Malibu City Council
Environmental Sustainability Subcommittee
Special Meeting Agenda
Thursday, November 14, 2019
2:00 P.M.
City Hall – Multipurpose Room
23825 Stuart Ranch Road

Councilmember Skylar Peak
Councilmember Jefferson Wagner

Call to Order

Approval of Agenda

Report on Posting of the Agenda – November 7, 2019

Public Comment This is the time for the public to comment on any items not appearing on this agenda. Each public speaker shall be allowed up to three (3) minutes for comments. The Subcommittee may not discuss or act on any matter not specifically identified on this agenda, pursuant to the Ralph M. Brown Act.

Presentations

A. The Bay Foundation’s Presentation on Malibu Living Shoreline Project at Zuma and Westward Beaches

Discussion Items

1. Approval of Minutes – October 14, 2019

   Recommended Action: Approve the minutes of the Environmental Sustainability Subcommittee Special meeting of October 14, 2019.

   Staff contact: Administrative Analyst Rossine, 456-2489, ext. 274

2. Enhanced Dumpster Enforcement Program Update and Locking Bin Ordinance

   Recommended Action: 1) Receive a report on the Enhanced Dumpster Enforcement Program to address the issue of sanitary conditions in and around trash enclosure areas; and 2) Provide a recommendation to the City Council on adopting an ordinance amending Chapter 8.32 of the Malibu Municipal Code (MMC) to require locking lids on dumpster bins at all times for commercial solid waste, organic waste, and recycling.

   Staff contact: Environmental Sustainability Analyst Shen, 456-2489 ext. 376
Adjournment

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated November 7, 2019.

Mary Lindem, Executive Assistant
To: Councilmember Peak and Councilmember Wagner

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: November 5, 2019

Meeting date: November 14, 2019

Subject: Approval of Minutes – October 14, 2019

RECOMMENDED ACTION: Approve the minutes of the Environmental Sustainability Subcommittee Special meeting of October 14, 2019.

DISCUSSION: Staff has prepared draft minutes for the Environmental Sustainability Subcommittee Special meeting of October 14, 2019 and hereby submits the minutes to the Subcommittee for approval.

ATTACHMENTS: Draft Minutes of the October 14, 2019 Environmental Sustainability Subcommittee Special meeting
CALL TO ORDER

Councilmember Peak called the meeting to order at 4:08 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Councilmember Jefferson Wagner and Councilmember Skylar Peak

ALSO PRESENT: Environmental Sustainability Director Yolanda Bundy; Environmental Sustainability Manager Andrew Sheldon; Environmental Sustainability Analyst Christine Shen; and Administrative Assistant Rebecca Nelson-Brown

APPROVAL OF AGENDA

MOTION Councilmember Wagner moved and Councilmember Peak seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Administrative Assistant Nelson-Brown reported that the agenda for the meeting was properly posted on October 8, 2019.

DISCUSSION ITEMS

1. Approval of Minutes – September 3, 2019

   Staff recommendation: Approve the minutes of the Environmental Sustainability Subcommittee Special meeting of September 3, 2019.

   MOTION Councilmember Wagner moved and Councilmember Peak seconded a motion to approve the minutes of the Environmental Sustainability Subcommittee Special meeting of September 3, 2019. The motion carried unanimously.

2. Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study

   Recommended Action: Provide a recommendation to the City Council concerning the consultant for the Coastal Geomorphology and Hydrology Study and provide a recommendation to the City Council regarding funding
Environmental Sustainability Analyst Christine Shen presented the report. She discussed Council direction to issue a Request for Proposals, the multi-agency selection committee for review of the proposals, and the selection committee’s recommended consultant after conducting interviews. She stated project funds were not included in the City’s budget for Fiscal Year 2019-2020, and grant funding was unavailable at this time.

MOTION Councilmember Peak moved and Councilmember Wagner seconded a motion to request that staff: 1) provide a “receive and file” project update to Council on the Coastal Geomorphology and Hydrology Study; 2) connect with interested community and non-profit groups about potential funding for the Study; and 3) pursue grant funding options for next fiscal year. The motion carried unanimously.

ADJOURNMENT

MOTION At 4:16 p.m., Councilmember Peak moved and Councilmember Wagner seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Environmental Sustainability Subcommittee of the City of Malibu on ______________, 2019.

SKYLAR PEAK, Councilmember

ATTEST:

MARY LINDEN, Executive Assistant
Environmental Sustainability Subcommittee Agenda Report

To: Councilmembers Wagner and Peak

Prepared by: Christine Shen, Environmental Sustainability Analyst

Reviewed by: Andrew Sheldon, Environmental Sustainability Manager

Approved by: Reva Feldman, City Manager

Date prepared: November 6, 2019               Meeting date: November 14, 2019

Subject: Enhanced Dumpster Enforcement Program Update and Locking Bin Ordinance

RECOMMENDED ACTION: 1) Receive a report on the Enhanced Dumpster Enforcement Program to address the issue of sanitary conditions in and around trash enclosure areas; and 2) Provide a recommendation to the City Council on adopting an ordinance amending Chapter 8.32 of the Malibu Municipal Code (MMC) to require locking lids on dumpster bins at all times for commercial solid waste, organic waste, and recycling.

