02

ORDINANCE NO. 8,037-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.32 – STORAGE, COLLECTION AND DISPOSAL OF WASTE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 12.32 is amended to read as follows:

Chapter 12.32
STORAGE, COLLECTION AND DISPOSAL OF WASTE*

Sections:

12.32.010 Definitions.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

12.32.030 Garbage containers required--Specifications--Use restrictions-- Location.

12.32.035 Adequate Space for Collection Containers

12.32.040 Bulk wastes--Over one cubic yard--Over two cubic yards.

12.32.045 Definitions

12.32.050 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.

12.32.055 Adequate Space Requirement

12.32.060 Garbage fees--Payment requirements--Service charges.

12.32.065 Design Standards

12.32.070 Dumping at unauthorized disposal site prohibited.

12.32.075 Stormwater Requirements

12.32.080 Dumps--Use limitations.

12.32.085 Administrative Standards

12.32.090 Refuse burning prohibited--Exceptions.

12.32.095 Liability and Enforcement

12.32.100 Nuisances designated--Abatement authorized when.

12.32.110 Violation--Penalty.

12.32.120 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

12.32.130 Collection and disposal--Private hauler requirements.

12.32.140 Collection and disposal--Rules and regulations--Public Works Department authority.

***** For Zero Waste Commission, see Ch. 3.40 of this code.

12.32.010 Definitions.

A. "Garbage" means putrescible animal or vegetable matter, and containers used for the storage thereof. "Garbage" does not include source-separated recyclables or yard waste.

B. "Hazardous waste" means that waste defined in Health and Safety Code Section 25117.

C. "Medical waste" means that waste defined in Health and Safety Code Section 25023.2

D. "Rubbish" means all nonputrescible waste matter, whether combustible or noncombustible, except hazardous waste and medical waste.

E. "Waste" means the useless, unused, unwanted or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof. "Waste" shall include, but not be limited to garbage, putrescible organic material, rubbish, offal, swill, animal excreta, rubble, plaster or other waste resulting from the demolition, burning, alteration or construction of buildings or structures.

F. "Source-separated recyclables" means non-putrescible materials that are separated by the generator from other waste material for the purpose of reuse or recycling, by placing the recyclables in separate containers, or by binding them separately; the recyclable material is then kept separate from general rubbish by the collector and processor, and is returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be

used in the marketplace. Source separated recyclables contain no more than 20% of material which is disposed of as refuse by the collector or their subcontractors.

G. "Yard waste" means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards, gardens or landscaping, and which are separated by the generator from other solid waste materials for the purpose of recycling or composting, and which are taken by the hauler to a recycling or composting facility. (Ord. 6549-NS § 2, 2000; Ord. 6517-NS § 2, 1999; Ord. 6319-NS § 2 (part), 1996)

H. “Central consolidation location” means internal area generally located on the first floor or in the basement of a multi-story mixed use, commercial or multi-family building that is of adequate size to house waste receptacles that meet minimum service requirements including but not limited to landfill, dual-stream recycling and organics where materials from tenants can be centrally consolidate for collection.

I. “Minimum service requirements” mean all property owners or property managers are required to subscribe to landfill, dual-stream recycling and organics collection services at a minimum of 20 gallons per unit to ensure adequate service is provided to comply with state, county and local zero waste mandates. Waste enclosures or central consolidation locations shall be designed to accommodate the collection receptacles to meet minimum service requirements.

L. Tenant Facing Collection Room: rooms located on each story of a commercial building where tenants have convenient access to do dispose of landfill, dual-stream recycling and organics. If utilizing trash chutes, there must be enough chutes to accommodate all required material collection streams.

J. Staging Area: area where Public Works staff will collect landfill, dual-stream recycling and organic materials for disposal or processing, generally located in the public right of way, at the waste enclosure or at the central consolidation location and shall not be located more than 100 ft from where the collection vehicle will need to park to provide service. If located in the public right of way, curb cuts and red zones must be provided to ensure safe transport and storage of the collection receptacles on the day(s) of service.

