter.

(Ord. 506 §1(part), 1990).

8.16.150 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction pursuant to Section 19(c) of the California Penal Code. Any person convicted of a misdemeanor under this chapter shall be punished by a fine not to exceed three hundred dollars and/or thirty days in the county jail. Any person convicted of an infraction under this chapter shall be punished by fine not to exceed fifty dollars for first offense, one hundred dollars for a second violation of this chapter within a twelve-month period, and two hundred dollars for a third and succeeding violation within a twelve-month period.

(Ord. 506 §1(part), 1990).

Chapter 8.18 - COMMERCIAL AND INDUSTRIAL RECYCLING PROGRAM

Sections:

8.18.010 - Definitions.

As used in this chapter, the following words and terms shall have the meanings herein ascribed to them:

"City-sponsored contractor" means the designated individual or company contracted by the city to pick up, haul, and otherwise remove recyclable materials from commercial and industrial business enterprises in the city.

"Commercial or industrial business enterprise" means business, commercial, industrial, or nonprofit business uses or any other types of premises other than single-family and multiple family residential, which have commercial garbage accounts.

"Recyclable materials" means the following materials generated on or emanating from commercial or industrial premises and no longer useful or wanted thereon: glass bottles and jars - any food or beverage container (excluding ceramics and chemical containers); aluminum - cans, foil, pie tins, and similar items (excluding dirt or organic material); steel or bi-metal cans not to exceed one gallon size; PET - plastic soda bottles or other bottles with the designated "PET" symbol; HDPE plastic milk and water bottles with the designated "HDPE" symbol (excluding detergent or bleach bottles and other plastic products); newspaper; cardboard - separated and not having waxed surfaces; computer print out (excluding carbon); and white ledger - white bond paper, office paper, white envelopes (excluding coated paper); mixed paper; wood waste; and such additional materials as the city council may designate from time to time.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

"Required participation" means each commercial or industrial business enterprise in the city is required to participate in the city-sponsored commercial and industrial recycling program by purchasing a minimum level of recycling service to recycle ninety percent, by aggregate, of the recyclable materials contained in their waste stream to a source separated recycling program.

(Ord. 611 §1(part), 2004).

8.18.020 - Required participation in city-sponsored programs.

All commercial and industrial enterprises located within the city are required to participate in the city-sponsored commercial and industrial recycling program. Said participation shall result in the recycling of a minimum level of ninety percent, by aggregate, of the recyclable materials contained in the business establishment's waste stream to a source separated recycling program. Said required reduction goal shall be achieved by each business enterprise by one, or a combination of, the following:

- A. Purchasing recycling services from the city-sponsored contractor; and/or
- B. Creation, maintenance and operation of their own recycling program which shall have first been submitted to and approved by the city.

(Ord. 611 §1(part), 2004).

8.18.030 - Establishment of rates.

Rates to be charged by the city-sponsored contractor shall be established, from time to time, by resolution of the city council.

(Ord. 611 §1(part), 2004).

8.18.040 - Required quarterly reports.

Any recycling company or waste hauler and any commercial or industrial business enterprise removing recyclable materials from the waste stream shall report such diversion to the city and indicate the type and amount of material diverted on a form approved by the city within thirty days after the end of each calendar quarter.

(Ord. 611 §1(part), 2004).

8.18.050 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of an infraction. Any person who shall be convicted of the violation of this chapter shall be deemed guilty of an infraction and shall be punishable by a fine not exceeding fifty dollars for the first offense, one hundred dollars for the second offense within six months and two hundred fifty dollars for the third offense within one year.

(Ord. 611 §1(part), 2004).

ORDINANCE 699
AN ORDINANCE OF THE CITY OF EXETER, STATE OF CALIFORNIA, REPEALING
AND REPLACING CHAPTER 8.16 OF TITLE 8 OF THE CITY OF EXETER
CODE OF ORDINANCES

The City Council of the City of Exeter does ordain as follows:

SECTION 1. Chapter 8.16 of Title 8 of the City of Exeter Code of Ordinances is hereby repealed in its entirety and replaced with the following:

TITLE 8
HEALTH AND SAFETY

CHAPTER 8.16
SOLID WASTE

SECTION:

- 8.16.010: Definitions
- 8.16.015: Mandatory Service
- 8.16.020: Rates For Collection
- 8.16.025: Regulations
- 8.16.030: Residential Organic Waste Generators
- 8.16.035: Commercial Organic Waste Generators
- 8.16.040: De Minimis Waivers
- 8.16.045: Requirements For Hauler And Facility Operators
- 8.16.050: Commercial Edible Food Generators
- 8.16.055: Requirements For Food Recovery Organizations And Services
- 8.16.060: Self-Hauler Requirements
- 8.16.065: Inspections And Investigations By City
- 8.16.070: Enforcement

8.16.010: DEFINITIONS:

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

BLUE CONTAINER: Has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

CALRECYCLE: California’s Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

CALIFORNIA CODE OF REGULATIONS or CCR: The State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

CITY: City of Exeter.