WORK PLAN: This project was not included in the Adopted Work Plan for Fiscal Year 2019-2020.

DISCUSSION: Sanitary conditions need to be maintained in and around solid waste containers to prevent the presence of rodents and the associated use of rodenticides. MMC Chapter 8.32 currently requires: mandatory use of lids (i.e., bin covers), keeping trash enclosure areas clean, adequately sized bins, and a provision for the optional use of locking-type trash container lids.

On September 18, 2018, staff initiated the Enhanced Dumpster Enforcement Program (EDEP) pursuant to MMC Chapter 8.32. The EDEP includes frequent communication with local businesses, education and outreach, and more frequent inspections. Additionally, staff coordinated with the solid waste haulers to improve the cleanliness of solid waste enclosures and further engaged the City’s Code Enforcement staff in applying MMC requirements at local businesses.
On May 13, 2019, staff presented the EDEP and two options for additional regulation of bin use to the Environmental Sustainability Subcommittee. The Subcommittee requested staff to present the two following options to Council:

Option 1:
- Amend MMC Section 8.32.600 to require solid waste and recycling containers’ lids to be locked outside of business hours at food service establishments.

Option 2:
- Approve the Enhanced Dumpster Enforcement Program and continue with frequent outreach, inspections and compliance tracking. The Program’s current procedure is:
  - Outreach and warning from Environmental Programs’ Staff
  - Written correction notice from Environmental Programs’ Staff
  - Citations from Code Enforcement Staff

On June 24, 2019, staff brought the two options to Council. Following discussion, Council directed staff to return with an amendment to MMC Section 8.32 requiring solid waste and recycling bins to be locked twenty-four hours and seven days a week, and to bring back a report on the EDEP.

Locking Bin Ordinance

Based on City Council’s direction on June 24, 2019, staff developed an ordinance to require 24/7 locking dumpster lids and researched impacts of the ordinance to present to the Subcommittee.

More than 300 customers would be affected by the ordinance. The City does not have a franchise agreement with any solid waste hauler, so it does not have control over how fees are levied by local solid waste haulers. Haulers have informed staff that upon passage of the ordinance, they will charge a one-time fee to their customers for installing lock bars over bin lids, as well as a recurring fee for the extra time required to unlock and service bins. Based on information provided by the haulers, the projected additional cost to customers would be:

- One-Time Fee: On average, a $103 fee would be charged to weld a rolling lock bar on the bin.
- Recurring Fee: Depending on the company, the additional service charge would be approximately $10 per month per container per day, or $10 per container per month.

Planning and implementation of a locking dumpster bin ordinance was not included in the Fiscal Year 2018-2019 Work Plan and will require a minimum of 60 hours per month for the roll-out and the first six months of implementation. Staff time includes Environmental Programs, Media, and Code Enforcement staff to inform and educate businesses, follow-up on complaints, and coordinate with solid waste haulers. Ongoing implementation of the
ordinance will require approximately 30 staff hours per month. Staff is requesting the Environmental Sustainability Subcommittee provide a recommendation to the City Council regarding adoption of the locking bin ordinance.

**EDEP Update**

Staff initiated the EDEP on September 18, 2018 by mailing correspondence to commercial businesses and property owners, stressing the importance of maintaining sanitary solid waste areas. Correspondence was also provided to restaurant and property representatives during 2018-2019 Clean Bay Restaurant inspections. Clean Bay Restaurant inspections occur twice per restaurant annually during the wet weather season of October to June. Below are the number of facilities that received dumpster area corrections during Clean Bay Restaurant inspections.

- 2017-2018 Inspection Season: 27 out of 60 facilities (45%)
- 2018-2019 Inspection Season: 24 out of 60 facilities (40%)

Staff inspectors applied more critical evaluation criteria to dumpster areas during the 2018-2019 inspection season. Facilities with dumpster area corrections decreased by 5% between 2017-2018 and 2018-2019. Following the 2018-2019 Clean Bay Restaurant inspections, staff mailed a letter informing businesses of their Clean Bay certification status and reminding businesses of the City’s expectations regarding recycling and trash area cleanliness. Additionally, staff provided laminated signage on solid waste BMPs in English and Spanish for businesses to post near their trash areas. Staff prepared another educational letter for the waste service providers, Waste Management and Universal Waste Systems, to include in their October bills to customers. With continual outreach and education, staff expects the numbers of dumpster area violations to continue to decrease in the upcoming inspection season.

During implementation of the EDEP to date, staff sent 10 Notices to Comply and referred two commercial shopping centers to Code Enforcement for dumpster area violations. Two stores in the monitored shopping centers received administrative warnings from Code Enforcement. After receiving administrative warnings, the two stores’ trash area conditions have improved. Code Enforcement continues to monitor the two shopping centers and staff continues to work together with Code Enforcement staff to implement the goals of EDEP.

