

Table of Contents

Title VI: Health and Sanitation.....	3
Chapter 6.01 Solid Waste and Recycling Management	3
6.01.010 Definitions	3
6.01.020 Policy.....	7
6.01.030 Fees.....	7
6.01.040 Receptacles	8
6.01.050 Collection	9
6.01.060 Mandatory Commercial Recycling.....	11
6.01.070 Organic Waste Recycling.....	13
6.01.080 Commercial Edible Food Recovery.....	14
6.01.085 Waivers for Generators.....	17
6.01.090 Compliance Inspections.....	17
6.01.100 Authority to Collect.....	18
6.01.110 Responsibility for Solid Waste Prior to Collection.....	18
6.01.120 Prohibited Acts	19
6.01.130 Enforcement	21
Chapter 6.02 California Green Building Standards	22
Chapter 6.03 Reusable Bags.....	22
6.03.010 Definitions	22
6.03.020 Carryout Bag Regulations	23
6.03.030 Exemptions	24
6.03.040 Record Keeping and Inspection.....	24
6.03.050 Enforcement	24
Chapter 6.04 Foodware and Food Packaging.....	24
6.04.010 – Purposes	24
6.04.020 – Definitions.....	25
6.04.030 – Prohibited Food Packaging and Containers.....	26
6.04.040 – Reusable Foodware for On-Premises Dining.....	26
6.04.050 – Charge for Disposable Takeout Containers and Cups	27
6.04.060 – Reusable Customer Foodware.....	28
6.04.070 – Single-Use Foodware Accessories	28
Chapter 6.05 Single-Use Bottles and Beverage Packaging	29
6.05.010 – Purposes	29

6.05.020 – Definitions	29
6.05.030 – Restriction of Sale or Commercial Distribution of Water in Single-Use Paper Cartons And Plastic Bottles	30
6.05.040 – Exemptions	30

Title VI: Health and Sanitation

Chapter 6.01 Solid Waste and Recycling Management

6.01.010 Definitions

For the purpose of this chapter, the following words, phrases and their derivations shall have the meanings ascribed to them in this section:

- A. "Bulky Waste" means large items of solid waste such as appliances, furniture, large auto parts, and other similar waste with weights and volumes greater than those allowed in an approved solid waste container.
- B. "Collection" means the operation of gathering together and transporting to the point of disposal or processing any solid waste including recyclable and compostable solid waste and Yard Waste.
- C. "Commercial generator" means entities other than residential facilities including restaurants, retail facilities, offices, industrial facilities, hotels, and shopping centers that produce solid waste, including Recyclables and Organic waste.
- D. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- E. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- F. "Compliance Review" means a review of records by the Town to determine compliance with this ordinance.
- G. "C&D" means construction and demolition debris.
- H. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal.
- I. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- J. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- K. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- L. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- M. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined

in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- N. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- O. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- P. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- Q. "Food Waste" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Waste excludes fats, oils, and grease when such materials are source separated from other Food Waste.
- R. "Franchisee" means any person that has entered into a franchise agreement with the Town to collect, remove, transport, process, or dispose of solid waste or recyclable materials.
- S. "Franchise fee" means the fee or assessment imposed by the Town on any franchisee solely because of its status as party to a franchise agreement.
- T. "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- U. "Hazardous waste" means any waste which by reason of its quality, concentration, composition, or physical, chemical, or infectious characteristics may do any of the following: cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged, or any waste which is defined or regulated as a Hazardous Waste, toxic substance, hazardous chemical substance or mixture, or asbestos under Applicable Law, as amended from time to time, including, but not limited to:

1. The Resource Conservation and Recovery Act and the regulations contained in 40 CFR Parts 260-281.
 2. The Toxic Substance Control Act (L5 U.S.C. Section 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766.
 3. California Health & Safety Code §25117.
 4. California Public Resources Code § 40141.
 5. Future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage, or disposal of toxic substances or Hazardous Wastes.
 6. Radioactive materials which are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.) and the regulations contained in 10 CFR Part 40.
- V. "Inspection" means a site visit where the Town reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- W. "Large event" means an event that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, including, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, including, but not limited to, a sporting event or a flea market. (California Public Resources Code §42648).
- X. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- Y. "Medical Waste" means materials, substances or items which may be reasonably considered infectious, pathological or biohazardous, originating from hospitals, public or private medical clinics, departments of research laboratories, pharmaceutical industries, blood banks, forensic medical departments, medical offices, mortuaries, veterinary facilities and other similar facilities, and includes, without limitation, equipment, instruments, utensils, fomites, laboratory waste (including pathological specimens and fomites attendant thereto), surgical facilities, equipment, bedding and utensils (including pathological specimens and disposal fomites attendant thereto), sharps (hypodermic needles, syringes, etc.), dialysis unit waste, chemotherapeutic waste, animal carcasses, offal and body parts, biological materials (vaccines, medicines, etc.), and other similar materials, but excluding any such waste which is determined by evidence reasonably satisfactory to the franchisee to have been rendered noninfectious, non-pathological and non-biohazardous.
- Z. "Multi-Family Units" means a dwelling which includes five or more individual living units under single ownership.
- AA. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- BB. "Owner" means the person to whom the taxes on the property are assessed as shown on the last equalized assessment roll of the County, or alternatively, from such records of the County assessor or tax collector if they contain more recent information.
- CC. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- DD. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- EE. "Recyclables" or "Recyclable materials" means newspaper, cardboard, mixed color paper, white paper, junk mail, magazines, telephone books, paper bags, cereal and food boxes, egg cartons, plastic bottles and containers labeled #1-2, plastic milk containers, detergent containers, clear, brown, and green food and beverage container glass, cans of aluminum, steel, tin, food cans, empty aerosol cans, pipe tins or other materials having economic value contained within a load of recyclable materials which have been separated prior to collection.
- FF. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- GG. "Self-Haul" means to haul Solid Waste, Organic Waste or Recyclable material generated to another person. Self-haul also includes back-hauling waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- HH. "Single-Family Units" means a single-family dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling.
- II. "Solid Waste" means "solid waste" as defined in Section 40191 of the California Public Resources Code, as this section may be amended. Solid waste shall mean all putrescible and nonputrescible solid and semisolid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, Recyclable materials, discarded home and industrial appliances, manure, vegetable and animal solid and semisolid waste, and other discarded solid and semi-solid wastes, but does not include hazardous waste or medical waste.
- JJ. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- KK. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
 2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 3. Food Service Provider.
 4. Food Distributor.
 5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

LL. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Event.
5. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
6. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

MM. "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

NN. "Yard Waste" means tree and shrubbery trimmings, grass, weeds, pine needles, leaves, and other household garden Organic Waste that is no more than four feet in length and four inches in diameter.