COMMERCIAL BUSINESS or COMMERCIAL: A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance. _

COMMERCIAL EDIBLE FOOD GENERATOR: Includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this section or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

COMPLIANCE REVIEW: A review of records by a Jurisdiction to determine compliance with this ordinance.

COMPOST: Has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

CONTAINER CONTAMINATION or CONTAMINATED CONTAINER: A container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

C&D: Construction and demolition debris.

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

EDIBLE FOOD: Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded.

Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

ENFORCEMENT ACTION: An action of the Jurisdiction to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

EXCLUDED WASTE: Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, household hazardous waste, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the Jurisdiction and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in Jurisdictions, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Jurisdiction, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

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

FOOD FACILITY: Has the same meaning as in Section 113789 of the Health and Safety Code.

FOOD RECOVERY: Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

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

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

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

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

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

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

FOOD-SOILED PAPER: Compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

FOOD WASTE: Food Scraps and Food-Soiled Paper.

GRAY CONTAINER:

Has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

GRAY CONTAINER WASTE: Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

GREEN CONTAINER: Has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

GROCERY STORE: A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

HAULER ROUTE: The designated itinerary or sequence of stops for each segment of the Jurisdiction's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

HIGH DIVERSION ORGANIC WASTE PROCESSING FACILITY: A facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

INSPECTION: A site visit where a Jurisdiction reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

JURISDICTION: City of Exeter.

JURISDICTION AUTHORITY: The City Administrator , Public Works Director, Code Enforcement Officer, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing the ordinance.

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

LARGE VENUE: A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

LOCAL EDUCATION AGENCY: 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).

MULTI-FAMILY RESIDENTIAL DWELLING or MULTI-FAMILY: Of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

MWELO: The Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.

NON-COMPOSTABLE PAPER: Includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

NON-LOCAL ENTITY: Entities that are not subject to the Jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

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

NOTICE OF VIOLATION (NOV): A notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

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

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

PAPER PRODUCTS:

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

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

PROHIBITED CONTAINER CONTAMINANTS:

(1) Three-container or three-plus-container collection service (Blue Container, Green Container, and Gray Containers): “Prohibited Container Contaminants: means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Jurisdiction’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Jurisdiction’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in Jurisdiction’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

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

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

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

REGIONAL AGENCY:

Regional agency as defined in Public Resources Code Section 40181.

REGIONAL OR COUNTY AGENCY PUBLIC WORKS DIRECTOR:

A regional or county agency Public Works Director, designated by the Jurisdiction with responsibility for enforcing the ordinance in conjunction or consultation with Jurisdiction Public Works Director.

REMOTE MONITORING: The use of the internet and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

RENEWABLE GAS: Gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

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

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

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

SB 1383 REGULATIONS or SB 1383 REGULATORY: The Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

SELF-HAULER: A person, who hauls Solid Waste, Organic Waste, or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

SINGLE-FAMILY: Of, from, or pertaining to any residential premises with fewer than five (5) units.

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

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

SOURCE SEPARATED: Materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the

purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

SOURCE SEPARATED GREEN CONTAINER ORGANIC WASTE: Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recyclable Materials, carpets, Non-Compostable Paper, and textiles.

SOURCE SEPARATED RECYCLABLE MATERIALS: Source Separated Non-Organic Recyclables.

STATE: The State of California.

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

TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR: A Commercial Edible Food Generator that is one of the following:

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

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

TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR: A Commercial Edible Food Generator that is one of the following:

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

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

(7) A Local Education Agency facility with an on-site Food Facility.

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

WHOLESALE FOOD VENDOR: A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76). (Ord. 2021-003, 9-28-2021)

8.16.015: MANDATORY SERVICE:

A. It shall be mandatory for every occupied property within the city to receive solid waste disposal service provided by the city or the city's authorized contractor.

