ORDINANCE NO. 2015-417

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6, HEALTH AND SAFETY, ARTICLE 12, ENTITLED "SOLID WASTE COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND RECYCLING"

WHEREAS, the City Council of the City of Los Altos ("City") finds that the State of California through its California Waste Management Act of 1989 (AB 939) and Alternative Compliance Act of 2008 (SB 1016) requires each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, the City Council finds that every city and county in California, including the City, could face fines up to $10,000 a day for not meeting the above mandated goal; and

WHEREAS, the City Council finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32) requires commercial generators statewide participate in recycling programs; and

WHEREAS, the City Council finds that the State of California through the 2011 passage of AB 341 adopted a goal that 75% of solid waste generated statewide be diverted from landfill by the year 2020. Furthermore, AB 341 requires that each commercial solid waste generator, including multi-family dwellings of five or more units, provide for recycling programs, and each city or county implement recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units; and

WHEREAS, the City Council finds that the State of California through the 2014 passage of AB 1826 adopted requirements for each commercial solid waste generator, including multi-family dwellings of five or more units, to provide for organics recycling programs, and for each city or county to implement organics recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units by April 1, 2016; and

WHEREAS, the City Council finds that the State of California through the 2014 passage of AB 1594 disallows cities and counties from receiving landfill diversion credit from green waste being used as alternative daily cover effective January 1, 2020; and

WHEREAS, the City continues to make progress in maintaining the disposal reduction requirements of AB 939, but additional efforts, particularly in the recycling of recyclable materials and organic materials generated by businesses and multi-family dwellings, will assist the City in maintaining and exceeding the goal of diverting waste from landfill disposal. The City desires to implement a program to require the diversion of materials from landfill and transformation facilities, to ensure that resources are used to their highest potential, and to reduce upstream waste and reduce the City's ecological footprint; and

WHEREAS, the City Council finds that organic waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may impact air and water quality. Reductions or capture of methane are critical as methane gas from the

decomposition of waste is a source of renewable energy, but if not collected and controlled is at least twenty-one (21) times as potent as carbon dioxide in contributing to climate change; and

WHEREAS, the City Council finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering recyclable materials and organic materials from the waste stream; and

WHEREAS, the City Council finds that efforts by the City and the private sector to encourage voluntary diversion of commercial and special event recyclable materials have not fully achieved desired levels of diversion; and

WHEREAS, the City Council finds that mandatory commercial recycling and organics programs in other cities and counties in California, similar to the one implemented by this Chapter 6.12, have proven successful; and

WHEREAS, on March 23, 2010, the City of Los Altos entered into an exclusive franchise agreement with Mission Trail Waste Systems Inc., entitled "Collection Service Agreement" for the collection of solid waste and recyclable materials; and

WHEREAS, the services required by this Ordinance are currently provided by Mission Trail Waste Systems and are available to all Los Altos residential and commercial solid waste generators; and

WHEREAS, this Ordinance is intended to promulgate rules and regulations to implement the requirements of the Collection Services Agreement, the State requirements of AB 939, SB 1016, AB 32, AB 341, AB 1826, AB 1594, and other State mandates; and

WHEREAS, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

Los Altos Municipal Code, Title 6, Health and Safety, Chapter 6.12, entitled "Garbage Collection and Disposal" is hereby repealed in its entirety and replaced by a new Chapter 6.12 to read as follows:

CHAPTER 6.12 – SOLID WASTE COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND RECYCLING

6.12.010 Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

A. "Alternative daily cover (ADC)" means cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

B. "City Manager" means the City Manager of the City of Los Altos, or his/her designee, including City employees or entities hired by the City to implement the requirements of this Ordinance.

C. "City Council" means the City Council of the City of Los Altos.

D. "Commercial facility" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and multi-family dwelling units located within the boundaries of the City.

E. "Commercial generator" means a commercial facility or business which generates garbage, organics or recyclable materials as a result of its business, commercial facility or property activity. Commercial generator also means any multi-family residential property of four (4) or more units and multi-family residential properties under four (4) units that share solid waste collection services. Commercial generator may also include tenants, property managers for facilities with leased space, employees and contractors of commercial generator. Commercial generator also includes the City, its facilities, its non-residential properties and special events, its sponsors or co-sponsors, as well as mobile food vendors and the responsible party for any special event.

F. "Construction and demolition debris" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, houses, commercial buildings and other structures. Construction and demolition debris does not include exempt waste.

