



COURTESY NOTICE NOTICE OF VIOLATION

June 3, 2022

Owner
123 Main St
San Rafael, Ca. 94901

Subject Property: **123 Main St, San Rafael, Ca. 94901 (APN: XXX-XXX-XX) CE#####-###**

RE: Solid Waste Collection and Disposal and Edible Food Recovery.

Dear Property Owner:

The City of San Rafael Code Enforcement Division has received notice regarding solid waste collection and edible food recovery on your property at 123 Main St. A recent inspection revealed that you are not subscribed to source-separated organic materials collection service as per the requirements of the San Rafael Municipal Code. The pertinent Municipal Code provisions are set forth below. Please review them carefully, then **contact Marin Sanitary Service (MSS) promptly to get in compliance at 415-456-2601**, either by subscribing to organics collection service, or by submitting a waiver form if you believe you may qualify. A waiver form has been provided for your convenience. Failure to comply within 30 days will begin the citation process.

More information can be found at cityofsanrafael.org/organics/.

Feel free to contact me with any questions or concerns you may have. And if you have already signed up for service or completed a waiver form with MSS please let me know.

Sincerely,

Code Enforcement Supervisor
City of San Rafael

Attachments: San Rafael Municipal Code Requirements
AB 1826 Waiver form

San Rafael Municipal Code Requirements:

9.19.70 Obligation of solid waste collection service.

- B. Every property owner, commercial generator, residential generator, or other organic material generator within the city shall have the obligation for disposal of solid waste as provided in this chapter through the designated authorized collector and shall pay the authorized collector for the solid waste collection service at the rates provided therefor. Failure of receipt of a bill does not obviate responsibility for payment. In each instance, the property owner shall be primarily responsible for the payment of the charges provided for herein. The city or authorized collector may cause a lien to be placed upon the real property for failure to compensate the authorized collector for services rendered.
- C. Generators shall arrange for a size, quantity and collection frequency of containers to adequately store all solid waste generated in connection with the premise, and subject to collection in garbage containers, recycling containers and organics containers, between the times designated for collection service. The city shall have the right to review the number, size and location of such collection containers to evaluate the adequacy, capacity and collection frequency of containers for each type of collection service and to review the source separation and containment of materials. Generators shall adjust the size of containers, number of containers and/ or collection frequency for their collection services as requested by the city in order to meet the standards set forth in this chapter.
- D. Generators shall place source separated organic materials, including food waste, in the organics container; place source separated recyclable materials in the recycling container; and place garbage in the garbage container. The city and authorized collector shall have the right to promulgate changes to material types acceptable for each type of collection container. Generators shall not place prohibited container contaminants into the garbage container, organics container or recycling container.

9.19.080 Commercial generator requirements.

- A. Commercial business owners including multi-family residential dwellings with five (5) or more dwelling units, shall provide or arrange for garbage container, organics container and recycling container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in subsection (B)(1) and (B)(2) below or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.
- B. Commercial businesses that are not multi-family residential dwellings shall provide containers for the collection of source separated organic materials and source separated recyclable materials in all areas where the commercial business provides disposal containers for employees, contractors, tenants, customers and other users of the premises ("User Disposal Containers"). Such user disposal containers do not need to be provided in restrooms. If a commercial business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of user disposal container, then the business does not have to provide that particular type of container in all areas where user disposal containers are provided. Pursuant to 14 CCR Section 18984.9(b), the user disposal containers provided by the business shall have either:
 - 1. A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for garbage, blue containers for source separated recyclable materials, and green containers for source separated organic materials. Notwithstanding the foregoing, a commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or

2. Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.
- C. Excluding multi-family residential dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the recycling container, organics container, and garbage container collection service.
- D. Excluding multi-family residential dwellings, periodically inspect recycling containers, organics containers, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- E. Including multi-family residential dwellings with five (5) or more dwelling units, annually provide information to employees, contractors, tenants, building residents, and customers about organic waste recovery requirements and about proper sorting of organic materials and recyclable materials. A copy of such information shall be provided to the authorized collector or city manager, upon request.
- F. Including multi-family residential dwellings with five (5) or more dwelling units, provide information before or within fourteen (14) days of new occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep organic materials subject to collection in the organics container and recycling container separate from each other and from garbage, the location of containers, and the rules governing their use at the premises.
- G. Including multi-family residential dwellings with five (5) or more dwelling units, prominently post and maintain one or more signs where recyclable materials and/or organic waste are collected and/or stored that set forth what materials are required to be source separated, in addition to collection procedures for such materials.
- H. Commercial businesses that are commercial edible food generators, as defined in Section 9.19.030, shall comply with commercial edible food generator requirements, pursuant to Section 9.19.220.

9.19.400 Violation—Penalty.

- A. A violation may be punishable by:
 1. A fine not exceeding one hundred dollars for a first violation;
 2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within any twelve consecutive month period;
 3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive-month period. Any citation issued after the issuance of a third citation or violation of the same provision of this code within any twelve consecutive-month period may be charged as a misdemeanor pursuant to the provisions of chapter 1.