B. The accumulation, collection, removal of solid waste shall be controlled by the city for the protection of the public health, safety, and welfare and to contribute toward the diminution of air pollution in the city. The city council finds that to give practical effect, a comprehensive system for the periodic collection, removal and disposal of refuse from all premises in the city is essential and benefits all occupants of premises in the city, and therefore, all such occupants are made liable for refuse collection requirements and charges established by the city council for the collection and disposal of solid waste, and each person occupying, owning, controlling and maintaining any premises in the city shall pay at least the minimum rate established for service, regardless of amounts or types of waste generated. Containers shall be removed from curbside not later than six-thirty p.m. of the day of the scheduled pickup.

C. All solid waste disposal services shall be provided by the city's contracted hauler except as follows:

1. Solid waste disposal of construction and demolition debris may be collected and removed from premises within the city by self-haulers authorized and licensed by the city. Yard waste may be collected and transported to an authorized recycling facility by landscapers permitted and licensed by the city.

2. The public works department may establish operating rules and reporting requirements for all haulers authorized by this section. (Ord. 2021-003, 9-28-2021)

8.16.020: RATES FOR COLLECTION:

A. Establishment Of Rates: For the service of collecting and disposal of regular garbage and yard waste as herein referred to, but not including dead animals or refuse from the construction or demolition or alteration of buildings, the rates to be charged by the city or any contractor to whom a contract is awarded by the city for such purpose are and shall be established or revised by resolution of the city council.

B. Prorating Charges For Disposal Service: The monthly rate shall be charged against any and all property or premises as specified in this chapter until the Utility Billing department has been

notified by the owner or occupant to terminate disposal service. Charges for any fractional part of a month may be prorated using policies adopted by the Utility Billing department.

C. Fees; Due Dates; Billing: All fees provided for in this chapter shall be due and payable concurrently with sewer service charges and water charges. Bills for the removal of regular garbage and yard waste shall be rendered at least once a month, and the whole thereof shall be payable as provided in the laws regulating the collection of utility fees in the city. When such bills are not paid, they shall become delinquent after the fifteenth day of the month in which event the solid waste service provided for by this chapter may be subject to immediate discontinuance without further notice. In addition, thereto, the city may sue in the civil courts for the collections of such fees. (Ord. 94-020, 9-27-1994; amd. Ord. 2019-009, 12-10-2019; Ord. 21-003, 9-28-2021)

8.16.025: REGULATIONS:

- A. It is unlawful for any person to throw or deposit, or cause to be thrown or deposited, any rubbish or waste matter, as the terms are defined by this chapter, in a container belonging to another resident or business, in or upon any vacant lot, or on or upon any street, alley, gutter, highway, park or other public place in the city, or to deposit or place or keep any rubbish or waste matter except in the manner prescribed in this chapter.
- B. Scavenging: It shall be unlawful for any person other than the franchise hauler or other authorized person(s) to remove from any curb, alley, street, designated pick-up location, or any storage area or container, any separated salvageable commodity. It shall also be unlawful for any person to disturb or tamper with any container, bin, or container containing salvageable material, or the contents thereof, or to remove any such container, bin, or container from the location where the same was placed by the owner of said container or bin.
- C. It is unlawful for any person to bury refuse at any place within the city or to keep, place or deposit refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied, or under the possession and control of such person; provided, however, that lawn and garden trimmings may be composted.
- D. It is unlawful to deposit or use refuse for lot filling or leveling purposes.
- E. No person shall burn any solid waste, hazardous waste, or infectious waste within the City without having obtained a written permit to do so from the City and the San Joaquin Valley Air Pollution Control District. It shall be unlawful for any person to place live or hot coals or ashes or other burning matter in any solid waste container set out for collection.
- F. It is unlawful for any person, firm or corporation to permit any manure to accumulate on premises under his or its control, in such manner or to such extent, as to give rise to fly-breeding conditions or to objectionable odors upon any public highway, street, or alley or upon any premises within the city.
- G. It shall be unlawful and a public nuisance for any person to keep, maintain or handle garbage or garbage containers in such manner as to be offensive or odoriferous or to be a producer of vermin.

