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ORDINANCE NO. 2021-11

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER 15 OF THE ALBANY MUNICIPAL CODE, SECTION 15-2 TITLED
“SOLID WASTE, RECYCLABLES AND ORGANIC MATERIALS MANAGEMENT”,
AND ADOPTING THE COUNTYWIDE ORGANICS REDUCTION AND
RECYCLING ORDINANCE NO. 2021-02 BY REFERENCE**

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 is a member of the Alameda County Waste Management Authority (“WMA”). The WMA is 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. In response to this mandate, the WMA’s member agencies requested that it adopt an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic

1 waste, waste haulers, and generators and processors of edible food, together with enforcement
2 mechanisms and administrative civil penalties for violations of local regulations; and
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5 **WHEREAS**, on July 28, 2021 the WMA adopted the Organics Reduction and Recycling
6 Ordinance (“ORRO”), Ordinance No. 2021-02. In order for the ORRO to apply in the City of
7 Albany, the City must adopt an ordinance declaring that it will apply within the City of Albany;
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9 and
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12 **WHEREAS**, the City wishes the ORRO to apply in City of Albany; and
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14 **WHEREAS**, the ORRO provides jurisdictions with the option to grant enforcement
15 authority over various of its provisions to agencies specified in the ORRO. The City is making
16 designations by approving agreements with other entities concurrently with adoption of this
17 ordinance; and
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19 **WHEREAS**, the SB 1383 Regulations also require cities, counties, and special districts
20 providing solid waste collection services to adopt and enforce an ordinance or other enforceable
21 mechanism concerning the CALGreen Building Standards, the Model Water Efficient Landscape
22 Ordinance, and Procurement of Recovered Organic Waste Products. These requirements are
23 addressed in City of Albany Municipal Code Chapters 20.68 Green Building and Bay Friendly
24 Landscaping Regulations, and 12-7 Adoption of California Water Efficient Landscape Ordinance;
25
26 and

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1 **WHEREAS**, this Ordinance is adopted pursuant to CalRecycle’s SB 1383 Regulations.
2 The SB 1383 Regulations were the subject of a program environmental impact report (EIR)
3 prepared by CalRecycle, and except for provisions which maintain the already established
4 requirements of the Waste Management Authority’s Ordinance Requiring Actions to Reduce
5 Landfilling of Recyclable and Organic Solid Wastes from Businesses, Multifamily Residences,
6 and Self-Haulers (Ordinance No. 2012-1; also known as the Mandatory Recycling Ordinance)
7 which currently apply in City of Albany, the activities to be carried out under this Ordinance are
8 entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures
9 identified in the EIR are applicable to City of Albany’s enactment of this Ordinance. Moreover,
10 none of the conditions requiring a subsequent or supplemental EIR, as described in Public
11 Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines
12 Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential
13 environmental effects of the Ordinance and no additional environmental review is required. On a
14 separate and independent basis, the Ordinance is exempt from CEQA pursuant to Section 15308,
15 Class 8 of the CEQA Guidelines of as an action that will not have a significant impact on the
16 environment and as an action taken by a regulatory agency for the protection of the environment,
17 specifically, for the protection of the climate. There are no unusual circumstances that would
18 cause this Ordinance to have a significant effect on the environment.
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23 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:**
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1 **SECTION 1: CHAPTER 15 OF THE ALBANY MUNICIPAL CODE, SECTION**
2 **15-2 TITLED “SOLID WASTE, RECYCLABLES AND ORGANIC MATERIALS**
3 **MANAGEMENT” IS HEREBY AMENDED AS FOLLOWS:**
4

5 **Section 15-2.11 Organics Reduction and Recycling**

6 The City adopts by reference Ordinance No. 2021-02 of the Alameda County Waste
7 Management Authority (WMA), pursuant to Section 13(b) of said ordinance as may be amended
8 from time to time.
9

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11 **SECTION 2: ENFORCEMENT AGENCY AUTHORIZATION:**
12

13 (a) The WMA and the Alameda County Department of Environmental Health (ACDEH) are
14 authorized and designated to carry out the responsibilities specified in (c) and (d) below to this
15 ordinance effective January 1, 2022 subject to agreement from each of them to do so. The City
16 Manager is authorized to enter agreements to implement these authorizations and designations.

17 (b) The authorizations and designations above do not limit the City’s authority to
18 independently carry out some or all of the responsibilities designated above. The City retains full
19 authority to implement and enforce the ORRO.
20

21 (c) City of Albany designates the WMA as an Enforcement Agency for Sections 5, 6, 7, 8,
22 9(a)(2), 9(b), 10, 11, and 12 of the ORRO subject to such terms and conditions as may be specified
23 in the letter agreement with the WMA. Without limiting the generality of the foregoing, the
24 authority provided by this designation includes the authority to request information or conduct
25 inspections to verify compliance with any of the above sections to support WMA’s enforcement
26 activities.

27 (d) City of Albany designates the ACDEH as an Enforcement Agency for Sections 7, 8, 11,
28 and 12 of the ORRO subject to such terms and conditions as may be specified in the Memorandum

1 of Understanding with the ACDEH. Without limiting the generality of the foregoing, the
2 authority provided by this designation includes the authority to request information or conduct
3 inspections to verify compliance with any of the above sections to support ACDEH's enforcement
4 activities.
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7 **SECTION 3: SEVERABILITY.**
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9 The City of Albany declares that each section, sub-section, paragraph, sub-paragraph,
10 sentence, clause and phrase of this ordinance is severable and independent of every other section,
11 sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any
12 section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is
13 held invalid, the City Council declares that it would have adopted the remaining provisions of this
14 ordinance irrespective of the portion held invalid, and further declares its express intent that the
15 remaining portions of this ordinance should remain in effect after the invalid portion has been
16 eliminated.

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18 **SECTION 4: PUBLICATION AND EFFECTIVE DATE.**

19 This ordinance shall be posted at three public places within the City of Albany and shall
20 become effective January 1, 2022.

21 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
22 the 6th day of December 2021, by the following vote:

23 AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

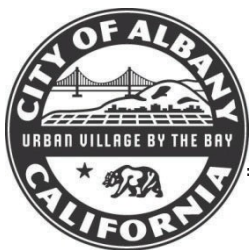
24 NOES: none

25 ABSENT: none

26 ABSTAIN: none

27 

28 GE'NELL GARY, MBA - MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2021-11

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 6th day of December, 2021, by the following votes:

AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
day of December, 2021.

Anne Hsu
CITY CLERK