K. Valet Waste Service: a third-party service that collects municipal solid waste from outside of tenant's units and properly sorts it for disposal eliminating the need for tenant

facing trash rooms. If utilizing a valet waste service, ensure the service provider has been adequately trained and approved by Public Works Department staff.

L. Waste Enclosure: A stand-alone covered area on a commercial or multi-family property designed to house receptacles for storing solid municipal waste including but not limited to landfill, dual-stream recyclables, and organics.

C. “Universal waste” means universal waste as defined in the California Health and Safety Code Section 25123.8 and California Code of Regulations, Title 22, Division 4.5, Chapter 23. Universal waste includes certain batteries, electronic waste, non-empty aerosols cans, and other special materials designated as universal waste under applicable state law and is subject to the applicable requirements governing its collection, storage, handing, recycling, and disposal.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

A. No person owning any multiple-family dwelling or possessing any single-family dwelling, or industrial, commercial or business premises or structure shall allow or permit any garbage, rubbish or waste to collect and accumulate upon or in any such premises or structure except as otherwise provided by law. This provision shall not be construed as affecting any authorized waste disposal operation or properly conducted garden composting process carried on by a private individual in their own premises and for their own use and done in a manner consistent with this section.

B. During intervals between collection or disposal, the storage, accumulation, collection, keeping, handling or maintaining of waste on premises where produced shall be performed in such a manner as to prevent the harboring and breeding of rodents, insects and other vermin and as to prevent ready access to the waste by dogs and other small animals; as to prevent objectionable odors in the ambient air; as not to constitute a fire hazard; and as not to result in such unsightliness as to result in the depreciation of the value of adjacent property or the comfortable enjoyment of life thereon.

C. **Construction and Demolition Rubbish and Waste.** During construction, alteration, or demolition activities, combustible debris, rubbish, and waste materials shall be

managed in accordance with California Fire Code Section 3304, as applicable. Combustible debris, rubbish, and waste materials shall not be accumulated within buildings and shall be removed from buildings at the end of each shift of work.

1. Temporary rubbish containers exceeding 5.33 cubic feet (40 gallons) used for combustible debris, rubbish, or waste shall be provided with tight-fitting or self-closing lids and shall be constructed of noncombustible materials or other materials complying with California Fire Code Section 3304.1.3.

2. Materials susceptible to spontaneous ignition, including oily rags, shall be stored in listed disposal containers in accordance with California Fire Code Section 3304.2.

3. Construction and demolition waste containers shall not be located or maintained so as to obstruct required fire apparatus access, means of egress, fire hydrants, fire department connections, or access to required fire protection equipment.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

A. Every person owning any premises, where garbage or rubbish is produced or accumulated shall provide and maintain on the premises in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or rubbish during the intervals between collections or disposal. With the written of the owner, nonresidential tenants may contract for garbage collection service independently, either on their own behalf or on the owner's behalf, if the owner agrees in writing to guaranty payment of the garbage collection charge in the event the tenant does not pay it in a timely fashion.

B. Every contractor or builder engaged in the erection or repair of a building shall provide sufficient containers at or near such building for the deposit and storage of any waste resulting from the erection or repair work.

C. Garbage containers for other than bulk accumulation shall be constructed of metal or other impervious material approved by the managers of environmental health and solid waste with tight-fitting covers. The containers and covers shall be in good repair, leakproof, free from holes, flytight and rodentproof. Containers shall be equipped with handles adequate to lift the weight of a full container without breaking or bending. Such container shall be maintained in a sanitary condition by the owners thereof and covers shall not be removed except for the purpose of placing waste therein or removing waste therefrom.

D. Rubbish except broken glass, rocks, concrete, bricks and similar solid material, plaster or dirt may be deposited in garbage containers. Hazardous waste, human waste and other potentially infectious material shall not be deposited or placed in garbage containers. Liquid garbage shall not be deposited or placed in such containers.

E. No garbage containers or other containers for waste, other than those of the City, shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Public Works Department may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of garbage by the City. (Ord. 6369-NS § 1 (part), 1997; Ord. 6319-NS § 2 (part), 1996)

12.32.040 Findings and Purpose

A. The purpose of this section is to ensure that new commercial development and substantial renovations provide adequate space for the storage, collection, and processing of solid waste, dual- stream recyclable, and organic materials or construction and demolition materials in a manner that supports public health, operational efficiency, compliance with state and local law, and the City's Zero Waste and climate goals.