**ATTACHMENTS:**
1. Draft Ordinance
2. Sample Educational Letter
3. Clean Bay Certified Letter
4. Report on Dumpster Corrections
5. Dumpster Area Signage
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING CHAPTER 8.32 TO TITLE 8 (HEALTH AND SAFETY) TO REQUIRE LOCKING SOLID WASTE BINS

The City Council of the City of Malibu does hereby ordain as follows:

Section 1. Recital

Sanitary conditions need to be maintained in and around solid waste containers to prevent the harboring and breeding of rodents and minimize the use of rodenticides. The California Integrated Waste Management Act of 1989 as amended, commonly referred to as Assembly Bill 939 ("AB 939" or the "Act"), codified in substantial part at Public Resources Code § 40000 et. seq., authorizes cities to regulate the manner of collection and disposal of solid waste. The City Council has determined that the public health, safety, and welfare of the residents of Malibu will be promoted and the environmental quality of the city and surrounding areas will be preserved and maintained by locking solid waste containers through these amendments to Chapter 8.32.

Section 2. Section 8.32.010 of the Malibu Municipal Code is hereby amended to read as follows:

8.32.010 Findings and Intent.

A. The City Council finds and determines as follows:

1. In order to meet the requirements of the California Integrated Waste Management Act of 1989 [Public Resources Code Sections 40000, et seq.], including source reduction of the solid waste stream, diversion of solid waste from landfills, and conservation of natural resources, it is necessary to regulate the collection of solid waste from commercial/industrial and residential premises, and to encourage recycling of solid waste materials.

2. The mandates of the Environmental Protection Agency, the Southern California Air Quality Management District, and other regulatory agencies, concerning air pollution and traffic congestion management, require the regulation and, where possible, reduction in the number, of waste collection vehicles and vehicle trips which cause the discharge of air contaminants and create air pollution.

3. A reduction in the number of waste collection vehicles using the city streets daily will reduce traffic hazards and congestion and promote safety.

4. The storage, accumulation, collection and disposal of solid waste, including without limitation garbage, trash, debris and other discarded materials is a matter of substantial public concern in that improper control of these matters may create a public nuisance, air pollution, fire hazard, rat and insect infestation and other...
problems adversely affecting the public health, safety and welfare.

5. Regulation of the collection of garbage, refuse and other discarded materials from all residential, commercial and industrial properties within the city will provide the most orderly and efficient solution to these problems and will promote the public health, safety and welfare.

6. The regulation of solid waste handling services in the city will also promote the public health, safety and welfare by requiring the use of newer and safer vehicles, the regular maintenance of those vehicles, and the reduction of spillage and litter on the public streets, by establishing responsibility for the cleaning of refuse bins and containers, and by providing for accountability to the public.

B. This chapter is enacted by the City Council pursuant to the following statutory authorization and in order to accomplish the objectives set forth in this section:

1. Public Resources Code Section 40059 authorizes the city to determine (i) all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and (ii) whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding.

2. Public Resources Code Section 49300 provides that the city may, pursuant to terms and conditions as may be prescribed by its legislative body, contract for the collection or disposal, or both, of garbage, waste, refuse, offal, trimmings, or other refuse matter.

3. Public Resources Code Section 49501 provides that the city may take action, whether by franchise, contract, license, permit, or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises is authorized or permitted to have the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the city.

4. It is the intent of this chapter to set forth terms and conditions pursuant to which authorization may be granted by the City Council to provide solid waste handling services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of garbage, trash, rubbish, debris and other discarded matter, goods and material.

5. This chapter shall be construed in a manner consistent with all applicable federal and state laws. If any federal or state agency shall hereafter exercise any paramount jurisdiction over any specific provisions of this chapter, that paramount jurisdiction
shall preempt or preclude the exercise of like jurisdiction by the city. Modification of a federal or state law or regulation shall, to the extent applicable to the city, be deemed a part of this chapter as of the effective date of the modification. (Ord. 87 § 1, 1993; prior code § 5200)

Section 3. Section 8.32.020 of the Malibu Municipal Code is hereby amended to read as follows:

8.32.020 Definitions.

The following words and phrases, for the purposes of this chapter, are defined and shall be construed as hereunder set out:

“Bin” means a medium sized solid waste, organic waste, or recycling container between 1 yard and 6 yards.

“Cart” means a small to medium sized plastic solid waste, organic waste, and recycling wheeled container between 32 gallons and 96 gallons.

“City” means the City of Malibu.

“City employee” means an employee or authorized agent of the city of Malibu.

“Collection” means the operation of gathering together and/or transporting by means of a motor vehicle any classification of solid waste or recyclables within the city of Malibu.

“Collector” means any person who has been issued a franchise to provide solid waste and/or recyclable collection services in the city or who has been given the notice provided for in Public Resources Code Sections 49520 and 49521 and who has been issued a permit by the city to operate for the unexpired period of time set forth in such notice or any other extension thereof approved by the city. Collector shall include both commercial and residential collectors.

