

ORDINANCE NO. 21-008

Ordinance Of The City Council Of The City Of Emeryville Adding Section 6-4.25, "Organics Reduction And Recycling", To The City Of Emeryville Municipal Code To Adopt By Reference Ordinance No. 2021-02, "Organics Reduction and Recycling Ordinance" ("ORRO") Of The Alameda County Waste Management Authority; Authorizing The Alameda County Waste Management Authority and Alameda County Department of Environmental Health To Enforce ORRO In The City Of Emeryville; And Authorizing The City Manager To Take Actions Related To implementation And Enforcement Of The ORRO; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15308

WHEREAS, the purpose of this ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations"); and

WHEREAS, the City of Emeryville ("City") is a member of the Alameda County Waste Management Authority ("WMA"), a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts.; and

WHEREAS, the SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism applicable to residents and businesses generating or processing solid waste to implement relevant provisions of the SB 1383 Regulations; and

WHEREAS, on July 28, 2021, the WMA adopted Ordinance 2021-02, the Organics Reduction and Recycling Ordinance ("ORRO") attached hereto as Exhibit 1, and finding that the adoption of the ORRO was exempt from environmental review under CEQA Guideline 15308; and

WHEREAS, Section 13(b) of ORRO provides that ORRO applies within the boundaries of any member agency who has adopted the ORRO; and

WHEREAS, the City Council wishes the ORRO to apply within Emeryville;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND FINDINGS.

In addition to the above recitals being true and correct and incorporated by reference, the purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators.

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SECTION TWO. ADDING SECTION 6-4.25 “ORGANICS REDUCTION AND RECYCLING” TO THE EMERYVILLE MUNICIPAL CODE

Section 6-4.25 “Organics Reduction and Recycling” of the Emeryville Municipal Code is hereby added as follows:

6-4.25 Organics Reduction And Recycling

The City adopts Ordinance No. 2021-2 Ordinance No. 2021-2 of the Alameda County Waste Management Authority, pursuant to Section 13(b) of said ordinance.

SECTION THREE. ENFORCEMENT AGENCY AUTHORIZATION.

(a) The City designates and authorizes the Alameda County Waste Authority as an Enforcement Agency for Sections 5, 6, 7, 8, 9(a)(2), 9(b), 10, 11, and 12 of the ORRO, subject to any agreement executed between the City and Alameda County Waste Authority. Without limiting the generality of the foregoing, the authority provided by this designation includes the authority to request information or conduct inspections to verify compliance with any of the above sections to support Alameda County Waste Authority as an Enforcement Agency’s enforcement activities.

(b) The City designates and authorizes the Alameda County Department of Environmental Health as an Enforcement Agency for Sections 7, 8, 11, and 12 of the ORRO, subject to any agreement between the City and Alameda County Department of Environmental Health. Without limiting the generality of the foregoing, the authority provided by this designation includes the authority to request information or conduct inspections to verify compliance with any of the above sections to support Alameda County Department of Environmental Health’s enforcement activities.

(c) The City Manager is authorized to enter agreements to implement the authorizations and designations as described in sub-sections (a) and (b) of this Section.

(c) The authorizations and designations described in sub-sections (a) and (b) of this Section do not limit the City’s authority to independently carry out some or all of the responsibilities designated above. The City retains full authority to implement and enforce the ORRO.

(d) The City Council may, by resolution, authorize and designate other entities to carry out responsibilities under this Ordinance.

SECTION FOUR. SEVERABILITY

The City Council of the City of Emeryville declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable

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and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the City declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION FIVE. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

This ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations, and is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this ordinance to have a significant effect on the environment

SECTION SIX. EFFECTIVE DATE

This Ordinance shall take effect upon the ORRO becoming effective on January 1, 2022. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 36933.

SECTION SEVEN. CODIFICATION

Section Two of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Three, Four, Five, Six and Seven shall NOT be so codified.

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This ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 2, 2021, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 16, 2021, by the following vote:

AYES:	<u>4</u>	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters and Medina
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

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MAYOR

ATTEST:

DocuSigned by:

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CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

962663BD5573494...
INTERIM CITY ATTORNEY

ATTACHMENTS

- Exhibit 1 – WMA Ordinance 2021- 02 - ORRO