

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING BURBANK MUNICIPAL CODE SECTIONS 4-2-113 (SOLID WASTE GENERATOR REQUIREMENTS) AND 4-2-122 (HAULER LICENSE AND PERMIT REQUIREMENTS) RELATING TO PROCEDURES FOR ENROLLMENT UPON PRIOR NOTICE IN SOLID WASTE COLLECTION SERVICES

City Attorney’s Synopsis:

This Ordinance updates Title 4 of the Burbank Municipal Code (“BMC”) by amending Sections 4-2-113 and 4-2-122 of the BMC, to include updates to the City of Burbank’s (“City”) solid waste management program in compliance with California Senate Bill (“SB”) 1383 and accompanying state regulations, to introduce procedures for enrollment upon prior notice of Generators in required solid waste collection services.

THE COUNCIL OF THE CITY OF BURBANK FINDS AS FOLLOWS:

A. The Short-Lived Climate Pollutant Reduction Act of 2016 (Senate Bill (“SB”) 1383) requires the California Department of Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of methane (“SB 1383 Regulations”). As adopted by CalRecycle, these SB 1383 Regulations place requirements on multiple entities, including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services, to support achievement of statewide organic waste disposal reduction targets.

B. In accordance with the SB 1383 Regulations, the City adopted Ordinance No. 22-3,969 on March 15, 2022, to implement relevant provisions of the SB 1383 Regulations.

C. Any Generator, who is a person or entity that creates Garbage, Organic Waste, Recyclable Materials, or other Solid Waste, or who otherwise allows the accumulation of such Solid Waste on real property owned by the person or entity, is required to subscribe to a Solid Waste collection service furnished by an Authorized Collector.

D. The City is responsible for ensuring compliance with SB 1383 Regulations, and has identified instances of Generators’ failure to subscribe to a required Solid Waste collection service.

E. Based on the foregoing, it is necessary to amend Sections 4-2-113 and 4-2-122 of the BMC in order to update the City’s solid waste management program to implement a process to enroll Generators in a Solid Waste collection service furnished by an Authorized Collector, upon prior notice.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

**Section 1. Incorporation of Findings.** The City Council of the City of Burbank hereby finds that the above findings are true and correct and are hereby incorporated by reference.

**Section 2. Amend BMC Section 4-2-113.** Section 4-2-113 (Solid Waste Generator Requirements) of the BMC is hereby amended and restated to read as follows:

**4-2-113: SOLID WASTE GENERATOR REQUIREMENTS:**

Generators shall fully comply with all applicable requirements of the California Integrated Waste Management Act of 1989.

A. All Generators in the City, including Single-Family, Multi-Family and Commercial Business Generators, shall:

- (1) Subscribe to a Solid Waste collection service that includes collection of Garbage, Organic Waste, and Recyclable Materials, furnished by an Authorized Collector. Generators shall maintain for their relevant residential or commercial real property, separate Garbage, Compost and Recycling containers, supplied by the City or another Authorized Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage, Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the real property between the times designated for collection. The City shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City in order to meet the standards set forth in this Article. Nothing in this subsection prohibits a Generator from preventing or reducing Solid Waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c), to the extent permitted by other applicable laws.
- (2) Participate in the Solid Waste collection services provided by the City or another Authorized Collector(s), by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants (including, but not limited to, Excluded Waste) in collection containers. Unless otherwise directed by its Authorized Collector, Generators shall place Source Separated Organic Waste in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. If the City finds that a Generator has placed Prohibited Container Contaminants in a container, the City will notify the Generator of the violation in accordance with 14 CCR

18984.5(b).

- (3) Place Garbage Containers, Recycling Containers, and Compost Containers at the Designated Collection Location on the day specified by the Authorized Collector for collection, but no more than eighteen (18) hours prior to collection, unless otherwise authorized by the Public Works Director. All containers so placed for collection shall be removed from the Designated Collection Location within twelve (12) hours after the contents thereof have been collected. Garbage, Compost and Recycling Containers shall not be placed anywhere that will cause them to become a nuisance or danger to the public health and safety.
  - (4) Maintain Garbage Containers, Recycling Containers and Compost Containers in a sanitary condition at all times. All containers containing any type of Solid Waste shall be kept tightly covered at all times and be resistant to access by vectors. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.
  - (5) Drain Garbage, Organic Waste and Recyclable Materials of all liquid before placement in the appropriate container, and wrap loose, light materials to prevent windblown litter.
  - (6) For locations where the City serves as the Authorized Collector, Generators shall not place more than 200 pounds of Solid Waste in any one City-issued container at any given time.
  - (7) If a Generator fails to subscribe to a required Solid Waste collection service that includes collection of Garbage, Organic Waste, and Recyclable Materials within seven (7) days of occupancy of its premises and has not obtained an approved waiver under Section 4-2-117, the City or its Authorized Collector shall provide written notification to the Generator that such service is required. If service is not initiated within fifteen (15) days from the date of mailing of the notice, then the Authorized Collector shall initiate and continue service for the Generator. The Generator shall be liable for all associated fees and charges.
- B. In addition to the requirements in subsection A above, Commercial Business Generators, other than Multi-Family residential dwellings, shall also:
- (1) Provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the commercial business provides disposal containers for employees, contractors, tenants, customers, and other users of the premises, except for restrooms (“User Disposal Containers”). If a Commercial Business does not