6.01.020 Policy

It is hereby declared to be in the interest of the public health, sanitation, safety, and welfare of all residents of the Town of Truckee, and the policy of the Town, that the accumulation, preparation, storage, collection, transportation, and disposal of municipal solid waste, Yard Waste, and Recyclable and compostable materials in the Town of Truckee be handled in a safe, sanitary, routine, and efficient manner so as to maximize the reduction, reuse, recycling, and composting of materials that otherwise would become municipal solid waste; to preserve and maximize landfill disposal capacity; to maintain the good condition, cleanliness, and safety of Town rights-of-way; to comply with state law; to prevent harboring and breeding of rodents, insects, and other pests; to reduce contamination of the environment by the unauthorized burying, burning, or putrefaction of such materials; to prevent the spread of diseases associated with unsanitary conditions; to reduce the hazard of fire; and to prevent unsightliness and other public nuisance which may result in the depreciation of property values and otherwise interfere with the comfortable enjoyment of life within the Town.

6.01.030 Fees

A. Pursuant to California Public Resources Code §41900, et seq., the Town shall prescribe fees for solid waste collection, transfer and disposal, and the collection and transfer of Recyclable materials. Such fees may include charges for the use of dumps or landfills, and may include costs of preparing and implementing source reduction and recycling elements and integrated

waste management plans. The Town may collect all or part of such charges on the tax roll or by such other means as the Town Council may elect, whether or not delinquent. The Town may also direct the franchisee to collect such charges for providing collection services.

- B. If the charges for collection are, on June 30 of each year, delinquent and unpaid for a period of sixty days, such charges shall become a lien on the real property upon which the premises are located and the property owner shall be notified as required by applicable law.

The Council shall hold a public hearing upon the delinquent and unpaid charges and any owner, occupant, or person in possession may appear and object to the charges or any portion thereof. If the Council finds and declares that such charges are true and correct, the Council may pass a resolution making such charges a lien upon the real property for which service was furnished or chargeable.

The Town shall transmit a copy of the resolution containing the list of delinquent amounts and properties against which they constitute a lien to the County of Nevada Tax Assessor for inclusion in the assessment roll against the property. Upon payment of the lien amount and any costs incurred by the Town for recording the lien or any release of lien, the Town may execute and file a release of lien.

- C. The Town or the franchisee may discontinue service for any commercial generator whose account remains unpaid for thirty days after the date of billing as long as the customer has received a notice on a form approved by the Town stating that service will be discontinued fifteen days from the date of the notice if the payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall continue to be assessed and billed notwithstanding that service has been discontinued, and notice of same shall be included in the form sent to the customer. In the event service is discontinued for nonpayment and the accumulation of trash constitutes a hazard to public health, the Town Attorney or his/her designee, the Code Compliance Officer, or the County Health Officer may order the clean-up off the accumulated trash.

6.01.040 Receptacles

A. Residential Receptacles

1. All residents shall deposit solid waste in standard containers suitable for holding garbage. Suitable containers must be 32 gallons or less and not exceed a loaded weight of 60 pounds with a tight-fitting lid.
2. Occupants of single-family units who participate in the curbside residential recycling program must place all acceptable Recyclable materials in franchisee-provided 64-gallon recycling carts or in customer-provided blue bags as long as those services are available. Blue bags must be 30-gallons or smaller and customers are not limited in the number of blue bags they can put out each week.
3. Occupants of single-family units who participate in the curbside residential Yard waste program must place all acceptable Yard waste material in franchisee-provided 96-gallon Yard waste carts.

B. Multi-Family Receptacles

1. All multi-family units shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All multi-family units shall deposit all acceptable Recyclable materials in franchisee-

provided 64- or 96-gallon carts. Multi-family units can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Multi-family units may not use blue bags for Recyclable materials.

C. Commercial Receptacles

1. All businesses shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All business shall deposit all acceptable Recyclable materials in franchisee-provided 64- or 96-gallon carts. Businesses can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Businesses may not use blue bags for Recyclable materials.
3. Businesses generating two cubic yards or more of commercial solid waste shall deposit all recyclable Food Waste in franchisee-provided wildlife-resistant carts or bins unless an exemption is granted as outlined in Section 6.01.070(C)(2).

D. Condition

All receptacles shall be kept in clean and sanitary condition by the owner or the person using the same, and receptacles shall be kept tightly covered at all times, except when garbage, Yard waste, or Recyclable material is being deposited therein or removed therefrom and shall at all times be secure against access by wildlife to the contents thereof and free from leaks.

E. Bear Sheds

Residential customers may choose to store their solid waste containers in a bear shed. All new bear sheds must meet the following requirements: made of metal, stone, brick, concrete, or equivalently sturdy material; have a front-facing door; fit two 32-gallon cans; have a roof with side or back snow shedding; and have plunging pins securing the top and bottom locking mechanism. Bear sheds must be located out of the Town right-of-way and within twenty-eight feet of the edge of the roadway. Bear sheds located farther than twenty-eight feet from the edge of the roadway will be subject to additional servicing arrangements and applicable fees.

F. Wildlife Disturbance

1. Every customer shall ensure that their solid waste is securely stored in cans, carts, bins, or bear sheds. No solid waste shall be strewn on the ground or otherwise outside the container.
2. A warning notice will be issued upon the first violation of this section. Residential and commercial customers may be required to purchase a bear shed meeting the specifications in Section D or wildlife-resistant cart upon the second violation of this section.