12.32.050 Bulk wastes--Over one cubic yard--Over two cubic yards.

A. In any premises where a volume of waste in excess of one cubic yard is allowed to accumulate between intervals of collection or disposal, such waste shall be managed in

the manner specified by the manager of the environmental health division for the sanitary storage, collection or disposal of such waste on the premises.

B. In addition to the requirements of subsection A of this section, dumpsters and containers used for the storage of combustible waste shall comply with California Fire Code Sections 304.3 through 304.3.7, as applicable, including requirements for container construction, lids, location, separation from buildings, and fire protection. Waste storage locations shall not create a fire hazard and shall be subject to approval by the Fire Chief or designee where required by the California Fire Code.**12.32.060 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.**

A. It is found and determined that the periodic collection of garbage from all premises and places in the City in or from which garbage is created, accumulated or produced is essential for the maintenance of the public health and welfare of the City and that the provision by the City of such garbage collection service is a direct benefit to all premises and places in or from which garbage is created, accumulated or produced to the owners thereof.

B. Garbage collection service is provided by the City, and all owners of premises and places in the City in or from which garbage is created, accumulated or produced shall use or cause to be used, and pay the fees charged for, the City's collection service. It is unlawful for any person, other than authorized agents or employees of the City, to collect, remove or dispose of garbage in the City; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the City plumbing code.

C. All owners of premises and places in or from which garbage is created, accumulated or produced shall notify the solid waste division of the services department of the City that collection of garbage from such premises or place is required and the frequency of the collection required.

D. Fees for the collection of garbage shall be established by resolution of the City Council. All owners of premises and places in the City from which garbage is collected, or the person with responsibility for those premises, shall pay the garbage collection fees established by the City Council. In the event of nonpayment of the garbage

collection fees, the City, at its option, may discontinue furnishing garbage collection service as set forth in Section 12.32.060, such discontinuance of service to be in addition to any remedies that are available to the City to enforce payment of any unpaid garbage collection fees.

E. Collection of garbage shall be made at least once a week from private residences and as many times per week as the Director of Public Works may order from all other places.

F. The Director of Public Works may establish districts in the City for the purpose of collecting garbage and rubbish.

G. The City will collect and dispose of all rubbish which is deposited in garbage containers as authorized in Section 12.32.030, and to the extent that equipment and personnel are available as determined by the Director of Public Works, the City may collect and dispose of rubbish other than that deposited in garbage containers, provided such rubbish is placed in separate containers approved by the Director of Public Works and provided further that such rubbish is of such size that it can be placed in such separate containers. (Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.070 Garbage fees--Payment requirements--Service charges.

A. Fees for garbage and rubbish collection shall be billed and paid periodically as determined by the City. Any fee which is not paid in full on the thirty first day after billing is delinquent, except that fees which are billed semiannually shall be deemed delinquent on December 11th and April 11th. A penalty of ten percent shall be assessed on any delinquent amount. Delinquent amounts greater than one year delinquent shall accrue interest at the rate of one and one-half percent per month. Service on unpaid accounts may be reduced or discontinued thirty days after mailing notice of delinquency.

B. The City may elect to bill for garbage and rubbish collection service as a special assessment on the property taxes and charges collected by the county with property taxes. The City may also elect to bill individual persons or businesses for service provided directly to those persons or businesses; however, because the provision by

the City of garbage collection service is necessary for the public health and a benefit to the public, and necessary to prevent the creation of public nuisances, any amounts billed to persons or businesses are an obligation of both the user of the property who generates the garbage and the owner of the property who benefits from its use by others, and therefore also payable by, and debts of, the owner of the property.

C. The City may employ any method provided by state law for collection of service fees, delinquent amounts, penalties and interest, and all remedies shall be cumulative.

