

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF TEMECULA AMENDING CHAPTER 8.20 OF THE  
MUNICIPAL CODE TO INCLUDE PROVISIONS  
REGARDING RECYCLABLES AND ORGANICS  
COLLECTION**

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 8.20.210 of Article I of Chapter 8.20 of the Municipal Code is hereby amended to read as follows:

**“8.20.210 Recyclable materials, recyclable waste material, recyclables.** “Recyclable materials”, “recyclable waste material”, and “recyclables” mean discarded materials such as, but not limited to, newspapers, glass, plastic and metal cans, and compostables which are separated from other garbage or refuse for the purpose of recycling.”

**Section 2.** Article I of Chapter 8.20 of the Municipal Code is hereby amended to add the following definitions:

**“8.20.045 Business.** “Business” means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

**8.20.101 Commercial solid waste.** “Commercial solid waste” includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

**8.20.102 Commercial Waste generator.** “Commercial waste generator” means a business that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more.

**8.20.141 Director.** “Director” means the City’s Director of Public Works, or his or her designee.

**8.20.142 Food waste.** “Food waste” means all kitchen and table scraps; animal and vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; discarded paper that is contaminated with food waste; fruit waste, grain waste, dairy waste, meat and fish waste.

**8.20.143 Green waste.** “Green waste” means tree and shrubbery trimmings, vegetation matter resulting from land clearing, grass cuttings, weeds, straw, leaves, wood chips, sawdust, garden organic materials and other discarded plant or vegetation material.

**8.20.195 Organic waste; Organics.** “Organic waste” or “Organics” means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

**8.20.255 Self-Hauler.** “Self-Hauler” means a waste generator that hauls its own waste rather than contracting for that service and “self-haul” means to act as a self-hauler.”

**Section 3.** Article IX of Chapter 8.20 is hereby amended to add Section 8.20.635, to read as follows:

**“8.20.635 Self-Hauler Requirements.**

A. Self-Haulers shall source separate all recyclable materials and organic waste generated on-site from other solid waste.

B. Self-Haulers shall haul their source separated recyclable materials to a facility that recovers those materials, and haul their source separated 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, as that term is defined in Section 18982 of Title 14 of the California Code of Regulations.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Recyclable Materials and Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Recyclable Materials or 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 in pursuant to subsection C of this Section to the City Manager upon request.

E. A residential Organic Waste Generator (four units or less) that self-hauls Organic Waste is not required to record or report the information in subsections C and D.”

**Section 4.** Article XIV is hereby added to Chapter 8.20, to read as follows:

## **“Article XIV. Mandatory Commercial Recycling and Organics Collection**

### **8.20.730 Mandatory Commercial Recycling.**

Commercial waste generators shall recycle and divert from the landfill recyclable materials generated by the business in accordance with this section.

A. Businesses subject to this section shall arrange for recycling services, consistent with state and local laws, rules, regulations and requirements, to the extent that these services are offered and reasonably available from a local service provider. A business subject to this section shall take at least one of the following actions:

1. Source separate recyclable materials from other Solid Waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the collection of the recyclable materials with the City’s authorized solid waste franchisee.

2. Source separate recyclable materials from other solid waste and self-haul the recyclables to a recycling or material recovery facility for processing; or

3. Source separate recyclable materials from other solid waste and arrange for pickup of the recyclable materials for donation or sale. No fees of any sort may be paid for the recyclable materials, including for collection, hauling, or processing. Reasonable documentation of donation or sale activities, including donation or sale frequency, a description of recyclable materials being donated or sold, and tonnage records of recyclable materials being donated or sold must be submitted to the Director upon request.

B. To comply with paragraph B, property owners or managers of multi-family dwellings may require tenants to source separate their recyclables from other solid waste. Tenants must source separate their recyclable materials as required by property owners or managers of multi-family dwellings subject to this section.

C. A business meeting the conditions of paragraph A of this Section may request an exemption from the requirements of paragraph B by submitting an application on a form prescribed by the Director. After reviewing the exemption request, the Director shall either approve or disapprove the request. To be eligible for an exemption from the requirements of paragraph B, the business must demonstrate that:

1. There are no recyclable materials being generated by any activities of the business;

2. There is inadequate storage space for the storage of recyclable materials; or

3. There is no viable market for the recyclable materials or recycling facility available.

#### **8.20.740 Mandatory Commercial Organics Recycling.**

A. A business (including a multifamily dwelling of five or more units) that generates two cubic yards or more of commercial solid waste per week shall arrange for recycling services specifically for organic waste.

B. A business meeting the conditions of paragraph A of this Section shall take at least one of the following actions:

1. Source separate organic waste from other solid waste and subscribe to a basic level of organic waste recycling service with the City's authorized solid waste franchisee;

2. Source separate organic waste from other solid waste and recycle its organic waste onsite, or self-haul the organic waste to a recycling or material recovery facility for processing; or

3. Source separate organics from refuse and arrange for pickup of the organic waste for donation or sale for reuse or processing. No fees of any sort may be paid for the recyclable materials, including for collection, hauling, or processing. Reasonable documentation of donation or sale activities, including donation or sale frequency, a description of organic materials being donated or sold, and tonnage records of organic materials being donated or sold must be submitted to the Director upon request.

C. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste from other solid waste, to aid in compliance with this section. Tenants must source separate their organic waste, as required by property owners or managers of property subject to this section.

D. A business meeting the conditions of paragraph A of this Section may request an exemption waiver from the requirements of paragraph B by submitting an application on a form prescribed by the Director. After reviewing the exemption request, the Director shall either approve or disapprove the request. To be eligible for an exemption from the requirements of paragraph B, the business must demonstrate that it qualifies for an exemption pursuant to Public Resources Code Section 42649.82(e)(3) and applicable regulations of CalRecycle, as they now exist or may subsequently be amended. Possible exemptions include the following:

1. Lack of sufficient space in multifamily complexes or businesses to provide additional organic material recycling bins;

2. The current implementation by a business of actions that result in the recycling of a significant portion of its organic waste;

3. The business or group of businesses does not generate at least one-half of a cubic yard of organic waste per week; or

4. Limited-term exemptions for extraordinary and unforeseen events.

#### **8.20.750 Organics and Recycling Containers.**

Businesses shall provide containers for the collection of source separated green container 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 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. 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 the City's authorized 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.

Multi-family residential dwellings are not required to comply with the container placement requirements or labeling requirements of this Section.

#### **8.20.760 Contamination of Organics and Recyclables.**

No person shall place in any container identified for recyclables or organic materials any material that would inhibit its recyclability or compostability. The containers designed for recyclables or organics shall be used only for recyclables or organics and no other material. Customers may be assessed a contamination fee in an amount determined by the City Council if persistent contamination occurs."

**Section 5. Severability.** If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**Section 6. Certification.** The City Clerk of the City of Temecula shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**Section 7. Effective Date.** This Ordinance shall take effect on the date provided in Government Code Section 36937.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Temecula  
this       day of       ,       .

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Maryann Edwards, Mayor Pro Tempore

ATTEST:

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Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA       )  
COUNTY OF RIVERSIDE     ) ss  
CITY OF TEMECULA         )

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2020-        was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 27<sup>th</sup> day of October, 2020, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the        day of        ,        , by the following vote:

AYES:                   COUNCIL MEMBERS:

NOES:                   COUNCIL MEMBERS:

ABSTAIN:               COUNCIL MEMBERS:

ABSENT:                COUNCIL MEMBERS:

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Randi Johl, City Clerk