6.01.050 Collection

A. Collection Service Mandatory

To protect public health, safety, and well-being against the growth and spread of vectors, all persons residing or maintaining businesses or other premises in the Town of Truckee shall make arrangements to receive solid waste collection service at least one time per week from the Town's franchisee. Should a property have both residential and commercial uses, the property must subscribe to commercial services.

B. Single-Family Units

1. Occupants of single-family units shall subscribe to solid waste, recycling, and Yard waste curbside service, collected at least once per week, or according to a schedule of services provided in a franchise agreement with a waste hauler.
2. In special circumstances, residents may share solid waste, Yard waste, and recycling collection services with other geographically proximate residents as a single Collective Multi-Family Customer upon approval by the Town and the franchisee. Individual parcels sharing a Collective Multi-Family service account must identify a "Primary Responsible Party" which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.
3. Residents of single-family units occupying the same parcel as a commercial use shall not be required to subscribe to solid waste, recycling, and Yard waste services if commercial service is provided at the property and the residents make use of that service.

C. Multi-Family Units

1. Owners of multi-family units shall subscribe to solid waste and recycling services, collected at least once per week and more frequently if required to handle the waste stream of the premises where the containers are located.

D. Commercial Premises

1. Businesses shall subscribe to solid waste and recycling collection services and Organic Waste recycling services to the extent required by this chapter and/or California Public Resources Code § 42649, provided that in the event of conflict or inconsistency between the requirements of this chapter and state law, the more stringent or restrictive standard shall control, as determined by the Town.
2. In special circumstances, businesses with significant space constraints may share solid waste, recycling, and Organic Waste recycling collection services with other geographically proximate businesses upon approval by the Town and the franchisee. Businesses sharing a single service account must identify a "Primary Responsible Party" which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.

E. Location for Collection

1. During the hours for collection, residential containers shall be placed at the location designated by the collector and shall be accessible for mechanized pick-up. Commercial bins shall be accessible to the collector.
2. Containers shall be placed adjacent to a street or public right-of-way. Residential containers shall be placed no earlier than 5:00 am on the day of collection and shall be removed from the street or right-of-way the same day. Commercial containers shall be placed no more than twelve hours before collection and shall be removed from the street or right-of-way the same day. Alternatively, residential waste can be placed within a bear shed installed on private property, out of the public right-of-way but no further than twenty-eight feet from the edge of the Town maintained roadway.

3. Residential recycling materials in blue bags shall be placed separate from the garbage and next to the refuse container on the designated collection day. Blue bags must be tied and shall not contain materials other than designated Recyclables and, when properly used, shall not be calculated as extra refuse. Carts for Recyclable, Yard waste, and organic materials shall be placed next to the refuse container on the designated day of service which may be less frequent than weekly.

F. Large Events

Any person seeking permission to conduct a large event where the event generates solid waste such as, but not limited to, paper, beverage containers, or food, shall develop a waste reduction and recycling strategy in compliance with Chapter 9.05 and shall file a copy of the strategy with the Town Manager or his/her designee.

6.01.060 Mandatory Commercial Recycling

A. Each commercial generator shall:

1. Subscribe to franchisee-provided recycling collection services. Collection shall be at least once a week and more frequently if required to handle the volume of Recyclable materials produced by the business. The Town shall have the right to review the number and size of a Commercial generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials, and Commercial generators shall adjust their service level as requested by the Town.
2. Ensure the segregation of Recyclable materials from garbage by placing Recyclable materials in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate Recyclable materials.
3. Provide an adequate number and type of receptacles needed for segregating and storing Recyclable materials and provide adequate access to these receptacles to employees, contractors, tenants, and customers. Containers for collection of source-separated Recyclable materials shall be provided in all indoor and outdoor areas where disposal containers are provided for customers. If a commercial generator does not generate any Recyclable materials or has been issued a waiver by the Town from their obligations to comply with this section according to the process outlined in Section 6.01.085, then the generator does not have to provide collection containers for Recyclable materials. The containers provided by the commercial generator for Recyclable materials shall have either:
 - a. A body or lid that is blue in color. A commercial generator is not required to replace functional containers purchased prior to January 1, 2022, that do not comply with these color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - b. Container labels that include language or graphic images, or both, indicating the Recyclable materials accepted and the primary materials prohibited in that container.

4. Provide adequate instructions at least annually to employees, contractors, and volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of Recyclable materials from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for Recyclable materials.
 5. Periodically inspect containers for the collection of Recyclable materials for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of these containers pursuant to 14 CCR Section 18984.
- B. The Town may waive a commercial generator's obligations to comply with some or all of the recycling requirements in 6.01.060(A) if the Town has evidence that the premises lacks adequate space for the collection containers required for compliance with this section. A commercial generator may request a physical space waiver through the process outlined in Section 6.01.085(B).
- C. Self-hauling
1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling Recyclable materials generated by that entity to a recycling processing facility.
 2. Commercial generators that choose to self-haul shall:
 - a. Source-separate all Recyclable materials.
 - b. Haul Recyclable materials to facilities that accept the materials hauled for recycling.
 - c. Self-haulers that are Commercial generators or Multi-family units shall keep a record of the amount of Organic Waste delivered to each facility that processes or recovers Organic Waste; this record shall be subject to inspection by the Town. The records shall include the following information:
 - i. Delivery receipts and weight tickets from the facility accepting the waste.
 - ii. The amount of material in cubic yards or tons transported by the generator to each facility.
 - iii. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the Recyclable materials.
 - d. Provide proof of compliance with this section, upon request by the Town. Proof includes but is not limited to a receipt from a recycling processing facility that clearly identifies the type and quantity of material delivered.

D. Enforcement

A commercial customer will receive a warning upon its first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

6.01.070 Organic Waste Recycling

A. Residential Organic Waste Recycling

Owners and occupants of single-family units shall segregate Organic Waste, except for Food Waste and food-soiled paper, from garbage by placing accepted material in the curbside residential recycling container, Yard Waste container, Yard Waste dumpster, or by self-hauling material to Eastern Regional Landfill, Yard Waste drop-off event, or other recycling facility.