G. "Container" means any heavy plastic or galvanized metal box, can, cart, barrel, bin or similar type container used for the accumulation of garbage, recyclable materials, organic materials, or construction and demolition debris.

H. "Debris box" means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on City property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.

I. "Delinquent" means a failure of the recipient of solid waste collection service, or of the property owner, to pay when due all charges owed to the franchised hauler for solid waste collection service rendered or to be rendered.

J. "E-Waste" means discarded electronics equipment such as cell phones, personal digital assistants (PDA), computers, monitors, televisions, and other items containing cathode ray tubes (CRTS), LCD, LED or plasma screens and monitors.

K. "Exempt waste" means hazardous waste, sludge, automobiles (including motorcycles and motor scooters), automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.

L. "Franchised hauler" means a hauler holding a franchise, contract, license or permit issued by the City which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the City.

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

N. "Generator" means any commercial generator or residential generator of solid waste.

O. "Hazardous waste" means any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such as local, state or federal law or regulations may be amended from time to time.

P. "Household hazardous waste" means dry cell household batteries; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, and adhesives, auto batteries; and universal waste.

Q. "Large items" means furniture, carpets, mattresses, white and brown goods (household appliances), E-waste, clothing, tires without rims, and green waste attributed to the normal activities of a service unit.

R. "Occupied premises" are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when solid waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.

S. "Organic materials", "organic materials" and "organics" mean food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, stable matter, and acceptable food packaging items such as pizza boxes, paper towels, waxed cardboard, food-contaminated paper products, plant debris, such as palm, yucca and cactus, ivy, grass clippings, leaves, pruning, weeds, branches, brush, and holiday trees.

T. "Recyclable materials" or "recyclables" mean those materials separated from garbage by the generator which are capable of being recycled and which would otherwise be processed or disposed of as garbage.

U. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products

which meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.

V. "Residential generator" means an owner, tenant or resident of any residential property which generates garbage, organics or recyclable materials as a result of occupancy or property activity, including all generators not otherwise meeting the definition of commercial generator.

W. "Responsible party" means the individual or entity responsible for the generator's management of solid waste at the generator's commercial facility, business, residential property, or special event.

X. "Self-haul" means when a generator collects solid waste at their premises or place of business for the purpose of hauling those materials in their own vehicles to a permitted solid waste facility in compliance with the requirements of this Ordinance.

Y. "Service unit" means any City facility or City property, any single-family or multi-family dwelling unit, or any retail, professional, office, wholesale or industrial facility located within the incorporated boundaries of the City of Los Altos that utilizes a solid waste cart, bin, compactor, or debris box for the accumulation and set-out of solid waste.

Z. "Sharps" means needles, scalpels, blades, broken medical glass, broken capillary tubes, and ends of dental wires.

AA. "Solid waste" means garbage, recyclable materials, organic materials, construction and demolition debris, large items, E-waste, universal waste or exempt waste.

BB. "Source separate" means the process of removing recyclable materials from garbage at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclable materials, organic materials, or garbage for the purposes of recycling.

CC. "Special event" means a community, public, commercial, recreational or social event as further defined in Chapter 9.25 of the Los Altos Municipal Code.

DD. "Sludge" means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.

EE. "Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.

FF. "Universal waste" means E-Waste, fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments and switches that contain mercury, and dry cell batteries containing cadmium copper or mercury.

6.12.020 General Provisions.

A. Subscription Required.

The property owner or tenant of each occupied premises shall subscribe to and pay for at least the minimum level of solid waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the City and the franchised hauler. The charges for solid waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any solid waste to be collected on any particular collection date during such occupancy. Nothing in this section is intended to prevent an arrangement, or the continuance of

an arrangement, under which payments for solid waste collection service are made by a tenant or tenants, or any agent or other person, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to pay for solid waste collection service as provided herein.

B. Commencement of Solid Waste Collection Service.
The property owner or tenant shall commence solid waste collection service within seven (7) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the City Manager may give written notice to the owner or tenant that solid waste collection service is required. If service is not initiated by the property owner or tenant within seven (7) days after the date of mailing the notice, the City Manager shall authorize the franchised hauler to begin and continue providing the minimum level of solid waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

C. Charge for Solid Waste Collection Service.
Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the Collection Service Agreement between the City and its franchised hauler.

D. Failure to Pay for Solid Waste Collection Service.
The franchised hauler shall be entitled to payment from the property owner, tenant or any other subscribing person on behalf of the property owner for any services rendered or to be rendered. Upon failure to make such payment, the means of collecting delinquent charges shall be in accordance with the procedures set forth in this Chapter. Solid waste collection service shall not be discontinued by reason of any failure to pay the charges for such service.

