

- facilities that will process those materials in accordance with the requirements and intent of this chapter.
2. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. 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, 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

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 chapter.
2. The city manager shall review franchised hauler data to confirm whether all commercial generators are compliant with the requirements of this chapter 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 chapter, 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 chapter 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 thirty (30) days of notification of non-compliance. Failure to demonstrate compliance with the requirements of this chapter shall be cause for enforcement.

(Ord. No. 2015-417, § 1, 12-8-2015)

Editor's note— Ord. No. 2015-417, § 1, adopted December 8, 2015, set out provisions for this section and subsequent sections to be numbered as 6.12.100, 6.12.110, 6.12.120 and 6.12.140. In order to preserve the order and style of this Code, and at the editor's discretion, these provisions have been included as sections 6.12.050—6.12.080.

6.12.060 - 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

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- 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.

6.12.070 - 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

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 the state, any criminal proceeding otherwise authorized by law.
3. Prevent the city manager from cooperating with, or participating in, a proceeding specified in Section 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.

(Ord. No. 2015-417, § 1, 12-8-2015)

6.12.080 - 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.

(Ord. No. 2015-417, § 1, 12-8-2015)