B. Multi-family Organic Waste Recycling

1. Owners, occupants, and staff of multi-family residential units, and contractors collecting Organic Waste from multi-family residential units, shall segregate Organic Waste, except for Food Waste and food-soiled paper, from garbage by placing it in available recycling containers or self-hauling material to a recycling facility.
2. The Town may waive a Multi-Family Unit's obligations to comply with some or all of the Organic waste recycling requirements in this section if the owner, property manager, or other authorized representative provides evidence that they meet the criteria for a De Minimis or Physical Space Waiver as outlined in Section 6.01.085.

C. Commercial Organic Waste Recycling

1. Commercial generators that generate two cubic yards or more of solid waste per week shall:
 - a. Ensure the segregation of recyclable Food Waste from garbage by placing each type of material in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate Food Waste.
 - b. Provide an adequate number and type of labeled receptacles needed for segregating and storing food waste and provide adequate access to these receptacles.
 - c. Provide adequate instructions to employees, contractors, and volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of Food Waste from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for Food Waste.
2. In addition to the applicable requirements of subsection 6.01.070(C)(1), owners and operators of all commercial businesses shall separate non-food Organic Waste from garbage by placing accepted material in a recycling container, subscribing to yard waste collection service offered by the franchisee, or self-hauling material to a facility as outlined in subsection 6.01.070(D). Commercial generators not required to separate Food Waste are not prohibited from integrating other types of waste prevention measures, including community composting, managing Organic Waste on-site, and other means of recovering Organic Waste.
3. The Town may waive a Commercial generator's obligations to comply with some or all of the Organic waste recycling requirements in this section if the

Commercial generator provides evidence that they meet the criteria for a De Minimis or Physical Space Waiver as outlined in Section 6.01.085.

D. Self-hauling

1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling Organic Waste generated by that entity to an Organic Waste processing facility.
2. Generators that choose to self-haul shall:
 - a. Source-separate all non-recyclable Organic Waste in a manner consistent with 14 CCR Section 18984.1.
 - b. Deliver Organic Waste to a facility that processes or recovers source-separated Organic Waste.
 - c. Self-haulers that are Commercial generators or Multi-family Units shall keep a record of the amount of Organic Waste delivered to each facility that processes or recovers Organic Waste; this record shall be subject to inspection by the Town. The records shall include the following information:
 - i. Delivery receipts and weight tickets from the facility accepting the waste.
 - ii. The amount of material in cubic yards or tons transported by the generator to each entity
 - iii. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
 - d. Provide proof of compliance with this section, upon request by the Town; proof includes but is not limited to a receipt from an Organic Waste processing facility that clearly identifies the type and quantity of material delivered.

E. Enforcement

A commercial, multi-family, or residential customer will receive a warning upon its first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

6.01.080 Commercial Edible Food Recovery

A. Requirements for Commercial Edible Food Generators

1. Tier One Commercial Edible Food Generators shall comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
2. Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Event to comply with the requirements of this Section, commencing January 1, 2024.

3. Commercial Edible Food Generators shall comply with the following requirements:
 - a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - b. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - d. Allow the Town's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - e. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - i. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - ii. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - iii. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 1. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 2. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 3. The established frequency that food will be collected or self-hauled.
 4. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - f. No later than March 31 of each year commencing no later than February 1, 2023, for Tier One Commercial Edible Food Generators and February 1, 2025, for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the Town that includes the following information:
 - i. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - ii. The quantity of food, measured in annual pounds recovered, collected, or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery for the previous calendar year.
 - iii. The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
 - g. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act

of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Section 49580 et seq of the Education Code and/or Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time.

B. Requirements for Food Recovery Organizations and Services

1. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - a. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - b. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - d. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
2. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - a. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - b. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - c. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
3. Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
4. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Truckee and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the Town it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than March 31 of each year, commencing March 31, 2023.
5. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the Town, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the Town shall provide information and consultation to the Town, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the Town and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the Town shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by

the Town.

6.01.085 Waivers for Generators

A. De Minimis Waivers

Commercial generators and Multi-family Units requesting a de minimis waiver for some or all of their obligations under Section 6.01.070 Organic Waste Recycling shall:

1. Submit an application specifying the service(s) for which they are requesting a waiver.
2. Provide required documentation as follows:
 - a. For a Food Scraps de minimis waiver, provide documentation that the commercial generator's total solid waste collection service is two cubic yards or more per week, and the Organic Waste subject to collection in a Food Scraps container is less than one-half cubic yards per week.
 - b. For a Yard Waste de minimis waiver, provide documentation that either:
 - i. The commercial business' total solid waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Yard Waste container comprises less than 20 gallons per week of the businesses' total waste during the season when Yard Waste is accepted by the franchisee; or,
 - ii. The commercial business' total solid waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Yard Waste container comprises less than 10 gallons per week of the business' total waste during the season when Yard Waste is accepted by the franchisee.
3. Notify the Town if circumstances change such that the generator's Organic Waste exceeds the threshold required for a waiver, in which case the waiver will be rescinded.
4. Provide written verification of eligibility for a de minimis waiver every five years, if the Town has approved a de minimis waiver.

B. Physical Space Waivers

Commercial generators and Multi-family Units requesting a physical space waiver for some or all of their obligations under Section 6.01.060 Mandatory Commercial Recycling or Section 6.01.070 Organic Waste Recycling shall:

1. Submit an application specifying the service(s) for which they are requesting a waiver.
2. Provide documentation that the premises lacks adequate space for the necessary collection containers.
3. Provide written verification to the Town that it is still eligible for a physical space waiver every five years, if the Town has approved a physical space waiver.

