ORDINANCE NO. 21-031

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 9.17 OF THE PACIFIC GROVE MUNICIPAL CODE
REGARDING REDUCTION OF SHORT-LIVED CLIMATE POLLUTANTS

FACTS

1. State recycling law requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their City 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 (AB 939 enacted in 1989).

2. State recycling law requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program (AB 341 enacted in 2011).

3. State Organics Materials recycling law requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste (AB 1826 enacted 2014).

4. State Organics Materials recycling law also requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law (AB 1826 enacted 2014).

5. State Organics Materials recycling law further requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program (AB 1826 enacted 2014).

6. The Short-lived Climate Pollutant Reduction Act of 2016 (the Act) requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Multi-Family Premises, Commercial Businesses, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of The Act statewide Organic Waste disposal reduction targets.

7. The Act requires jurisdictions to adopt and enforce an ordinance to implement relevant provisions of The Act.

8. In the enactment of this Ordinance, the City seeks to comply with The Act to reduce Organic Waste in landfills and implement relevant provisions of The Act.
9. Enactment of this Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

10. Enactment of this Ordinance does not constitute a project under the California Environmental Quality Act (CEQA) Section 15378(b)(3) because this ordinance is an administrative activity of a government that will not result in a direct or reasonably foreseeable indirect physical change to the environment.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council determines that each of the Facts set forth above are true and correct, and by this reference incorporates those Facts as an integral part of this Ordinance.

SECTION 2. The City Council of the City of Pacific Grove hereby affirms the Ordinance titled, REDUCTION OF CALIFORNIA’S SHORT-LIVED CLIMATE POLLUTANTS and numerated as Chapter 9.17 is to be incorporated into The City’s municipal code.

SECTION 3. The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective January 1, 2022, following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 17th day of November 2021, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Coletti, McAdams, Poduri, and Smith.

NOES: None.

ABSENT: None.

APPROVED:

BILL PEAKE, Mayor

ATTEST: SANDRA KANDELL, City Clerk

DATED: 11/23/2021
APPROVED AS TO FORM:

[Signature]

DAVID C. LAREDO, City Attorney