

ORDINANCE NO. 21-XX

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, STATE OF CALIFORNIA, AMENDING MUNICIPAL CODE
CHAPTER 8.13 – CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT
AND CHAPTER 3.20 – PURCHASES**

WHEREAS, the Town of Mammoth Lakes, California (“Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Assembly Bill (“AB”) 939 of 1989, the California Integrated Waste Management Act of 1989, requires the Town to reduce, reuse, and recycle (including composting), solid waste generated in the Town to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, AB 341 of 2011 places requirements on businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste to arrange for recycling services and requires the Town to implement a mandatory commercial recycling program; and

WHEREAS, AB 1826 of 2014 requires businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, and requires the Town to implement a mandatory commercial organics recycling program to divert organic waste from such businesses; and

WHEREAS, AB 827 of 2019, with respect to certain businesses that offer products for immediate consumption, imposes requirements for on-site recycling and organic waste containers, including that these containers be placed adjacent to trash containers, be visible, easily accessible, and clearly marked. AB 827 further provides that certain businesses that arrange for gardening or landscaping services shall require the contract or work agreement between the business and the gardening or landscaping service require that the organic waste generated by those services be managed in compliance with Chapter 12.8 of Part 3 of Division 30 of the California Public Resources Code; and

WHEREAS, Senate Bill (“SB”) 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of methane. These regulations, adopted in 2020 (“SB 1383 Regulations”), place requirements on multiple entities including the Town; single-family residential households; commercial businesses, including multi-family property owners with five or more dwelling units; commercial edible food generators; haulers, including self-haulers; food recovery organizations; and food recovery services to support achievement of statewide organic waste disposal reduction targets; and

WHEREAS, the SB 1383 Regulations require the Town to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations not later than January 1, 2022; and

WHEREAS, Government Code Sections 36934 and 36937 allow the Town Council to adopt an ordinance immediately upon introduction and with immediate effect, if the ordinance is for “the immediate preservation of...public...health or safety, containing a declaration of the facts constituting the urgency”, with a four-fifths vote of the Town Council; and

WHEREAS, implementation of the SB 1383 requirements as soon as possible is urgently necessary in order to protect public health and safety; and

WHEREAS, the urgency of taking such steps is reinforced by the statutory requirement in SB 1383 to implement such measures by January 1, 2022, and the Town cannot comply with this requirement except through adoption of an urgency ordinance; and

WHEREAS, this Ordinance implements the requirements of the SB 1383 Regulations;

NOW, THEREFORE, the Town Council of the Town of Mammoth Lakes, State of California, does ordain as follows:

Section 1: Municipal Code Chapter 8.13, Construction and Demolition Waste Management, and Chapter 3.20 - Purchases, are hereby amended by amending Sections 8.13.010, 8.13.020, and 8.13.050 of Chapter 8.13, and Section 3.20.080 of Chapter 3.20 to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 2: EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective and enforceable on January 1, 2022, pursuant to Government Code Sections 36934 and 36937.

Section 3: POSTING

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation, and entered in the Book of Ordinances of the Town.

Section 4: SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

The foregoing Ordinance was PASSED, APPROVED, AND ADOPTED on the 15th day of December 2021, by not less than a four-fifths vote.

Lynda Salcido, Mayor

ATTEST:

Jamie Gray, Town Clerk

EXHIBIT A

Chapter 8.13 - CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT

8.13.010 – Purpose.

It is the purpose and intent of this chapter to require construction and demolition waste management to enable the Town of Mammoth Lakes to work toward reducing the amount of waste generated within Mammoth Lakes ultimately disposed of in landfills by requiring the project applicant for every project covered by this chapter to divert a minimum of ~~sixty-five (65)~~ fifty percent of the construction and demolition debris resulting from that project, in compliance with state and local statutory goals and policies, and to create a mechanism to secure compliance with the stated diversion requirements.

8.13.020 – Definitions.

“Diversion requirement” means the diversion of a minimum of ~~sixty-five (65)~~ fifty percent of the total construction and demolition material generated by a project, or the lower percentage requirement granted by exception pursuant to Section 8.13.040.

8.13.050 – Compliance and diversion rates.

The applicant for a covered project shall divert or cause to be diverted a minimum of ~~sixty-five (65)~~ fifty percent of the construction and demolition materials resulting from the project. Compliance with this requirement and the other provisions of this chapter shall be listed as a condition of approval on all building or demolition permits issued for a covered project.

Chapter 3.20 – PURCHASES

3.20.080 - Preference for recycled materials and low environmental impact.

It is in the public interest to promote the town’s purchase of recycled products and recycled materials that are environmentally friendly. This ordinance is enacted to demonstrate compliance with state laws and foster market development for recycled products and materials. As part of the analysis of cost and suitability, the purchase of equipment, vehicles, furnishings, supplies, materials, and services may take into account the environmental issues of the purchase. Such issues include, but are not limited to, performance standards that are equal to or better, percentage content of recycled materials, non-polluting and/or low-polluting qualities, and low overall impact on the environment. For purposes of this section, recycled products and materials, are anything other than new products or materials. In addition to the requirements of this section, the purchasing of all paper products and recovered organic waste products shall comply with the Town’s Sustainable Purchasing and Practices Policy.