6.01.090 Compliance Inspections

The Town or its agent may enter a commercial premises or common areas of a multi-family property

of five or more units to conduct a compliance inspection of any collection container or collection vehicle load, and may enter a transfer, processing, or disposal facility to conduct a compliance inspection. Compliance inspections may be performed without prior notice during normal business hours. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

6.01.100 Authority to Collect

The Town and its elected officials, officers, agents, and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefor, and the officers, agents, and employees of such contractors, while any such contract is in force, shall have the exclusive right to gather, collect and remove solid waste from all premises in the town; and no person other than those specified in this section shall gather, collect or remove any solid waste, convert or transport any solid waste in, along or over any public street, alley or highway in the town, or take any solid waste from any container, alternative receptacle, or bin in which the same may be placed for collection or removal, or interfere with, disturb, or remove any such container, alternative receptacle, or bin, or remove any such container, alternative receptacle, or bin from any location where it is placed for collection by the owner thereof.

6.01.110 Responsibility for Solid Waste Prior to Collection

A. Segregation of materials

Residential customers should separate solid waste, Recyclables, and Yard Waste and set out materials for collection in the appropriate containers and/or bags approved by the collector for each respective material. The collector may refuse to collect containers of solid waste, Recyclables, and/or Yard Waste which contain improperly disposed of materials, and in that event shall notify the customer of the reason for non-collection.

B. Clean up responsibility

Until picked up by the franchisee, each person placing solid waste into a bin, alternative receptacle, or container for collection by the franchisee shall be responsible for the cleanup of any and all solid waste that for any reason whatsoever spills from the bins, alternative receptacle, or containers. It shall be unlawful for a person who has deposited solid waste into a bin, alternative receptacle, or container, which solid waste has later spilled from said bin, alternative receptacle, or container, to knowingly allow the spilled solid waste to remain outside of the bin, alternative receptacle, or container, from which it spilled.

C. Ownership of solid waste and Recyclable materials

1. All solid waste and Recyclable materials are the property of the person generating them and shall pass from the generator directly to the solid waste collector.
2. Nothing in this chapter shall limit the right of any person, organization, or other entity to sell Recyclable material owned by that person, organization or other entity or to donate Recyclable material to a charity or any other entity.

6.01.120 Prohibited Acts

A. Dumping

No person shall deposit or permit to be deposited on, over, or along any public road, highway, right-of-way, or public or private property including sidewalks, gutters, stream, or creek or the banks thereof within the boundaries of the Town any animal carcasses, or solid waste or litter except in containers or in areas lawfully provided for or permitted for that use.

B. Accumulation

No person shall store or accumulate any solid waste, nor permit the storage or accumulation of any solid waste within or upon any property or place owned, leased, or rented by such person or in such person's possession or control.

C. Tampering

No person shall tamper with, modify, remove from, or deposit solid waste or Recyclable materials in a container which has not been provided for his/her use, without the permission of the container owner.

D. Defacing

No person shall deface, damage, paint, or in any way mark any solid waste, recycling, Yard Waste, or Organic Waste containers.

E. Unauthorized Disposal

1. No person shall dispose of solid waste, nor permit the disposal of solid waste, on any premises owned, leased, or rented by such person or in such person's possession or control.

2. No person shall place solid waste upon the land of another, or in a residential or commercial solid waste receptacle of another, or upon premises other than those from which the solid waste originated, for the purpose of making solid waste available for collection and disposal.

F. Hazardous waste

No person shall dump, deposit, or otherwise dispose of any hazardous or medical waste on land, soil, rock, air, or water or at unauthorized disposal sites, transfer stations, resource recovery facilities, transformation facilities, buy back centers, or drop off recycling centers or in any container to be collected and ultimately deposited, unless otherwise approved in advance and in writing by the Town.

G. Burning

No person shall burn or incinerate solid waste.

H. Sorting

No person shall sort, separate, or segregate any solid waste of any kind within or upon any public street or place, unless authorized by the Town, and then only in the manner, place, time, and subject to such restrictions as may be imposed by the Town.

I. Removal

No person, other than the person in charge of any premises, or the collector authorized by the person in charge of any premises, shall remove any container or commercial bin from the location where the container or commercial bin was placed for storage or

collection by the person in charge of the premises, or remove any solid waste, including Recyclable solid waste and Yard Waste, from any container or commercial bin, or move the container or commercial bin from the location in which it was placed for storage or collection, without prior written approval of the person in charge of such premises.

J. Collection

1. No person or entity, other than a franchisee, shall remove, collect, transport, or otherwise handle solid waste except as specifically authorized by this chapter. A franchisee holding a current, valid franchise from the Town may bring a civil action to enforce this provision in its own name and without regard to any action taken by the Town.
2. No person shall interfere with or obstruct the authorized activities of a solid waste collector, authorized recycling collector, in the collection, transportation, or disposal of solid waste.

K. Importation of Solid Waste

No person shall transport or permit to be transported into the Town any solid waste of any kind generated or accumulated outside the Town, for the purpose of storing or disposing of it in the Town, and no person shall store or dispose of any solid waste transported or brought into the Town from outside the Town, except as follows:

1. Solid waste may be transported directly to a solid waste disposal facility for final deposition at such facility site.
2. Solid waste may be transported directly to a solid waste transfer/processing station for the following purposes:
 - i. Transfer of the solid waste directly from smaller to larger vehicles for transport; or
 - ii. Temporary storage, separation, or other processing of the materials in the solid waste.

L. Collection vehicles

1. No person shall collect or transport any solid waste within or upon any public streets in the Town, or anywhere in the Town, except in leak-proof containers or vehicles so constructed that no solid waste can leak, fall, or be blown from such container or vehicle.
2. Vehicles or containers used to collect or transport solid waste shall be kept completely covered or screened at all times except when solid waste is being actually loaded or unloaded and except when the vehicles are moving along a collection route in the course of collection.
3. Vehicles used to collect or transport solid waste shall be labeled with the company's name and telephone number and a unique vehicle number in letters and numbers not less than three inches high on the vehicle in a location that is clearly visible to the public.
4. Vehicles used to collect or transport solid waste shall be maintained in such manner as to meet or exceed vehicle emission standards promulgated by the State of California.
5. Collection and transportation of any solid waste shall be so conducted that no solid waste will spill out of the collecting or transporting container or vehicle. Any person collecting or transporting any solid waste shall immediately pick up all solid

waste which spills or is blown from the collecting or transporting container or vehicle, and shall otherwise clean the place onto which any such solid waste was spilled or blown.

