

ORDINANCE NO. 2022-05

**AN ORDINANCE OF THE CITY COUNCIL
UPDATING CHAPTER 8.28.150 and 8.28.160 OF THE VISALIA MUNICIPAL CODE
PERTAINING TO GARBAGE AND RECYCLING COLLECTION SERVICES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1 – Preamble and Findings. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City Council of the City of Visalia hereby makes the following findings

- A. State Assembly Bills, (AB) 341 and (AB) 1826 apply and mandate source separation, collection, and disposal of recyclables (including organics) for commercial and multi-family properties disposed of at sites other than in landfills and require local agencies to establish compliance and enforcement policies. The threshold that exists in the current ordinance needs to be updated to two yards instead of four yards of generated rubbish per week.
- B. State Senate Bill (SB) 1383 requires that jurisdictions enforce on other entities, the requirement for generators to participate in organic waste collection programs.
- C. The current City Garbage ordinance 8.28 contains outdated or missing information in sections that do not meet these new mandated recycling and organics collection measures.

SECTION 2 – Revisions to Municipal Code Chapter 8.28. All sections in Visalia Municipal Code 8.28 have been modified as described below. Chapter 8.28 of the Visalia Municipal Code is hereby revised with the following section changes and additions listed below and a copy of the revised Chapter 8.28 is attached hereto and made a part hereof by reference:

Current List of Sections Modified		New List of Sections	
8.28.150	Mandatory Commercial and Multi-Family Recycling Requirements (AB 341)	8.28.150	Mandatory Commercial and Multi-Family Recycling Requirements (AB 341)
8.28.160	Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)	8.28.160	Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)

SECTION 3 – Effective Date. This ordinance shall take effect thirty (30) days from the date of adoption.

SECTION 4 – Severance. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

PASSED AND ADOPTED: April 4, 2022

STEVE NELSON, MAYOR

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2022-05 passed and adopted by the Council of the City of Visalia at a regular meeting held on April 4, 2022 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated:

LESLIE CAVIGLIA, CITY CLERK

By Michelle Nicholson, Chief Deputy City Clerk