“Commercial collector” means a collector providing solid waste collection and/or recyclable services to commercial and industrial premises, including without limitation construction and/or demolition sites, pursuant to a franchise or an annual permit granted by the city.

“Commercial/industrial business owner” means any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others, commercial/industrial premises, whether or not it is the holder of the title or the owner of record of the commercial/industrial premises.

“Commercial premises” means any property occupied for or devoted to a use permitted in the commercial, institutional and public zones pursuant to the provisions of the Malibu zoning ordinance, or whose occupant or owner holds a valid business license from the city, County, or any multiple dwelling containing five or more dwelling units.

“Construction and demolition waste” means any debris resulting from the construction, modification or demolition of any structure, roadway or property. “Construction and demolition waste” includes but is not limited to asphalt, concrete, drywall, metals, roofing materials, soils and wood.
"Container" means any vessel, tank, receptacle, cart, box or bin used or intended to be used for the purpose of holding solid waste for collection.

"Designated collection location" means the place where the residential householder or commercial or industrial occupant shall place, and from where the collector is to collect, solid waste and recyclables in containers designated for that purpose.

"Disposal" means the complete operation of treating and/or disposing of solid waste after the collection thereof.

"Roll-off bins" means large solid waste and recycling containers delivered via the use of a roll-off vehicle. Typical sizes are ten (10) yard, twenty-five (25) yard, thirty (30) yard and forty (40) yard containers.

"Food Waste" means and includes solid, semisolid, and liquid food, such as, fruit, vegetables, cheese, meat, bones, poultry, seafood, bread, rice, pasta, and oils; coffee grounds and filters and tea bags; cut flowers and herbs; and any putrescible matter produced from human or animal food production, preparation, and consumption activities.

"Greenwaste/yard and wood waste" means any debris that is composed of organic material or plantlike matter which is a result of seasonal variations, landscape or gardening activities. This waste is to include, without limitation, grass clippings, leaves, shrubs, trees, branches stumps, flowers, plant stalks and wood.

"Hazardous waste" means and includes waste defined as hazardous by Public Resources Code Section 40141 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration, toxicity, or physical, chemical or infectious characteristics, may do either of the following: (i) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States Government, or by the California Legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

"Holiday" means:

   New Year’s Day
   Memorial Day
   Independence Day
   Labor Day
   Thanksgiving Day
   Veterans Day
   Christmas Day
“Holiday” also means any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of that collector’s employees, provided the holiday is established or recognized by resolution of the city council.

“Industrial premises” means any property occupied or used for any purpose (other than residential or commercial uses) authorized or permitted in the industrial zones under the provisions of the Malibu zoning ordinance.

“Lock” means a key control combination padlock, which can be opened with both the combination and control key.

“Lock bar” means an installed metal bar that extends over solid waste bin lids and can be secured with a lock.

“Manager” or “City Manager” means the City Manager or his or her designee of the city.

“Manure” means the waste droppings from any animal not disposed of through sewers or on-site wastewater systems.

“Medical waste” means any wastes generated from any laboratory or medical facility which requires special handling or a specific permit for the collection and transportation of this waste category.

“Miscellaneous debris” means any and all trash, rubbish, debris or other abandoned or discarded material not otherwise defined as rubbish, garbage, market refuse, rendering waste, or manure.

“Officer” means the president, vice-president, treasurer or other duly designated representative of a collector.

“Organic Waste” means food waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

“Parcel of Real Property” means a parcel of real property as shown on the local secured tax rolls of the county of Los Angeles.

“Permittee” means a solid waste collector who has obtained a permit to collect, transport and remove solid waste and/or recyclables from the boundaries of the city of Malibu.

“Person” includes, without limitation any individual, firm, co-partnership, general partnership, limited partnership, joint venture, association, entity, corporation, or any other group or combination thereof acting as a unit.

“Public agency” means any governmental agency or department thereof, whether federal, state, or local.

“Recyclable materials” means the following materials generated on or emanating from residential or commercial/industrial premises and no longer useful or wanted thereon: glass bottles and jars - any food or beverage container (excluding ceramics and chemical containers); metals - aluminum/tin -
cans, foil, pie tins and similar items (excluding dirt or organic material); steel or bi-metal cans not to exceed one gallon size; PET - plastic soda bottles or other bottles with the designated “PET” symbol; HDPE - plastic milk and water bottles with the designated “HDPE” symbol; LDPE - shrink wrap, plastic bags with the designated “LDPE” symbol; newspaper; cardboard - separated and not having waxed or coated surfaces; computer print out (excluding carbon); and white ledger - white bond paper, office paper, white envelopes (excluding coated and glossy paper); and such additional materials as the city council may designate from time to time upon thirty (30) days written notice to collectors.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. “Recycling” does not include burning, incinerating, or thermally destroying solid waste as defined in Public Resources Code Section 40201.