6.01.130 Enforcement

A regulated entity under this chapter will receive a warning upon its first violation of this chapter. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this chapter.

1. **Education Period for Non-Compliance**

Beginning January 1, 2022 and continuing through December 31, 2023, the Town will conduct Inspections and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the Town determines that a Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

2. **Civil Penalties for Non-Compliance**

Beginning January 1, 2024, if the Town determines that a Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take enforcement action as needed.

(ORD 2023-09 09-26-2023)

Chapter 6.02 California Green Building Standards

- A. Persons applying for a permit from the Town for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply. Project applicants shall refer to the Town's building and/or development code for complete CALGreen requirements.
- B. For projects covered by CALGreen, applicants shall, as a condition of the Town's permit approval, comply with the following:
 - 1. Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serve all buildings on the site and are identified for the depositing, storage and collection of Recyclable materials, as appropriate according to Section 6.01.060 and 6.01.070 of this code, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 - 2. New Commercial construction or additions resulting in an increase of more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Recyclable materials, as appropriate according to Section 6.01.060 and 6.01.070 of this code, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 - 3. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with the Town's written and published policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

Chapter 6.03 Reusable Bags

6.03.010 Definitions

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

- A. "Customer" means any person obtaining goods from a retail establishment.
- B. "Post-Consumer Recycled Content" means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- C. "Prepared Food" means foods or beverages which are prepared on the premises by cooking,

chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

- D. "Recycled Content Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content and is one hundred percent recyclable.
- E. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the Town of Truckee. "Retail establishment" does not include a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- F. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.
- G. "Single-Use Carryout Bag" means a bag with handles, other than a reusable bag, provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carryout bags" do not include bags which form part of a product's packaging or bags without handles provided to the customer, including but not limited to bags provided: (1) to transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale (2) to protect large format artwork, tires or dry-cleaning; (3) to hold prescription medication dispensed from a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Cal. Business and Professions Code; or (4) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

6.03.020 Carryout Bag Regulations

- A. No retail establishment shall provide a single-use carryout bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.
- B. On or after the date of implementation, a retail establishment may make available for sale to a customer a recycled content paper bag or a reusable bag for a minimum price of ten cents (\$0.10). No retail establishment shall provide a customer with a credit, rebate, or refund of this charge. The collection of sales tax on such sales shall comply with state law and any direction provided by the State Board of Equalization.
- C. No retail establishment may make available for sale a recycled content paper bag or reusable bag unless the price of the recycled paper bag and reusable bag is separately itemized on the sales receipt.
- D. A retail establishment may provide a reusable bag at no charge if it is distributed as part of an infrequent and limited time promotion. No such promotion or series of promotions offered by a retail establishment shall exceed a total of 90 days in any consecutive 12-month period.
- E. Nothing in this Chapter prohibits customers from using bags of any type that they bring to a

retail establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

6.03.030 Exemptions

The Town Manager, or his or her designee, may in his or her sole discretion exempt a retail establishment from the provisions of Section 6.02.030 of this Chapter for a period of up to six months from the implementation date of this Chapter upon the retail establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. The Town Manager or his or her designee's decision shall be final.

6.03.040 Record Keeping and Inspection

Every retail establishment shall keep complete and accurate records on forms provided by the Town, of the sale of any recycled content paper bag or reusable bag provided by the retail establishment for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Chapter.

6.03.050 Enforcement

This chapter may be enforced by any legal means available to the Town, including but not limited to Chapters 1.02 and 1.03 of this code.

Chapter 6.04 Foodware and Food Packaging

6.04.010 – Purposes

The Council of the Town of Truckee finds and declares as follows:

- A. The production and disposal of disposable food and beverage packaging has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable fossil fuels, and greenhouse gas emissions.
- B. Food and beverage packaging makes up 25% of all waste produced in California and comprises the majority of street litter.
- C. Disposable expanded polystyrene products and packaging are a distinctive concern because this type of litter is lightweight and can easily break down and spread into the natural environment.
- D. It is in the interest of the health, safety, and welfare of all who live, work, and recreate in the Town of Truckee that the amount of litter on public streets, parks, outdoor recreation areas, and other public spaces be reduced.
- E. Most disposable foodware is not recyclable after use because it becomes contaminated with food and grease.

- F. Many types of disposable foodware are not accepted in commercial compost facilities because they cause contamination and lower the quality and value of compost.
- G. Eliminating solid waste and litter at its source meets the Town of Truckee's Draft 2040 Climate Action Plan goal to "Minimize embedded carbon emissions and reduce overall consumption."
- H. Reducing disposable packaging by eliminating unnecessary items and transitioning to reusable products provides greater environmental benefits than managing the products that become waste, even when recycled or composted.

6.04.020 – Definitions

As used in this chapter, the terms set forth below shall have the following meanings:

"Disposable takeout container" means a container meant to package and store food from a restaurant or other prepared food vendor, which is designed for a single use rather than designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, including without limitation any container, bowl, plate, tray, carton, or box provided to the customer which does not meet the definition of "reusable foodware" set forth herein, and in which prepared food is placed or packaged on a prepared food vendor's premises for consumption off the premises.

"Disposable cup" means a beverage cup designed for single use to serve beverages, such as water, cold drinks, hot drinks and alcoholic beverages provided to the customer which does not meet the definition of "reusable foodware" set forth herein, and in which prepared food is placed or packaged on a prepared food vendor's premises for consumption off the premises.

"Expanded polystyrene" means blown polystyrene and expanded and extruded foams (including without limitation the form of expanded polystyrene insulation which is known as 'Styrofoam', a trademark of Dow Chemical Co.) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by various techniques, including without limitation fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion blow molding (extruded foam polystyrene). Expanded polystyrene does not include clear or solid polystyrene (oriented polystyrene).

"Grab-and-go food" means foods or beverages that are packaged on a prepared food vendor's premises, which are not made or packaged to order and are intended for consumption off the premises.