D. No refunds will be made for decreases in service during the billing period in which the decrease occurred.

E. The City may require payment of a deposit in the amount three times the monthly service charge for any City garbage collection service ordered in any case where the owner of the affected property is not ordering the service or the City is legally unable to impose a lien on the property in the event the service charges are not paid by the person or business ordering the service. Such deposits may be credited by the City against an account after one year for residential accounts and two years for non-residential accounts, if there have been no delinquencies during the applicable period. In the event an account is closed while the City has custody of a deposit, the City shall credit the amount of the deposit against the closing bill and refund any amount remaining. (Ord. 6393-NS § 1, 1997; Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.080 Adequate Space Requirement

Effective January 1, 2027:

A. All new commercial, development shall conform to the Design Standards in Section 12.32.065.

B. Additions, alterations, or renovations to commercial development requiring discretionary approval or permits where the project affects waste storage areas, collection infrastructure, or collection services, shall conform to the Design Standards in Section 12.32.065.

12.32.090 Design Standards

A. Waste storage and collection areas shall:

1. Provide adequate space for collection containers and related infrastructure sufficient to accommodate all required material streams and meet minimum service requirements including but not limited to:
    a. Landfill disposal.
    b. Recycling of paper and cardboard.
    c. Recycling of glass, metal, and plastic containers.
    d. Organic materials, including food scraps, compostable paper, and plant debris.
2. Be designed to accommodate the size, number, and configuration of containers required for collection service.
3. Provide convenient and equal access to all required material streams.
4. Have signage identifying the types of materials corresponding to each respective waste stream. Signage shall be permanently posted on or painted onto each receptacle. General instructions about how to recycle shall be posted on the walls inside the enclosure. The name and phone number of the person responsible for maintenance of the enclosure shall be included on the sign with general instructions.
5. Provide adequate access for commercial tenants, property owners and managers, facilities staff, third party valet waste service providers or Zero Waste collection staff.
6. Provide sufficient maneuvering area to safely move containers between storage and collection locations.
7. Include pathways, ramps, and access routes that meet applicable accessibility and safety requirements.
8. Reduce incidents of significant slopes
8. Maintain adequate vertical clearance for opening lids and servicing containers.

9. Include sufficient staging space to support collection operations.

11. “Waste storage, collection and staging areas shall be located or constructed in a manner not to obstruct or reduce required fire apparatus access roads, fire lanes, emergency access, means of egress, fire hydrants, fire department connections, or access to other required fire protection equipment.” Be maintained in a manner that supports cleanliness, safety, and proper collection operations.

B. Fire Protection and Life Safety Requirements.

Waste storage areas, rooms, enclosures, and associated waste containers shall comply with the following Fire and Life Safety Requirements:

1. **Fire Protection.** Waste storage areas, rooms, enclosures, and associated waste containers shall comply with California Fire Code (CFC) Sections 304.3.1 through 304.3.7, including applicable requirements for location, construction, and separation. Where automatic sprinkler protection is utilized or other an approved method of compliance, such protection shall be provided in accordance with the applicable provisions of the CFC and applicable National Fire Protection Association (NFPA) standard.

2. **Battery Collection and Storage.** Where waste storage areas, collection rooms, enclosures, or other collection facilities are used for the collection or storage of lithium-ion, lithium-metal, or other batteries, such collection and storage shall comply with CFC Section 320. Damaged, defective, recalled, leaking, swollen, or other compromised batteries shall be handled and stored in accordance with the CFC and hazardous material requirements.

3. **Battery-Powered Equipment and Charging.** Waste storage areas, collection rooms, and waste enclosures shall not be used for the charging of powered micromobility devices or other battery-powered equipment unless specifically approved and permitted by the CFC, including Section 322.

4. **Emerging and Special Fire Hazards.** The collection, storage, handling, or processing of materials presenting special or emerging fire hazards, including lithium-ion, lithium-metal, or other battery technology shall comply with the applicable provisions of the CFC and BFC. Where required by the CFC, such operations shall be subject to review and approval by the Fire Chief or designee.

5. **Use of Waste Storage Areas and Enclosures.** Waste storage areas, rooms, enclosures, and associated containers shall be used and maintained for their approved purpose. Containers shall not be filled beyond their designated capacity and, where lids are required, shall be maintained so that lids can fully close. Waste or other combustible materials shall not be allowed to accumulate outside designated containers or in a manner that creates a fire hazard, obstructs

required means of egress, or obstructs or impairs required Fire Department access or access to fire protection equipment.

a. Combustible storage, hazardous and universal waste or hazardous materials shall not be stored within exit passageways, interior exit enclosures or stairways, under unenclosed exterior exit or exit access stairways.