E. Notification of Delinquency.
If a bill for solid waste collection service remains delinquent for sixty (60) days, the franchised hauler shall send or deliver notice of any delinquency to the property owner, tenant or any other subscribing person on behalf of the property owner indicating the amount owed for solid waste collection service. The City is not obligated to use its police power to collect delinquent, overdue or unpaid bills for solid waste collection service.

F. Containers Must Be Covered and Kept Clean.
All solid waste set out by generators on the street or other designated location for collection by the franchised hauler shall be placed in covered containers. No container shall be loaded beyond its capacity. It shall be the responsible parties' responsibility to keep the containers used for the storage and collection solid waste material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No solid waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection.

G. City Manager May Restrict Self-Haul.

Nothing in this section is intended to prevent generators that subscribe and pay for solid waste services with the franchised hauler from self-hauling extra solid waste to permitted solid waste facilities, as may be necessary from time-to-time. However, the City Manager may restrict or prohibit self-hauling by individual generators if the City Manager determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

H. Exclusive Provider of Debris Boxes.

No person, other than the franchised hauler shall provide or service (haul) debris boxes for the collection of construction and demolition debris, garbage, recycling, organic waste and large items, and it is a violation of this code to obtain a debris box from any person other than the franchised hauler or to engage the services of any person other than the franchised hauler to provide debris box service. This includes any and all debris boxes placed in the public right-of-way, on City property, private property, or elsewhere in the service area, for collection of construction and demolition debris, garbage, recycling, organic waste and large items and subsequent delivery to a permitted solid waste facility. Collection utilizing debris boxes may be on a temporary or permanent basis, in accordance with the terms of the franchise agreement between the City and the franchised hauler.

I. Organics Prohibited from Use as Alternative Daily Cover.

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) the franchised hauler, and any commercial or residential generators who self-haul organics, may not direct their organic waste for use as alternative daily cover (ADC). If the City Manager determines that the franchised hauler or any other generator has directed any organic waste for use as ADC, the City Manager will notify the franchised hauler or generator of the requirements of this provision. Repeated instances of directing organic materials for use as ADC may result in enforcement action as per 6.12.120.

6.12.030 Storage.

A. Sufficient Container Capacity and Storage of Containers.

All persons occupying or maintaining any premises within the City where garbage, organic materials and recyclable materials are created, produced or accumulated shall maintain sufficient standard containers for receiving and holding all garbage, organic materials and/or recyclable materials which are produced, created or accumulated on such premises. No containers or roll-off bins shall be allowed to be stored in the public streets, alleys or rights-of-way. In commercial areas of the City that have limited space for the placement of containers, upon written request of the property owner or occupant, the City may allow the bins or carts as provided by the franchised hauler to be placed in public parking lots expressly for the purpose of normal weekly collection by the franchised hauler.

B. Design Review.

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage of garbage, organic materials and recyclable materials and which will allow for efficient and safe waste removal or collection. The design

shall be submitted for approval to the City Manager and shall meet all applicable regulations.

C. Ownership of Recyclable Materials.

All recyclable materials placed in containers designated for recyclable materials provided by any franchised hauler shall be considered owned by and be the responsibility of the franchised hauler. Without permission of the franchised hauler, no person shall remove recyclable materials placed in such containers. All recyclable materials placed in recyclable materials containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a franchised hauler's designated point of collection and in containers described in 6.12.030(A). It shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of recyclable materials without being a franchised hauler.

6.12.040 Nuisance and Littering.

A. Nuisance Prohibited.

No person shall accumulate solid waste in any amount that creates a nuisance. If accumulation of solid waste creates a nuisance, the City Manager may require a more frequent collection schedule and/or removal of the accumulated solid waste. Furthermore:

1. Putrescible solid waste including garbage and organic materials shall not be allowed to remain on the premises for more than seven (7) days.
2. The occupant of any property may not dispose of solid waste on their property (with the exception of organic materials that are composted on-site via backyard composting).
3. No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at a permitted solid waste facility.
4. It is unlawful for any person to burn, or cause to be burned, any solid waste within the City.
5. It is unlawful for any person to dispose of any burning ash or embers in solid waste containers.

B. Littering of Streets Prohibited.

It shall be unlawful for any person to cause the accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street of the city by the tracking of motor or horse drawn vehicles or in any other way.