“Recycling container” means a container provided to residential premises for use in collecting and moving commingled recyclable materials to curbside for collection by the collector. The container shall have a capacity of at least thirty-two (32) gallons with a lid and shall be marked with the city recycling logo. The type, color and design of the container provided shall be subject to approval by the city manager. “Recycling container” shall also refer to a container used by commercial and industrial premises for storing and collecting commingled recyclables.

“Recyclable Materials” means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place and that are not landfilled. Recyclable Materials include any materials identified by the Manager for which a market exists, including, but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, cans,

“Rendering waste” means dead animals, hides, fat, or bones of animals, grease, meat scraps, and other similar materials being collected or transported to a rendering plant for processing.

“Residential collector” means a collector providing solid waste and/or recyclable collection services to residential premises, pursuant to a franchise or an annual permit granted by the city or required by this chapter.

“Residential householder” means any person holding and occupying residential premises, whether or not the owner, singly or with his or her family, within the territorial limits of the city.

“Residential owner” means the owner of any residential premises in the city.

“Residential premises” means any residential property in the city, except any multiple dwelling containing five or more dwelling units.

“Rubbish” means and includes without limitation the following items: all waste and refuse capable of burning readily, including straw, packing materials, leather, rubber, clothing, bedding, books, rags and all other similar articles which will burn by contact with flames or ordinary temperature; and
ashes, crockery, china, pottery, metal wire and other similar materials which are rejected by the owner or producer thereof.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial/industrial premises, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 49503, excluding liquid wastes and abandoned vehicles; provided, however, that “solid waste” shall not include hazardous waste. Solid waste includes trash, recyclables, organic waste, and rubbish.

“Solid waste enterprise” means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste handling services.

“Temporary bin/roll-off bin” means a container provided by a collector and use for a temporary period of time for the disposal of solid waste, rubbish, or construction/demolition waste or other waste not generated on a regular or continuing business.

“Tonnage form” means the document adopted by the city council which is used to determine the net amount of solid waste and/or recyclables disposed of in a permitted or certified facility.

“Tonnage report” includes a tonnage form or a copy of such form prepared by the collector or an officer or agent of the collector. Tonnage reports shall also include necessary information to verify the report or supplied information.

“Transportation” means the process of moving solid waste through the city by means of a motor vehicle.

“Trash” means material that is designated for Landfill Disposal by the collector and does not include either Recyclable Materials or Compostables. The term Trash does not include hazardous waste, as defined in California Health and Safety Code Sections 25117 and 25141.

“Users” means authorized users of solid waste containers and includes residents, occupants, employees, tenants, contractors, property manager, and property owner.

“Waste disposal facility” means any landfill, transfer station, incinerator, land reclamation project, recycling facility, or other similar site or facility which is used or intended to be used for the transfer, consolidation, processing or disposal of solid waste.

“Weight tickets/invoices” means receipts provided by a waste disposal or recycling facility reflecting the net amount of solid waste disposed of by a collector at the correlating facility.

Section 4. Section 8.32.600 of the Malibu Municipal Code is hereby amended to read as follows:

8.32.600 Containers for solid waste.
Any container to be placed for collection containing solid waste including trash, recycling, organic waste, or rendering waste shall have a tightly fitting lid. The lid shall be shut at all times, except when disposing, removing, or inspecting waste. If the container is a bin, the lid must be shut and locked at all times, except when disposing, removing, or inspecting waste. Failure to comply with this provision can subject the property owners to fines as set forth in Chapter 1.10.

Section 5. Section 8.32.660 of the Malibu Municipal Code is hereby amended to read as follows:

8.32.660 Containers – Residential, commercial, and industrial.

Every collector who rents, owns or controls any container, bin or other equipment used for the storage of solid waste, including trash, organic waste, recycling, and rendering waste shall, at all times:

A. Place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals not less than one inch in height the collector’s name or firm name, and telephone number, in a color contrasting to the background of the container;

B. Provide containers on casters of a size, shape and construction approved by the manager, in writing, for all industrial property occupants;

C. Provide containers, for all commercial property occupant, that are of sufficient size and are constructed to prevent the release of any amount of solid waste;

D. Provide bins with a lock bar and lock.

All users of solid waste containers within the City shall comply with the following:

A. Maintain such containers in good, clean and sanitary condition to the satisfaction of the manager with the lids shut at all times, except when disposing, removing, or inspecting waste.

B. Maintain such containers if bins with the lids locked at all times, except when disposing, removing, or inspecting waste.

C. Where containers are located in a trash enclosure area, the property owner shall ensure that the enclosure area is maintained in a clean and sanitary condition. If not maintained to the manager’s satisfaction, the user may be fined per Section 3.32.720.

D. Segregate recyclable materials and organic waste from trash and store in the appropriate containers provided for that purpose by the collector.