6. **Fire Department Access.** Waste storage, collection, and staging areas shall be located and maintained so as not to obstruct, reduce, or otherwise interfere with required fire apparatus access roads, fire lanes, emergency access to building exterior doors, openings and roofs required by the California Building Code, California Residential Code and California Fire Code, means of egress, fire hydrants, fire sprinkler system risers, fire department connections, or access to required fire protection system equipment in accordance with applicable provisions of the CFC Sections 503, 504, 507, 509, and 912.

   a. To ensure and maintain compliance, all developments requiring centralized waste, recycling, and/or organic collection shall construct dedicated concrete staging enclaves or recessed storage cutouts. These staging infrastructure elements must be situated entirely outside of the minimum required unobstructed width and vertical clearance of any designated fire apparatus access road, preventing any temporary or permanent container encroachment during stating or servicing.

7. **Wildland-Urban Interface and Fire Hazard Areas.** Where a project is located within an area subject to applicable Berkeley wildland-urban interface, fire hazard severity zone, defensible space, or vegetation management requirements, exterior waste storage areas and enclosures shall be designed, located and constructed of noncombustible materials in accordance with the applicable Berkeley Fire Code (BFC) and other adopted fire-safety requirements. [Berkeley Municipal Code Chapter 19.49]

8. **Maintenance of Fire and Life Safety Features.** Waste containers, storage areas, collection rooms, enclosures, and staging areas shall be maintained so as not to obstruct or reduce required fire apparatus access, emergency access, means of egress, fire hydrants, fire department connections, fire protection system equipment, or other required fire and life safety features in accordance with the CFC.

9. **Fire Protection System Installations and Modifications.** Where compliance with this chapter requires the installation, extension, relocation, or modification of an automatic sprinkler system, fire detection system, or other required fire protection system, such work shall comply with the applicable CFC, BFC, associated NFPA standards, and shall be completed under a Fire Department

Construction Permit in accordance with CFC §105.6.2 and §105.6.7 prior to installation.

12.32.100 Dumping at unauthorized disposal site prohibited.

Except as otherwise provided by law, no person shall deposit or discharge or cause to be deposited or discharged any garbage, rubbish or other waste in any place other than a disposal site or dump which has been approved by the City. (Ord. 6319-NS § 2 (part), 1996)

12.32.110 Stormwater Requirements

Waste Enclosure requirements. The following requirements apply to all waste enclosures:

Waste enclosure structures shall be covered and designed to prevent stormwater runoff from contacting waste materials. The roof canopy should extend sufficiently outward in all directions so that windblown rain will not enter the interior of the storage area. A horizontal or sloped canopy measuring approximately one-half the height of the canopy to the ground is recommended. The waste enclosure shall include walls or other barriers designed to prevent rainfall, stormwater run-on, and stormwater runoff from entering or leaving the enclosure, and to minimize the wind dispersal of litter. Berms, curbs, or other approved containment or diversion measures shall be incorporated, as necessary, to prevent pollutant discharges to the municipal storm drain.

1. Stormwater runoff from the enclosure roof must also drain away from the enclosure towards landscaping and/or stormwater treatment areas.

2. Waste enclosure floors shall be constructed of concrete and designed to prevent the discharge of runoff, wash water, or other liquids to the municipal storm drain. Discharges to the municipal storm drain system are prohibited. Floor drains, where permitted, shall discharge to the sanitary sewer, subject to approval by the applicable sanitary sewer agency.

3. Waste enclosures shall be removed from public right-of-way and block view of waste receptacles from public right-of-way.

4. No storm drains shall be located within the enclosure or in a location where stormwater could flow into or through the enclosure. The surrounding area shall be graded to prevent stormwater run-on. Grease interceptors, grease receptacles, and used cooking oil storage containers shall not be located within the trash enclosure unless specifically designed and permitted for such use. Any grease storage shall be covered, leak-proof, protected from stormwater run-on, and designed to prevent spills or discharges to the municipal storm drain.