- H. Special arrangements must be made and permits issued by the county, State of California, and federal agencies for the disposal of any of the following items: Ammunition; explosives; industrial waste; chemicals; infectious, hazardous and radioactive waste; acids; drugs; medicines; human feces; unwrapped animal feces; and items which are too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs and tree stumps.
- I. For any type of solid waste collection in the City, it is unlawful for any person to use the services offered by a person, service, or enterprise that has not obtained all the required permits or agreements from the City pursuant to this chapter.
- J. It is unlawful for any person, contractor, or solid waste enterprise to place solid waste collection containers on public property without the appropriate City permit or agreement. For the first violation of this subsection, the City may impound container(s) of non-permitted persons, contractors, or solid waste enterprises forty-eight (48) hours after such container(s) are observed by the City or the City's agent. For the second violation of this subsection, the City may impound containers of non-permitted persons, contractors or solid waste enterprises previously noticed or impounded twenty-four (24) hours after such container(s) are observed the City or the City's agent. Any subsequent violations may be subject to immediate confiscation. (Ord. 2021-003, 9-28-2021)

8.16.030: RESIDENTIAL ORGANIC WASTE GENERATORS:

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

- A. Subscribe to Organic Waste collection services provided through the City of Exeter's franchised hauler.
- B. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste and/or managing Organic Waste on site pursuant to 14 CCR Section 18984.9(c).
- C. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.16.035: COMMERCIAL ORGANIC WASTE GENERATORS:

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

- A. Subscribe to collection services provided by a City franchisee. City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City.

B. Participate in Organic Waste, Non-Organic recyclables, and/or other solid waste collection services provided by franchisee in order to comply with State law. Participation includes placing designated materials in designated containers. Commercial businesses not subscribing to such service with a franchisee, shall make available to the City: (1) acceptable proof that a recycling program and/or organic waste recycling program is in place; (2) that program(s) includes all materials that require diversion under State law; and (3) that the Generator provides the City with the program provider's name, contact information, and the volume or weight of recyclable organic and or non-organic materials collected on a quarterly or annual basis, in the form and format required by the City.

C. Supply and allow access to an adequate number, size, and location of collection containers with sufficient labels or colors to conform to the collection programs subscribed to through the franchisee or otherwise.

D. Commercial Businesses, excluding Multi-Family dwellings, shall provide containers for the collection of organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the franchisee; or
2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Commercial Businesses, excluding Multi-Family dwellings, shall, to the extent practical through education, training, inspection and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the franchisee's collection service.

F. Commercial Businesses, excluding Multi-Family dwellings, shall periodically inspect containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

G. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of discarded materials.

H. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to place designated materials in designated containers, the location of designated containers, and the associated rules governing their use at each property.

I. Provide or arrange access for City or its agent to their properties during all inspections required to confirm compliance with the requirements of this ordinance.

J. If a Commercial Business wants to self-haul, it must meet the Self-Hauler requirements in Section 4-1-11 of this ordinance.

K. Nothing in this chapter prohibits a generator from preventing or reducing waste generation and/or managing Organic Waste on site pursuant to 14 CCR Section 18984.9(c).

L. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 4-1-9.

M. On or after September 15, 2020, a business that generates two (2) cubic yards or more per week of commercial solid waste, as defined in Public Resources Code section 42649.1, per week, shall arrange for recycling services specifically for organic waste.

N. Commercial Businesses, including Multi-Family dwellings, that subscribe to landscaper services shall provide to the City all information required to determine if these collections satisfy SB 1383 requirements, in the form and format required by the City.

O. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.16.040: DE MINIMIS WAIVERS:

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

A. De Minimis Waivers may be granted to a Commercial Business, at the City's sole discretion. Such action would waive some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application or complete a City-provided form specifying the services that they are requesting a waiver from.

2. Provide documentation that either:

a. The Commercial Business' total Solid Waste Collection service is two cubic yards or more per week and Organic waste subject to collection in a Green Container comprises less than 20 gallons per week per applicable container of the businesses total waste; or,

b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green or Blue Container comprises less than 10 gallons per week per applicable container of the business' total waste.

c. Notify City if circumstances change such that Commercial Business' Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

d. Provide written verification of eligibility for de minimis waiver every 5 years if City has approved de minimis waiver.

B. Physical Space Waivers may be provided to waive a Commercial Business' or property owner's obligations (including Multi-Family dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this chapter. A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to City that it is still eligible for physical space waiver every five years, if the City has approved the application for a physical space waiver.

8.16.045: REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS:

- A. Franchised haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its permit conditions and/or franchise agreement.
- B. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

8.16.050: COMMERCIAL EDIBLE FOOD GENERATORS:

Requirements for Commercial Edible Food Generators:

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this chapter commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 4. Allow Jurisdiction'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:

(1) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

(2) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

(3) The established frequency that food will be collected or self-hauled.

(4) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

6. No later than February 1st of each year commencing no later than calendar year 2022 for Tier One Commercial Edible Food Generators and calendar year 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City in the form and format established by the Public Works Director.

D. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.16.055: REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES:

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services 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 report to the Jurisdiction 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 March 1 of the following year.

