

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4
- 5

6  
7  
8

9  
10

11  
12

## 13

14  
15  
16  
17  
18

19  
20  
21  
22

- 23  
24  
25  
26  
27  
28

1                   i.       Each business subject to this Section that does not subscribe with  
2                   City's refuse collector for pick-up of its recyclable materials shall be responsible for  
3                   ensuring and demonstrating its compliance with the requirements of this Section to  
4                   the City Manager or his/her designee with satisfactory proof of acceptable levels of  
5                   waste diversion on a quarterly basis (March, June, September and December). The  
6                   failure of a business to demonstrate its compliance with the requirements of this  
7                   Section shall constitute a violation of this chapter, and that business shall be subject  
8                   to administrative fines in accordance with Chapter 1.10 of this Municipal Code.

9                   ii.       To comply with subsection (B)(2) of this section, property owners of  
10                  multifamily complexes may require tenants to source separate their recyclable  
11                  materials. Tenants must source separate their recyclable materials as required by  
12                  property owners of multi-family complexes subject to this Section.

13           C.       The City's refuse collector shall implement a commercial solid waste recycling  
14           program that consists of education, outreach and monitoring of businesses, that is designed to divert  
15           commercial solid waste from businesses.

16           D.       Nothing in this Section is intended to prevent or limit the existing right of any  
17           business to donate, sell or otherwise dispose of its recyclable materials as provided by §41952 of  
18           the Public Resources Code.

19           E.       Any undefined terms used in this section shall have the same meaning as those terms  
20           are defined in Division 30 of the California Public Resources Code, and any accompanying or  
21           implementing regulations.

22           **SECTION 2.** Section 8.08.065 is hereby added to Chapter 8.08 of Title 8 of the Rialto  
23           Municipal Code to read as follows:

24           **8.08.065 - Mandatory commercial organics recycling/diversion.**

25           A.       For purposes of this section, "business" means a commercial or public entity  
26           including, but not limited to, a firm, partnership, proprietorship, joint-stock company, corporation,  
27           or association that is organized as a for-profit or nonprofit entity, strip mall, school, school district,  
28           special district, federal, state, local, regional agency or facility. "Business" also includes a multi-

1 family residential dwelling or mobile home park of five or more units.

2 B. For purposes of this section, "organic waste" means food waste, green waste,  
3 landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed  
4 in with food waste.

5 C. Any business and any multi-family residential dwelling of five or more units  
6 generating two or more cubic yards of solid waste per week shall recycle, compost, or otherwise  
7 divert its commercial solid waste from disposal by taking one, or any combination, of the following  
8 actions:

9 1. Source separate organic waste from the solid waste being discarded, and  
10 subscribe with the City's refuse collector for the pick-up of the organic materials separately  
11 from the solid waste to divert the materials from disposal.

12 2. Source separate organic waste from the solid waste and self-haul them to a  
13 certified organic processing and recycling facility for diversion from disposal.

14 i. Each business subject to this Section that does not subscribe with  
15 City's refuse collector for pick-up of its organic materials shall be responsible for  
16 ensuring and demonstrating its compliance with the requirements of this Section to  
17 the City Manager or his/her designee with satisfactory proof of acceptable levels of  
18 organics recycling on a quarterly basis (January, April, July, and October). The  
19 failure of a business to demonstrate its compliance with the requirements of this  
20 Section shall constitute a violation of this chapter, and that business shall be subject  
21 to administrative fines in accordance with Chapter 1.10 of this Municipal Code.

22 ii. To comply with subsection (insert section number), property owners  
23 of multifamily complexes may require its contracted landscapers to recycle the  
24 green waste materials and provide satisfactory proof that the materials are being  
25 properly recycled and diverted from disposal.

26 D. The City's refuse collector shall implement a commercial organics recycling  
27 program that consists of education, outreach and monitoring of businesses, that is designed to divert  
28 organic materials from covered businesses.

1 E. Nothing in this Section is intended to prevent or limit the existing right of any  
2 business to donate, sell or otherwise dispose of its organics materials as provided by §41952 of the  
3 Public Resources Code.

4 F. Any undefined terms used in this section shall have the same meaning as those terms  
5 are defined in Division 30 of the California Public Resources Code, and any accompanying or  
6 implementing regulations.

7 **SECTION 3.** CEQA

8 The City Council exercises its independent judgment and finds that this ordinance is not  
9 subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA  
10 Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, which exempts  
11 "actions by regulatory agencies for protection of the environment." This Ordinance is consistent  
12 with the goals of California State Assembly Bills 939, 341, and 1826.

13 **SECTION 4.** Severability.

14 The City Council declares that, should any provision, section, paragraph, sentence or word  
15 of this ordinance be rendered or declared invalid by any final court action in a court of competent  
16 jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections,  
17 paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and  
18 effect

19 **SECTION 5.** Effective Date.

20 This ordinance shall take effect thirty (30) days after the date of its adoption.

21 **SECTION 6.** Publication and Posting

22 The City Clerk is authorized and directed to cause this Ordinance to be posted and published  
23 within fifteen (15) days after its passage in a newspaper of general circulation and circulated within  
24 the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be  
25 posted and published in the manner required by law using the alternative summary and posting  
26 procedure authorized under Government Code Section 39633(c).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Rialto this  
\_\_\_ day of \_\_\_, 2021.

\_\_\_\_\_  
DEBORAH ROBERTSON, Mayor

**ATTEST:**

\_\_\_\_\_  
BARBARA MCGEE, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
ERIC VAIL, City Attorney  
Burke, Williams & Sorensen, LLP

1 STATE OF CALIFORNIA )

2 COUNTY OF SAN BERNARDINO ) ss

3 CITY OF RIALTO )

4

5 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
6 Ordinance No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council  
7 of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

8

9 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_,  
10 the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted.

11 Vote on the Motion:

12 AYES:

13 NOES:

14 ABSTAIN:

15 ABSENT:

16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
17 Rialto, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

18

19

20

21

22

23

24

25

26

27

28

\_\_\_\_\_  
BARBARA A. McGEE, City Clerk