"Pre-packaged food" means food that arrives at the premises of the restaurant or other food vendor in a container or wrapper and is not removed from the container or wrapper before its sale or distribution.

"Prepared Food" means foods or beverages which are prepared on the vendor's premises by cooking, chopping, slicing, mixing, freezing, squeezing, or other processing and which require no further preparation to be consumed. Prepared Food does not include: (i) raw uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed; (ii) raw uncooked meat products; or (iii) "Pre-packaged food" as defined herein.

"Prepared Food Vendor" means any establishment located within the Town of Truckee, including a bakery, cafeteria, drive in, food products store, food service establishment (carry out, quick service, full service), drugstore, theater, bar and other similar establishment, selling prepared food to be consumed on and/or off its premises.

"Reusable foodware" means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.

"Single-use foodware accessory" means single-use items provided along with ready-to-eat food, including without limitation napkins, forks, knives, spoons, sporks, chopsticks, condiment cups and packets, straws, stirrers, splash sticks, cocktail sticks, cup sleeves, and cup lids.

"Standard condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

6.04.030 – Prohibited Food Packaging and Containers

A. Effective April 1, 2023, except as set forth herein, no restaurant, retail store, food vendor, or other business or person shall sell, distribute, or provide to customers expanded polystyrene, including without limitation by selling food which is packaged partially or entirely in expanded polystyrene, nor shall any business purchase, obtain, keep, or otherwise use in its business any expanded polystyrene product.

B. The prohibition set forth in subsection A of this section shall not apply to: (i) expanded polystyrene products which are wholly encapsulated or encased within a more durable material, such as coolers or ice chests which encase expanded polystyrene in rigid plastic; or (ii) the sale of food packaged outside Truckee, provided that this exception shall not apply to egg cartons and trays for meat, fish, and fruit or vegetables sold in grocery stores.

C. For a period of one year from the effective date of this section, a restaurant, retail store, food vendor, or other business or person may apply to the Town of Truckee for a one-year hardship exemption to be permitted to continue using one or more specific expanded polystyrene items for which the requirements of this section present an undue hardship or practical difficulty because there are no available non-polystyrene alternatives or such alternatives are not affordable to the restaurant, retail store, food vendor, or other business or person.

6.04.040 – Reusable Foodware for On-Premises Dining

A. Effective January 1, 2024, except as set forth herein, prepared food served for consumption on the premises of a prepared food vendor shall only be served using reusable foodware.

B. The requirement of subsection A of this section shall not apply to disposable paper food wrappers; aluminum foil food wrappers; paper napkins; straws; paper tray or plate liners; non-plastic stirrers, cocktail sticks, and toothpicks; or pre-packaged food packaged outside the premises of the prepared food vendor.

C. The requirements of subsection A of this section shall not apply to Mobile Food Facilities or Temporary Food Facilities as defined by California Health and Safety Code Sections 113831 and 113930 and as amended.

D. A restaurant or other food vendor may apply to the Town of Truckee for a one-year hardship exemption to be permitted to continue using foodware which is not reusable foodware. Each application for a hardship exemption shall provide evidence of the conditions which make it impossible for the restaurant or other food vendor to comply with the reusable foodware requirement, such as insurmountable space constraints, undue financial hardship and/or other extraordinary, insurmountable circumstances.

E. Prior to the Town of Truckee issuing a land use permit or building permit for new construction or conversions, any restaurant or other prepared food vendor shall submit to the Town a plan demonstrating ability to comply with this section. Installation and/or maintenance of appropriate dishwashing capacity to allow compliance with this section shall be included as a specific condition of approval for such permits.

6.04.050 – Charge for Disposable Takeout Containers and Cups

A. Effective January 1, 2024, except as set forth herein, all restaurants or other prepared food vendors shall charge customers twenty-five cents (\$0.25) for each disposable cup and disposable takeout container provided. All income from this charge shall be retained by the restaurant or other prepared food vendor collecting the charge. Such charges shall be identified separately and clearly on any receipt provided to the customer, and shall be identified for customers on menus, ordering platforms, and/or menu boards, and verbally disclosed to customers ordering by phone. Prepared food vendors shall also indicate on menus and ordering platforms that customers may provide reusable containers to avoid the charge.

B. The charge set forth in subsection A of this section shall not apply to: (i) pizza boxes; (ii) containers for leftover prepared food provided to customers following the purchase of food for dining on the premises of the prepared food vendor and after the provision and use of reusable foodware; (iii) grab-and-go food as defined herein; (iv) circumstances in which the prepared food vendor has a primary function other than selling foods or beverages, and provides disposable takeout containers or cups in addition to reusable foodware to customers who have not placed an order for food or beverage, including without limitation hotel self-service buffets; or (v) disposable paper food wrappers, aluminum foil food wrappers, paper napkins, and paper tray or plate liners.

C. The requirements of subsection A of this section shall not apply to Mobile Food Facilities or Temporary Food Facilities as defined by California Health and Safety Code Sections 113831 and 113930 and as amended.

D. The charge set forth in subsection A shall not be imposed on customers demonstrating, at the point of sale: (i) a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended; (ii) an electronic benefit transfer card (EBT) issued pursuant to Section 10072 of the California Welfare and Institutions Code, as amended; or (iii) a card reflecting enrollment in Medi-Cal, pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the California Welfare and Institutions Code, as amended.

6.04.060 – Reusable Customer Foodware

Customers may provide their own reusable foodware for beverage and food service in accordance with the California Health and Safety Code. Food Vendors shall keep all customer-provided reusable foodware separated from the food facility's foodware to prevent any cross-contamination. Food Vendor staff filling customer provided foodware shall prevent cross-contamination of food contact surfaces or utensils used for food dispensing (e.g. customer foodware should be placed upon surfaces that are not used for food preparation and on surfaces that can be sanitized immediately). Food vendors may refuse, at their sole discretion, any customer-provided reusable foodware that is cracked, chipped or corroded, appears inappropriate in size, material, or condition for the intended beverage or food item, or that appears to be excessively soiled or unsanitary. If the customer provided reusable foodware is rejected, the food vendor may instead require use of reusable foodware for consumption on the premises of the food service establishment, or use of a disposable foodware item for a beverage or food item to be consumed off the premises of the food service establishment, together with the charge required pursuant to Section 6.04.050.