12.32.120 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, landfill, dual-stream recycling and organics service levels, design criteria, and implementation procedures necessary to administer and enforce this chapter. Where such guidelines, standards, criteria, or procedures affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible waste storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, they shall be developed in consultation with the Fire Department and Building and Safety Division. r.

Such standards may address, but are not limited to:

1. Container sizing and capacity requirements.

2. Waste enclosure and collection room dimensions.

3. Service access and collection vehicle requirements.

4. Staging area requirements.

5. Access pathway and maneuvering requirements.

6. Co-location of material streams.

7. Operational and safety considerations.

8. Stormwater requirements

Public Works Review Authority

The Director of Public Works or designee may require reasonable modifications to waste storage areas, collection access, collection infrastructure, and related facilities necessary to ensure safe, efficient, and compliant collection services.

B. Interdepartmental Coordination. Where administrative guidelines, technical standards, design criteria, or implementation procedures adopted pursuant to this section affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible or hazardous waste storage, battery collection or storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, such standards shall be developed in consultation with the Fire Department and Building and Safety Division.

12.32.130 Liability and Enforcement

1. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

2. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

3. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

4. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.140 Dumps--Use limitations.

It is unlawful for any person to deposit at the garbage and rubbish dumps maintained by the City any garbage or rubbish originating in any area outside the City limits; provided, however, that this section shall not apply to dumping permitted under any written agreement authorized by the City Council. (Ord. 6319-NS § 2 (part), 1996)

12.32.085 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, service assumptions, design criteria, and implementation procedures necessary to administer and enforce this chapter.

12.32.150 Refuse burning prohibited--Exceptions.

It is unlawful for any person to burn any refuse except as may be permitted pursuant to the provisions of the fire prevention code of the City and Regulation No. 2 of the Bay Area Air Pollution Control District. (Ord. 6319-NS § 2 (part), 1996)

12.32.095 Liability and Enforcement

A. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

B. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

C. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

D. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.160 Nuisances designated--Abatement authorized when.

The keeping of garbage in containers other than containers prescribed by this ordinance or the keeping upon premises of garbage or rubbish which is allowed to become offensive and noisome, shall constitute a public nuisance and may be abated in the manner provided by law for the abatement of nuisances. (Ord. 6319-NS § 2 (part), 1996)

12.32.170 Violation--Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code. (Ord. 6319-NS § 2 (part), 1996)

12.32.180 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

A. Any person possessing any premises wherein putrescible waste is produced, handled, stored or allowed to accumulate shall manage such putrescible waste in such a manner as to preclude the breeding of flies or other vermin therein.

B. No person in control of putrescible waste shall knowingly allow or permit the same to serve as a breeding medium for flies or other vermin. Upon knowledge of such infestation, or after receiving written notice from the manager of environmental health, said person shall at once proceed and continue in good faith to destroy the flies, larvae or pupae thereof by poisoning, trapping, removal of the material to a disposal site which has been approved by the City, or by any other effective means.

C. In any prosecution charging violation of this chapter, a prima facie presumption of the violation of the provisions of this section shall exist upon proof by the chief of environmental health that an analysis of putrescible organic material controlled by any person charged shows that such material contains living larvae or pupae of domestic flies. (Ord. 6319-NS § 2 (part), 1996)

12.32.190 Collection and disposal--Private hauler requirements.

Waste which is not deposited in garbage containers or separate containers and collected by the City may be collected and disposed of by private haulers who have secured a business license as provided by Section 9.04.176 of this code. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such rubbish haulers shall comply with all applicable rules and regulations established by the Public Works Department. (Ord. 6319-NS § 2 (part), 1996)

12.32.200 Collection and disposal--Rules and regulations--Public Works Department authority.

The Public Works Department, subject to the approval of the City Manager, shall have the power to establish rules and regulations consistent with the provisions of this title, governing the keeping, collection, removal and disposal of garbage, rubbish and waste, and the use by the public of the garbage, rubbish and waste dumps of the City. (Ord. 6319-NS § 2 (part), 1996)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.