Section 6. Section 8.32.720 of the Malibu Municipal Code is hereby amended to read as follows:
Section 8.32.720

A. The City Manager or their authorized designee shall have primary responsibility for enforcement of this chapter. The City Manager or their authorized designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any vendor’s premises to verify compliance.

B. In addition to any other remedies that may be provided for by the terms of a collection permit or franchise agreement and in addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of the municipal code, violations of the provisions of this chapter are subject to the administrative penalty provisions of Chapter 1.10.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

Section 7. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 8. Effective Date.

This Ordinance shall take effect on June 1, 2020.


This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

Section 10. Certification.

The City Clerk shall certify the adoption of this Ordinance and enter it into the book of original ordinances.
PASSED, APPROVED AND ADOPTED this ________ day of __________________, 2019.

__________________________
Karen Farrer, Mayor

ATTEST:

__________________________
Heather Glaser, City Clerk
(seal)

APPROVED AS TO FORM:

__________________________
CHRISTI HOGIN, City Attorney
September 18, 2018

TO: Malibu Businesses Owners and Commercial Property Owners

RE: Enhanced Enforcement Program for Solid Waste Containers to Address Pollution

Dear Business Owner/Property Owner:

The City of Malibu is dedicated to protecting and preserving the integrity of our natural environment. As part of that vision, the City is committed to the health and wellbeing of the local wildlife and to keep Malibu free of trash and litter that impacts our city, beaches, and ocean.

Per Malibu Municipal Code 8.32.600 and 8.32.660, any container containing garbage shall have a tightly fitting cover and the cover shall be closed at all times (8.32.600). These containers, lids, and trash enclosure areas shall be kept in good, clean and sanitary condition (8.32.660).

Trash areas, if not kept clean with lids tightly closed, attract rodents and rummaging of discarded materials. The presence of rodents leads to the increased use of rodent control methods. Certain rodent control methods such as rodenticides are threatening the lives of wildlife including bobcats, mountain lions, hawks, owls who feed on rodents. These natural predators eat poisoned rodents which may result in the secondary poisoning and death of larger animals, including household pets.

To address this issue, the City has initiated an enhanced enforcement program to keep trash areas clean and the dumpster lids closed tightly at all times. Failure to maintain these areas in a clean and sanitary condition will result in enforcement activities which include notices of violation and/or administrative penalty assessments for each day the property remains in violation.

The City encourages you to educate your staff and tenants on Best Management Practices for waste disposal and storm water pollution prevention. City staff is available to assist you and onsite staff with meeting the expectations of this program. Please contact Environmental Programs Coordinator Mark Johnson at mjohnson@malibucity.org or (310) 456-2489 Ext. 275 with any questions.

The City thanks you for your participation and your continued effort to protect our precious local environment and wildlife.

Sincerely,

Christine Shen
Environmental Sustainability Analyst

cc: Mark Johnson, Environmental Programs Coordinator
August 1, 2019

Restaurant
Address
Malibu, CA 90265

RE: 2019 Clean Bay Certified Restaurant

Dear Owner/Manager,

Congratulations! Your restaurant met 100% of the essential criteria on the Clean Bay Certification checklist at your last inspection. The City commends you for successfully integrating sustainability and ocean-mindedness into your business practices and complying with local pollution regulations. Restaurant Name is a Clean Bay Certified restaurant effective July 1, 2019 through June 30, 2020.

The City will promote Clean Bay Certified businesses via a press release, print advertisements, and social media. Also, the certified restaurants list will be displayed in the City Hall lobby and at MalibuCity.org/CleanBayEats. The Clean Bay Certified Handbook and educational posters are available online (English/Spanish).

We are also taking this opportunity to remind you that on September 18, 2018, the City sent correspondence regarding its Enhanced Dumpster Enforcement Program. Recycling and trash areas are required to be maintained in a clean and sanitary condition with bin lids closed at all times. Failure to comply with these requirements may result in the revocation of your Clean Bay Certification, and administrative penalty assessments for each day of non-compliance. Additionally, City Council directed staff to bring back an ordinance requiring all bins to be locked 24/7 starting in June 2020. Attached is laminated signage (English/Spanish) you may post in the recycling and trash area to assist you with your compliance efforts.

If you have any questions, please contact Environmental Programs staff.

Sincerely,

Mark Johnson
Environmental Programs Coordinator
Extension 275
MJohnson@MalibuCity.org

Shea Cunningham
Environmental Programs Coordinator
Extension 236
SCunningham@MalibuCity.org