6.04.070 – Single-Use Foodware Accessories

A. Effective January 1, 2024, except as set forth herein, a restaurant or other food vendor, shall not provide any single-use foodware accessory or standard condiment packaged for single use to a customer unless the single-use foodware accessory or standard condiment is requested by the customer.

B. Single-use foodware accessories and standard condiments packaged for single use provided by restaurants or other food vendors for use by customers shall not be bundled or packaged in a manner that prevents a customer from taking only the type of single-use foodware accessory or standard condiment desired without also having to take a different type of single-use foodware accessory or standard condiment.

C. A restaurant or other food vendor may ask a drive-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the customer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

D. A third-party food delivery platform shall provide customers with the option to request single-use foodware accessories or standard condiments from a restaurant or other food vendor serving ready-to-eat food.

E. If a restaurant or other food vendor uses any third-party delivery platform for ready-to-eat food, the restaurant or other food vendor shall customize its menu with a list of available single-use foodware accessories and standard condiments, and only those single-use foodware accessories or standard condiments selected by the customer shall be provided by the food facility. If a customer does not select any single-use foodware accessories or standard condiments, no single-use foodware accessory or standard condiment shall be provided by the restaurant or other food vendor for delivery of ready-to-eat food.

F. Nothing in this section shall prohibit a restaurant or other food vendor from making unwrapped single-use foodware accessories available to a customer using refillable self-service dispensers that dispense one item at a time to allow for single-use foodware accessories to be obtained.

G. Nothing in this section shall prohibit a food facility from making standard condiments available to a consumer using refillable self-service dispensers to allow for standard condiments to be obtained. A food facility that offers standard condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for single use.

(ORD 2021-08, 11/09/2021; 2022-09, 11/08/2022; 2023-06, 08/08/2023)

Chapter 6.05 Single-Use Bottles and Beverage Packaging

6.05.010 – Purposes

Single-use plastic bottles and paper cartons are detrimental to the health of the natural environment in and around the Town of Truckee, and reducing the waste that accompanies the sale and distribution of these containers will provide great benefit to the Town as well as its residents and visitors. It is hereby declared by the Town Council that a ban on the sale and commercial distribution of water in single-use plastic bottles and paper cartons is in the interest of the public health and welfare of all who visit and reside in the Town of Truckee, and the provisions of this chapter are adopted in furtherance of these purposes.

6.05.020 – Definitions

As used in this chapter, the terms set forth below shall have the following meanings:

"Single-Use Paper Carton" means any formed container comprised predominantly of paper or paperboard with a closing or sealing mechanism such as a plastic cap, which undergoes aseptic processing and is designed to be used once and then discarded, and not designed for repeated use and sanitizing.

"Single-Use Plastic Bottle" means any formed or molded container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and designed to be used once and then discarded, and not designed for repeated use and sanitizing. "Single-Use Plastic Bottle" includes a compostable or biodegradable plastic bottle meeting these criteria.

“Social Services” means services provided by state or local government or nonprofit organizations to those persons who, because of their economic circumstances or social condition, are in need of those services and may benefit from them.

“Town Funds” means all monies or other assets received and managed by, or which are otherwise under the control of, the Town, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the Town and County.

“Vendor” means any store or business which sells or offers goods or merchandise, located or operating within the Town of Truckee, including mobile or temporary vendors at special events in the Town of Truckee.

“Water” means spring or well water; water taken from municipal or private utility systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing to which chemicals may be added. Water does not include the following: mineral water; carbonated or sparkling water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water, enhanced water, energy water, or other similar products; food ingredients that are listed in ingredient labeling as ‘water,’ ‘carbonated water,’ ‘disinfected water,’ or ‘filtered water.’

6.05.030 – Restriction of Sale or Commercial Distribution of Water in Single-Use Paper Cartons And Plastic Bottles

A. Effective April 22, 2025, no person in the Town of Truckee shall, on behalf of a business or other organization, distribute water in single-use plastic bottles less than 1 gallon in volume or single-use paper cartons less than 1 gallon in volume. All town vendors, concessionaires, lessees, licensees, and permittees for facility use, special events, and temporary activities shall comply with this section.

B. Effective April 22, 2025, no vendor shall sell water in single-use plastic bottles less than 1 gallon in volume or single-use paper cartons less than 1 gallon in volume in the Town of Truckee.

C. No town funds shall be used to purchase water in single-use plastic bottles or single-use paper cartons.

6.05.040 – Exemptions

The following circumstances and settings shall be exempt from the provisions of this chapter:

A. Emergencies or other circumstances in which the Emergency Services Coordinator or designee determines that relying on water in single-use paper cartons or plastic bottles is necessary to protect the public health, safety, and welfare, and no reasonable alternative would serve the same purpose. Examples of an emergency include, but are not limited to, natural disasters, emergencies due to release of hazardous materials, emergencies associated with loss of power and/or water or emergency medical response.

B. The provision of social services in which distribution of water in single-use paper cartons or plastic bottles is necessary to promote public health, including without limitation food banks and warming shelters.

C. Healthcare settings, to the extent that the healthcare provider determines that distribution of water in single-use paper cartons or plastic bottles is necessary for patient care, provided that this exemption shall not apply to the commercial sale of single-use paper cartons or plastic bottles within a healthcare facility.

D. Facilities owned and operated by the Tahoe Truckee Unified School District or the Truckee-Donner Recreation and Park District.

E. Special events run by the Tahoe Truckee Unified School District or the Truckee-Donner Recreation and Park District on their own property, provided that this exemption shall not apply to events organized by private parties at Tahoe Truckee Unified School District or Truckee-Donner Recreation and Park District facilities for which the Town of Truckee issues a special event permit.

(ORD 2024-01; 01/23/2024)