generate any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where disposal containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:

- (a) A body and/or lid that conforms with the following container colors: gray or black containers for Garbage, blue containers for Recyclable Materials, and green containers for Organic Waste; **or**
  - (b) Container labels (including imprinted text or graphic images) that include language and/or graphic images indicating the primary materials accepted and the primary materials prohibited in that container.
  - (c) Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers that do not comply with this requirements prior to the earlier of (1) the end of the useful life of those containers, or (2) January 1, 2036.
- (2) Prohibit employees from placing Organic Waste in a container not designated to receive such Organic Waste.
  - (3) Periodically inspect Organic Waste Containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for Organic Waste.
- C. Generators may be exempt from certain requirements of this Section if they obtain a waiver issued by the City pursuant to this Article, or if they qualify as Self-Haulers and comply with all Self-Hauler requirements outlined in this Article.

**Section 3. Amend BMC Section 4-2-122.** Section 4-2-122 (Hauler License and Permit Requirements) of the BMC is hereby amended and restated to read as follows:

**4-2-122: HAULER LICENSE AND PERMIT REQUIREMENTS:**

- A. The Hauler License and Permit consists of the following:
  - (1) Hauler Permit: Single permit issued, and renewed annually, to the Authorized Collector.
  - (2) Hauler Vehicle License: License(s) issued on a per vehicle basis, and renewed annually, to the Authorized Collector's fleet. Each waste collection vehicle must clearly display the license in the front window of every waste collection vehicle operating within the City of Burbank.
- B. Application: Application for an Annual Private Hauler Contractor License and Permit shall be made on a form provided by the City, and in conjunction with

procedures established in the Solid Waste Management Rules and Regulations. The information provided in the application shall be certified by the applicant as being true and accurate. The Public Works Director may require additional information as authorized by law.

- C. Review: Upon receipt of a completed application and deposit of applicable fees, the Public Works Director shall examine each application for conformity with the requirements of this Article and the Solid Waste Management Rules and Regulations. If the applicant is in compliance with all such requirements, the application shall be accepted and approved, and such approval shall be so noted upon the face of the application. Prior to approval of a permit renewal, applicants must be in compliance with the previously issued Hauler Permit and License and current on all reports and fees due to the City. If the Public Works Director determines that the applicant does not conform to applicable requirements, the application shall be rejected, and the applicant shall be notified of the grounds for the rejection.
- D. Denial and Appeal: The Public Works Director may deny an application upon a determination that the proposed waste collection operation is not consistent with either the City's Solid Waste Management plan, or cannot conform to State standards, or to any provision of this Article. The Public Works Director shall give written notice of the denial to the applicant and any other person who has requested in writing that such notice be given. The applicant shall have the right to appeal any decision of the Public Works Director by filing with the City Manager within ten (10) days of any such decision a written appeal specifying the decision complained of and the reasons for the appeal. The decision of the City Manager shall be final.
- E. If a Hauler License and Permit has been revoked or not renewed, it may be reinstated by application filed in the same manner as an application for a new permit. However, nothing in this Article is intended to preclude the City from considering the revocation or nonrenewal and grounds therefor in reviewing the application. The Authorized Collector must be able to demonstrate that the reasons for permit revocation or nonrenewal have been rectified.
- F. Permit Fees: Fees charged to Authorized Collectors for issuance of a Hauler License and Permit shall be established by the City Council in the Burbank Fee Schedule.
- G. Permit Conditions: Every Authorized Collector shall comply with Hauler License and Permit conditions as set forth in this Article, in the Solid Waste Management Rules and Regulations, and as otherwise specified on the issued permit. If the City chooses to allow an Authorized Collector to operate under a written agreement or other contract, the Hauler License and Permit conditions shall be incorporated into the agreement or contract. At a minimum, the Hauler License and Permit shall include the following conditions:

- (1) Authorized Collectors shall comply with the following SB 1383 conditions:
  - (a) Provide written notice to the City identifying the facilities to which they will transport Solid Waste including facilities for source separated Recyclable Materials and Source Separated Organic Waste.
  - (b) Transport Source Separated Recyclable Materials and Source Separated Organic Waste to a facility, operation, activity, or property that recovers Recyclable Materials and/or Organic Waste, as applicable, as defined in 14 CCR, Division 7, Chapter 12, Article 2. Authorized Collectors providing Organic Waste collection service shall comply with applicable requirements of 14 CCR Division 7, Chapter 12, Article 3.
  - (c) Notwithstanding subsection G(1)(i) and (ii), the SB 1383 conditions outlined in this Subsection G(1) shall not apply to Authorized Collectors who are transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with the requirements 14 CCR Section 18989.1, Burbank Municipal Code Title 9, Chapter 1, Article 11, and all other applicable laws.
- (2) Each Authorized Collector shall arrange for the disposal of any Solid Waste collected in accordance with all applicable federal, state, and local regulations and laws. The City shall assume no liability which may arise due to the Solid Waste disposal arrangements of the Authorized Collector.
- (3) If a Generator fails to subscribe to a required Solid Waste collection service that includes collection of Garbage, Organic Waste, and Recyclable Materials within seven (7) days of occupancy of its premises and has not obtained an approved waiver under Section 4-2-117, the City or its Authorized Collector shall provide written notification to the Generator that such service is required. If service is not initiated within fifteen (15) days from the date of mailing of the notice, then the Authorized Collector shall initiate and continue service for the Generator. The Generator shall be liable for all associated fees and charges.
- (4) The Authorized Collector shall indemnify and hold the City harmless from any liability arising out of its Solid Waste collection operation, including liability under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).
- (5) Each Authorized Collector, including all C&D waste collectors, shall remit a solid waste management fee in an amount equal to a percentage of the Gross Receipts generated by solid waste collection, transfer, or disposal

from customers within the City, to the Public Works Director on a quarterly basis. The percentage shall be established by the City Council in the Burbank Fee Schedule. Gross Receipts are monies charged to account holders and not monies received from account holders, including account holder defaults. Monies paid for Recyclable Materials or recycling shall not be rebated or counted against the Gross Receipts. The failure of an Authorized Collector to submit the solid waste management fee on or before the dates stipulated in the Solid Waste Management Rules and Regulations shall constitute just cause for revocation of the Hauler License and Permit.

(6) Authorized Collectors collecting and transporting C&D are also subject to the requirements set forth in Title 9, Chapter 1, Article 11 of the Burbank Municipal Code.


- H. Changed Circumstances: All permit applicants and Authorized Collectors shall notify the Public Works Director of any change in the information provided in the permit application including, but not limited to, changes in routing and/or changes in services offered that are initiated by the permit applicant or Authorized Collector. Notice shall be given not less than thirty (30) days prior to the date the change is effective.
- I. Failure to submit the payments or the reporting forms required by this section or related rules and regulations within the time provided shall result in late charges as outlined in the Burbank Fee Schedule.
- J. All fees collected hereunder shall be used exclusively to pay the costs of preparing, adopting and implementing an integrated waste management plan for the City and complying with SB1383 Regulations pursuant to the state mandates included in the California Integrated Waste Management Act of 1989.

**Section 4. Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 5. Environmental Review.** This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15308 of the California CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

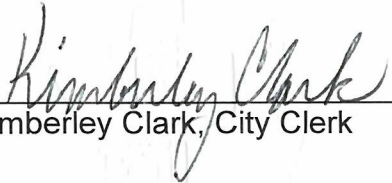
**Section 6. Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this 5th day of May, 2026.

  
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Tamala Takahashi  
Mayor

Approved as to Form  
Office of the City Attorney

Attest:

  
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Kimberley Clark, City Clerk

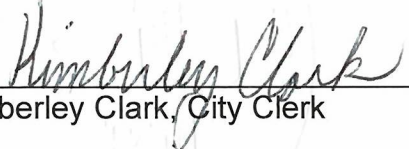
By:   
\_\_\_\_\_  
Sei-Hee Park  
Assistant City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF BURBANK                )

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 26-4,040 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 5th day of May, 2026, by the following vote:

- AYES:       Anthony, Perez, Rizzotti, Mullins, and Takahashi.
- NOES:       None.
- ABSENT:    None.

I further certify that the City Attorney’s Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following the Ordinance’s adoption on May 5, 2026.

  
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Kimberley Clark, City Clerk