Enclosure
### Food Service

#### Dumpster Area

<table>
<thead>
<tr>
<th>Address</th>
<th># Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paradise Cove Beach Café</td>
<td></td>
</tr>
<tr>
<td>D’Amores Naturally</td>
<td></td>
</tr>
<tr>
<td>Lily’s Café</td>
<td></td>
</tr>
<tr>
<td>Subway</td>
<td></td>
</tr>
<tr>
<td>SunLife Organics</td>
<td></td>
</tr>
<tr>
<td>Coral Beach Cantina</td>
<td></td>
</tr>
<tr>
<td>Zumba Sushi</td>
<td></td>
</tr>
<tr>
<td>McDonald’s</td>
<td></td>
</tr>
<tr>
<td>Moonshadows</td>
<td></td>
</tr>
<tr>
<td>D’Amores Pizza</td>
<td></td>
</tr>
<tr>
<td>Casa Escobar</td>
<td></td>
</tr>
<tr>
<td>Fish Grill</td>
<td></td>
</tr>
<tr>
<td>Jack in the Box</td>
<td></td>
</tr>
<tr>
<td>The Carbon Beach Club</td>
<td></td>
</tr>
<tr>
<td>Malibu Farm Pier Café</td>
<td></td>
</tr>
<tr>
<td>Nobu Malibu</td>
<td></td>
</tr>
<tr>
<td>Bui Sushi</td>
<td></td>
</tr>
<tr>
<td>Malibu Yogurt &amp; Ice Cream</td>
<td></td>
</tr>
<tr>
<td>Malibu Kitchen</td>
<td></td>
</tr>
<tr>
<td>Starbucks</td>
<td></td>
</tr>
<tr>
<td>Chipotle</td>
<td></td>
</tr>
<tr>
<td>Marmalade Café</td>
<td></td>
</tr>
<tr>
<td>Pacific Coast Greens</td>
<td></td>
</tr>
<tr>
<td>Malibu Farm Restaurant</td>
<td></td>
</tr>
<tr>
<td>Ollo</td>
<td></td>
</tr>
<tr>
<td>Le Café De La Plage</td>
<td></td>
</tr>
<tr>
<td>Malibu Burger Co.</td>
<td></td>
</tr>
<tr>
<td>28128 Pacific Coast Hwy</td>
<td>27</td>
</tr>
<tr>
<td>29169 Heathercliff Rd. #104</td>
<td></td>
</tr>
<tr>
<td>23211 Heathercliff Rd. Suite 60</td>
<td></td>
</tr>
<tr>
<td>29169 Heathercliff Rd. #106</td>
<td></td>
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<tr>
<td>29169 Heathercliff Rd. #110</td>
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<tr>
<td>29350 Pacific Coast Hwy #7</td>
<td></td>
</tr>
<tr>
<td>29350 Pacific Coast Hwy #8</td>
<td></td>
</tr>
<tr>
<td>22725 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>20356 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>22601 Pacific Coast Hwy. Suite 120</td>
<td></td>
</tr>
<tr>
<td>22935 Pacific Coast Highway</td>
<td></td>
</tr>
<tr>
<td>23017 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>22878 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>23000 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>22706 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>23733 Malibu Rd.</td>
<td></td>
</tr>
<tr>
<td>23755 Malibu Rd. #600</td>
<td></td>
</tr>
<tr>
<td>3900 Cross Creek Road #3</td>
<td></td>
</tr>
<tr>
<td>3900 Cross Creek Rd.</td>
<td></td>
</tr>
<tr>
<td>3834 Cross Creek Rd.</td>
<td></td>
</tr>
<tr>
<td>3894 Cross Creek Rd.</td>
<td></td>
</tr>
<tr>
<td>22801 Pacific Coast Highway #120</td>
<td></td>
</tr>
<tr>
<td>23000 Pacific Coast Highway</td>
<td></td>
</tr>
<tr>
<td>23750 Pacific Coast Highway</td>
<td></td>
</tr>
<tr>
<td>29169 Heathercliff Rd.</td>
<td></td>
</tr>
<tr>
<td>3874 Cross Creek Rd</td>
<td></td>
</tr>
</tbody>
</table>
**Business Inspections: Correction Stats - Detail by Group**