C. Hauling and Transport.

No generator, self-hauler or franchised hauler shall transport solid waste over any public street, alley, right-of-way or parking plaza unless solid waste is contained and covered in such a manner as to prevent the dropping or spilling of any solid waste, litter, or liquid upon the public street, alley, right-of-way or parking plaza.

6.12.100 Mandatory Commercial & Multi-Family Recycling and Organic Recycling.

A. Commercial Generators Responsible for Compliance.

Each commercial generator, as defined in 6.12.010(E), shall be responsible for ensuring and demonstrating its compliance with the requirements of this Chapter, including all multi-family dwellings of four (4) units or more, and also including multi-family dwellings under four (4) units that share solid waste collection containers and services under one subscription with the franchised hauler.

B. Commercial Recycling and Organics Collection Required.

Each commercial generator shall subscribe to a level of service with the franchised hauler that is sufficient to handle the volume of recyclable materials and organic materials generated or accumulated on the premises, or complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with Section 6.12.100(C) or any other applicable law or regulation. The commercial generator shall make a copy of such form available to the City Manager upon request. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the franchised hauler, by placing each type of material in designated receptacles or containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper separation of solid waste.

C. Commercial Generator Self-Haul.

Nothing in this Chapter shall preclude any commercial generator from self-hauling recyclable materials or organic materials generated by that commercial generator to a recycling or organics processing facility, provided that the responsible parties:

1. Comply with the requirements in this Chapter by delivering recyclable materials or organics materials to permitted facilities that will process those materials in accordance with the requirements and intent of this Ordinance.
2. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this Ordinance or any other applicable law or regulation. A copy of such form shall be completed and remitted annually to the City Manager.
3. Provide proof of compliance with this Chapter, upon request by the City; proof includes, but is not limited to, a receipt from a recycling or organics processing facility that clearly identifies the type and quantity of material delivered.

D. Exemptions to Mandatory Commercial Recycling and Organics.

The following shall be exempt from the requirements of this section. Commercial generators seeking an exemption shall submit their request for exemption in a form specified by the City Manager, if one exists. After reviewing the exemption request, and after an on-site review, if applicable, the City Manager may either approve or deny the exemption request.

1. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or

transporting recyclable materials produced by operation or system of the entities described above.

2. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.
3. Commercial generators that can provide documentation to the satisfaction of the City Manager that no organic materials and recyclable materials are generated by that commercial generator, its employees, customers, tenants, businesses practices, and other persons or processes which occur on the premises of the commercial generator. This exemption may be granted only if the commercial generator is not subject to the requirements of AB 1826 or AB 341.
4. Commercial generators that can provide documentation to the satisfaction of the City Manager that there is inadequate space for the commercial generator to store sufficient containers for recyclable materials and organic materials on site and that it is infeasible for the commercial generator to share recyclable materials or organic materials containers with adjacent commercial facilities or multi-family dwellings. This exemption may be granted only if the commercial generator is not subject to the requirements of AB 1826 or AB 341.
5. Commercial generators that can provide documentation to the satisfaction of the City Manager that compliance with this Chapter will result in violating City zoning or other regulations. This exemption may be granted only if the commercial generator is not subject to the requirements of AB 1826 or AB 341.

E. Implementation.

Each commercial generator shall use containers to collect and store recyclable materials and organic materials, and shall designate areas to collect and/or store these materials. Each commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials and organic materials are collected and/or stored that specify the materials to be recycled and how to recycle such material. The City shall notify and instruct commercial generators in writing of applicable recycling and organics requirements. Upon request by commercial generators, the City will also provide outreach and training to commercial generator employees and tenants regarding what materials are required to be recycled and how to recycle such material. Additionally:

1. The City Manager shall annually work with the franchised hauler to identify commercial generators subject to the requirements in this Ordinance.
2. The City Manager shall review franchised hauler data to confirm whether all commercial generators are compliant with the requirements of this Ordinance by reviewing subscription levels of garbage, organics and recycling collection services. Those commercial generators who do not subscribe to the required collection services with the franchised hauler will be notified of the requirement to subscribe or self-haul organics and recyclables. Those commercial generators who do not subscribe to the required services with

the franchised hauler but who can produce evidence of legitimate self-haul of organics and recyclables will be deemed compliant with this Ordinance, whereas those who cannot will be deemed non-compliant.