D. Food Recovery Capacity Planning:

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

8.16.060: SELF-HAULER REQUIREMENTS:

A. Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected to the City if requested.

E. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information to the City.

8.16.065: INSPECTIONS AND INVESTIGATIONS BY CITY:

A. City representatives and/or its designated entity are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section itself does not allow City staff or the City's designated officials to enter the interior of a private residential property for inspection unless otherwise authorized to do so. For the purposes of inspecting Commercial Business containers for compliance with this section, the City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to this section.

B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (iii) access to records for any Inspection or investigation is a violation of this ordinance and may result in Civil citations and any of the other penalties included in this Chapter.

C. Any records obtained by the City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.16.070: ENFORCEMENT:

A. Violation of any provision of this chapter shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the City Public Works Director, City Code Enforcement Officer, or representative. Enforcement Actions under this chapter include but are not limited to issuance of a civil citation and assessment of a fine pursuant to Title 1 Chapter 1.13 of the Exeter Municipal Code. Any violation of this chapter may also be enforced pursuant to any other remedy authorized by law or in equity.

1. Responsible Entity for Enforcement:

a. Enforcement pursuant to this ordinance may be undertaken by the City Public Works Director, City Code Enforcement Officer, or a County Agency Public Official, if so designated.

b. City Public Works Director will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

c. City Public Works Director may issue Notices of Violation(s).

B. Process for Enforcement.

1. City Public Works Director and/or Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 4-1-13 establishes City's right to conduct Inspections and investigations.

2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.

3. City may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City may commence an action to impose penalties, via an Civil citation and fine as set forth herein.

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

C. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

D. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the Jurisdiction determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and if necessary, take Enforcement Action consistent with violations of the City of Exeter Municipal Code. At the discretion of the Public Works Director, the City may also use the other remedies available within the Exeter Municipal Code.

E. Compliance Deadline Extension Considerations. The Jurisdiction may extend the compliance deadlines set forth in this chapter if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

2. Delays in obtaining discretionary permits or other government agency approvals; or,

3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

SECTION 2: This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

The foregoing ordinance was passed and adopted by the City Council of the City of Exeter on a motion of Council Member _____ and seconded by Council Member _____ at a regular meeting held on _____, 2021 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Mayor Barbara Sally

ATTEST:

City Clerk

**City of Exeter
Agenda Item Transmittal**

Meeting Date: January 25, 2022

Agenda Item Number: F2

Wording for Agenda: Receive presentation and provide comments on the draft Complete Streets with ADA Compliance and Active Transportation Safety Enhancement Plan for the City of Exeter.

Submitting Department: Finance
Contact Name: Eddie Wendt
Phone Number: (559) 804-9988
Email: ewendt@exetercityhall.com

Department Recommendation:
Receive presentation and provide comments on the draft Complete Street with ADA Compliance and Active Transportation Safety Enhancement Plan.

Summary/Background:

The City of Exeter is required to develop an American Disabilities Act (ADA) Transition Plan to address ADA requirements. Currently the City has no plan in place but the opportunity to develop this plan became available through funding from the Sustainable Communities Grant Program. In 2019/20 the City of Exeter was awarded a Sustainable Communities Strategic Partnership Grant from Caltrans. The City of Exeter applied for this funding to prepare a Complete Streets with ADA Compliance and Active Transportation Safety Enhancement Plan for the City of Exeter. This plan will not only address the ADA Transition Plan requirement but will also provide a plan that can be used to assist in obtaining future grants for projects. The City of Exeter was selected by Caltrans to receive \$196,537 with a local match of \$25,463 to be funded by the Tulare County Association of Governments (TCAG) through Measure R for a project total of \$222,000. The consultant, QK Inc., has completed the draft plan and will present a summary of it's findings with a power point presentation for the City Council's review and comment.

Fiscal Impact:

The City received \$196,537 from the Caltrans Sustainable Communities Grant Program and another \$25,463 in Measure R local matching funds to develop the Complete Street with ADA Compliance and Active Transportation Safety Enhancement Plan. The City of Exeter will benefit from this Plan with minimal City cost in staff time to administer the grant and local match provided through TCAG.

Prior Council/Board Actions:

June 25, 2019, Council authorized entering an agreement with Caltrans for the project
February 25, 2020 Council approved the consultant contract with QK, Inc.

Attachments:

Draft Complete Street with ADA Compliance and Active Transportation Safety Enhancement Plan.

Recommended motion to be made by Council/Board: No action requested.

For action by:
 City Council

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**
ABE