*from 10/01/2018 to 08/01/2019*

### Food Service

**Facility**

<table>
<thead>
<tr>
<th>Dumpster Area</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geoffrey's Malibu</td>
<td>27400 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Pavilions</td>
<td>29211 Heathercliff Rd.</td>
</tr>
<tr>
<td>The Sunset Restaurant</td>
<td>6800 Westward Beach Rd</td>
</tr>
<tr>
<td>Malibu Ranch Market</td>
<td>29575 Pacific Coast Highway Unit H</td>
</tr>
<tr>
<td>Spruzzo Restaurant and Bar</td>
<td>29575 Pacific Coast Hwy</td>
</tr>
<tr>
<td>McDonald's</td>
<td>22725 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Tramonto</td>
<td>22235 Pacific Coast Highway</td>
</tr>
<tr>
<td>Duke's Malibu</td>
<td>21150 Pacific Coast Highway</td>
</tr>
<tr>
<td>D'Amores Pizza</td>
<td>22601 Pacific Coast Hwy. Suite 120</td>
</tr>
<tr>
<td>Casa Escobar</td>
<td>22969 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Bui Sushi</td>
<td>23733 Malibu Rd.</td>
</tr>
<tr>
<td>Kaishin</td>
<td>23715 Malibu Rd.</td>
</tr>
<tr>
<td>Coffee Bean &amp; Tea Leaf</td>
<td>3835 Cross Creek Rd #12</td>
</tr>
<tr>
<td>Malibu Kitchen</td>
<td>3900 Cross Creek Road #3</td>
</tr>
<tr>
<td>Mr. Chow</td>
<td>3835 Cross Creek Road Suite 18A</td>
</tr>
<tr>
<td>Taverna Tony</td>
<td>23410 Civic Center Way</td>
</tr>
<tr>
<td>Café Habana</td>
<td>3939 Cross Creek Rd. #D100</td>
</tr>
<tr>
<td>Marmalade Café</td>
<td>3894 Cross Creek Rd.</td>
</tr>
<tr>
<td>Malibu Seafood</td>
<td>25653 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Vintage Grocers</td>
<td>30745 Pacific Coast Highway Suite #24</td>
</tr>
<tr>
<td>Ralphs</td>
<td>23841 Malibu Rd. 102</td>
</tr>
<tr>
<td>Pacific Coast Greens</td>
<td>22601 Pacific Coast Highway #120</td>
</tr>
<tr>
<td>Ollo</td>
<td>23750 Pacific Coast Highway</td>
</tr>
<tr>
<td>Malibu Burger Co.</td>
<td>3874 Cross Creek Rd</td>
</tr>
</tbody>
</table>
KEEP RECYCLING & TRASH AREAS CLEAN!!

Violators will be fined pursuant to MMC section 8.32.

- Recycle carefully
- Break down boxes
- Keep dumpster lids closed at all times
- Clean up spills and trash
- Report trash bin leaks

Food Waste

Recycling

Landfill Trash
¡MANTENGA LOS ÁREAS DE RECICLAJE Y BASURA!

LIMPIA!!

Infractores serán multadas conforme a la sección 8.32 del código municipal de la ciudad de Malibu.

- Recicle cuidadosamente
- Desarme las cajas de cartón
- Mantenga las tapaderas de los basureros cerradas en todo tiempo
- Limpie derrames y basura
- Reporte si los basureros gotean

Desechos alimentarios

recolección

releno sanitario
September 10, 2019

TO: Malibu Businesses Owners and Commercial Property Owners

RE: Enhanced Enforcement Program for Solid Waste Containers to Address Pollution and Rodents

Dear Business Owner / Property Owner/ Property Manager:

On September 18, 2018, the City of Malibu sent correspondence to Malibu businesses and commercial property owners about the City’s Enhanced Dumpster Enforcement Program to address pollution. The City is dedicated to protecting and preserving the integrity of our natural environment. As part of that vision, the City is committed to the health and wellbeing of the local wildlife and keeping Malibu free of litter that can impact our beaches and ocean.

Per Malibu Municipal Code 8.32.600 and 8.32.660, any container containing garbage shall have a tightly fitting cover and the cover shall be closed at all times (8.32.600). These containers, lids, and trash enclosure areas shall be kept in good, clean and sanitary condition (8.32.660).

Trash areas, if not kept clean with lids tightly closed, attract rodents and rummaging of discarded materials. The presence of rodents leads to the increased use of rodent control methods. Certain rodent control methods such as rodenticides are threatening the lives of wildlife including bobcats, mountain lions, hawks, owls who feed on rodents. These natural predators eat poisoned rodents which may result in the secondary poisoning and death of larger animals, including household pets.

To address this issue, the City initiated the Enhanced Dumpster Enforcement Program to keep trash areas clean and the dumpster lids closed at all times. Failure to maintain these areas in a clean and sanitary condition will result in enforcement activities including notices of violation and/or administrative penalty assessments for each day the property remains in violation.

Malibu City Council also directed staff to bring back an ordinance requiring all solid waste containers to be locked 24/7 starting in June 2020.

The City is seeking help with educating your staff and tenants on Best Management Practices (BMPs) for waste disposal, including separating waste and recycling carefully, breaking down boxes, keeping dumpster lids closed at all times, cleaning up spills immediately, and locking bins at the end of the day if there are rummage issues. City staff and your solid waste hauler, Universal Waste Systems, are available to assist you and onsite staff with meeting the expectations of this program.

Should you have questions, please contact me or other Environmental Programs staff:
Mark Johnson at Extension 275 or mjohnson@malibucity.org
Shea Cunningham at Extension 236 or scunningham@malibucity.org.
Thank you for your participation and your continued effort to protect our precious local environment and wildlife.

Sincerely,

[Signature]

Christine Shen
Environmental Sustainability Analyst
Extension 376
cshen@malibucity.org

cc: Gabriel Chavez, Universal Waste Systems
Andrew Sheldon, Acting Environmental Sustainability Director
Terri Alex, Los Angeles County Public Works
September 10, 2019

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Sincerely,

Christine Shen
Environmental Sustainability Analyst
Extension 376
cshen@malibucity.org

cc: Mike Smith, Waste Management
Andrew Sheldon, Acting Environmental Sustainability Director
Terri Alex, Los Angeles County Public Works