3. The City Manager shall work with the franchised hauler to conduct site visits with select commercial generators each year, covering all commercial generators every five years, in order to document whether commercial generators participate in the required recycling and organics collection programs (not just subscribe) and are therefore in compliance with the requirements of this Chapter.
4. The City Manager shall annually work with any non-compliant commercial generators in order to bring them into compliance with the requirements of this Ordinance by providing outreach, education, and technical assistance to facilitate compliance.
5. Commercial generators shall be responsible for ensuring and demonstrating compliance with the requirements of this Chapter within 30 days of notification of non-compliance. Failure to demonstrate compliance with the requirements of this Ordinance shall be cause for enforcement.

6.12.110 Special Events.

A. Special Event Recycling and Organics Collection Required.

For a special event, in addition to any other conditions the City requires as part of the special event permit, the responsible party shall either arrange for commingled or source separated collection and processing of garbage, recycling and organics with the franchised hauler or shall arrange for and provide recycling and organics containers throughout the event location to make source separation of recyclable materials, organic materials and garbage convenient for the employees, volunteers, contractors, customers of the food vendors and attendees of the event. This includes arranging for collection and appropriate processing of all garbage, organics and recycling collected during the special event. Requirements for special events not utilizing commingled or source separated collection services provided by the franchised hauler include:

1. The minimum number of recycling and organic containers shall equal or exceed the number of garbage containers. Containers for garbage, organics and recyclables shall be collocated throughout the event location in order to provide equally convenient access to users.
2. All of the containers must have appropriate signage and be color coded to identify the type of materials to be deposited and meet any additional design criteria established by the City by regulation.
3. Food vendors must have at least one separate container each for recyclable materials, organic materials and garbage for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclable materials, organic materials and garbage for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.

4. The types of recyclable materials suitable for deposit into each container shall include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling container shall be clearly identified as a recycling container and shall display a list of types of recyclable materials which may be deposited into the recycling container.
5. Mobile food vendors subject to Chapter 8.34.140 of the Municipal Code shall comply with this Chapter 6.12.110.

6.12.120 Enforcement.

A. City Manager Authorization.

The City Manager is authorized to administer and enforce the provisions of this Chapter. The City Manager, or anyone designated by the City Manager to be an enforcement officer, may exercise such enforcement powers. If the City Manager determines that a solid waste generator is in violation of this Chapter or of any rule or regulation adopted pursuant to this Chapter, the City Manager may begin enforcement proceedings. Public nuisance proceedings and/or code enforcement proceedings under the City's code shall apply, in addition to the administrative penalties approved by resolution of the City Council, as modified from time to time. Enforcement proceedings may include issuing notices of violation, requiring changes in subscription service levels or assessing administrative fines.

B. Administrative Citations and Orders.

If the City Manager determines that a solid waste generator is in violation of this Chapter, the City Manager may issue administrative citations or orders pursuant to the Los Altos Municipal Code Chapter 1.30, for violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as otherwise provided in this Chapter. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection and review of administrative citations or orders issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, provided, however, that the City Manager may adopt regulations providing for lesser penalty amounts. The City Manager has the authority to impose administrative penalties for the notices of violations.

C. Additional Remedies.

The City Attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties. All administrative civil penalties collected from actions pursuant to this section shall be paid to the City and shall be deposited into a solid waste administrative account that is available to fund activities to implement the applicable provisions of this section. Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this Chapter shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this Chapter shall constitute a civil debt and liability owing to the City from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law. Nothing in this Chapter shall be deemed to impose any

liability upon the City or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This Chapter does not do any of the following:

1. Otherwise affect the authority of the City Manager to take any other action authorized by any other provision of law.
2. Restrict the power of a City attorney, district attorney or the attorney general to bring in the name of the people of California, any criminal proceeding otherwise authorized by law.
3. Prevent the City Manager from cooperating with, or participating in, a proceeding specified in 6.12.120.
4. Affect in any way existing contractual arrangements, including franchises, permits or licenses, previously granted or entered into between the franchised hauler and City.

6.12.140 Forms, Regulations and Guidelines.

The City Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this Chapter. The City may provide information on its website regarding what materials are accepted as recyclable materials, organic materials, and garbage under this Chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on November 24, 2015 and was thereafter, at a regular meeting held on December 8, 2015 passed and adopted by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Jeannie Bruins, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2015-417, adopted by the Los Altos City Council on December 8, 2015 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: December 2, 2015 and December 16, 2015. Said ordinance shall be effective January 8, 2016.

Dated this 4th day of January, 2016

Jon Maginot, CMC
City Clerk