

**ORDINANCE NO. 1770**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTER 8.17 OF THE HAWTHORNE MUNICIPAL CODE PERTAINING TO CITY RECYCLING REQUIREMENTS.**

The City Council of the City of Hawthorne, California, finds and declares as follows:

**WHEREAS**, the City is empowered under Section 7 of Article XI of the California Constitution to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the Public Resources Code, including Section 40059, provides that aspects of solid waste handling of local concern include but are not limited to frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste services, and whether the services are to be provided by means of nonexclusive, partially exclusive or wholly exclusive franchise, contract, license or otherwise which may be granted by local government under terms and conditions prescribed by the governing body of the local agency; and

**WHEREAS**, the City has considered factors which include but which were not limited to cost, quality of service and the need to comply with the mandate of California Public Resources Code § 40051 (added by the California Integrated Waste Management Act of 1989, AB 939), and after consideration of those and other factors, City desires to amend Chapter 8.17 to provide the framework for recycling services within the City of Hawthorne as well as to provide City with information sufficient to meet the City's reporting requirements under AB 939, to arrange to collect, transport and recycle or dispose of these materials in a safe manner which will minimize the adverse effects to the environment, and,

**WHEREAS**, pursuant to California Public Resources Code Section 40059(a)(1), that the public health, safety and well-being, including the minimization of adverse environmental impacts, and the implementation of measures consistent with the City's Source Reduction and Recycling Element require that franchisees operate within the recycling framework established by Ordinance of the City Council; and

**WHEREAS**, the City is obligated to protect the public health and safety of the residents of the City of Hawthorne and arrangements made by solid waste enterprises and recyclers for the collection of recycled materials generated by commercial or industrial properties or multifamily residential properties that utilize bin service for disposal of solid waste within the city.

**NOW THEREFORE**, the City Council of the City of Hawthorne, California, does hereby ordain as follows:

**SECTION 1.** Chapter 8.17 is hereby repealed.

**SECTION 2.** There is hereby enacted as Chapter 8.17A Permitted Commercial Recycling, Chapter 8.17B Recyclables Generator Recycling and Reports, and Chapter 8.17C Recycling of Construction and Demolition (C&D) Debris of the Hawthorne Municipal Code, the following:

**8.17A Permitted Commercial Recycling**

**8.17A.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "**Authorized recycler**" means persons, including corporate entities, holding a current recycling permit issued by the city.
- B. "**Bins**" has the meaning provided in Chapter 8.16.010.
- C. "**Carts**" has the meaning provided in Chapter 8.16.010.
- D. "**C&D debris**" has the meaning provided in Chapter 8.16.010.
- E. "**C&D debris recycling**" means the recycling of C&D debris generated at commercial premises comprised of sites or premises that generate C&D debris.
- F. "**Clean recyclables** " means recyclables separated at the point of generation from mixed solid waste which are not commingled with more than 3 types of recyclables (including by example, papers, plastics and metals) and which contain no putrescible solid waste and less than 5% of total weight in contaminating solid waste that is not recyclables.
- G. "**Clean recyclables service permits**" means recycling permits issued to persons or entities that

- (1) do not charge commercial, residential or multi-family customers rates, fees or charges to collect that customer's dirty recyclables or clean recyclables, or
- (2) purchase clean recyclables from those customers, or
- (3) charge commercial customers rates, fees or charges to collect that customer's clean recyclables,

in each instance as required by Section 8.17.020B and in accordance with Section 8.17.030C.

H. "**Commercial**" has the meaning provided in Chapter 8.16.010, and in addition, means comprised of sites or premises generating C&D debris.

I. "**Commercial recycling**" means the recycling of recyclables generated at commercial premises and buy back centers.

J. "**Containers**" when used with respect to discard or set out of recyclables for collection, has the meaning provided in Chapter 8.16.010; when used with respect to a type of recyclables, means vessels to hold liquids and/or solids.

K. "**Dirty recyclables**" means recyclables separated at the point of generation from mixed solid waste but which nevertheless contain up to 10% of total weight in contaminating solid waste that is not recyclables for commercial recycling services and no more than 30% of total weight in contaminating solid waste for C&D debris recycling services, including no more than 1% of total weight in putrescible solid waste as part of the contaminating solid waste.

L. "**Director**" means the city's director of public works.

M. "**Dirty recyclables service permits**" means recycling permits issued to persons or entities that charge commercial customers rates, fees or charges to collect that customer's dirty recyclables, required by Section 8.17.020B and in accordance with Section 8.17.030C.

N. "**Holiday**" means days designated from time to time by the director, including New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

O. "**Incident**", with respect to violations, means a single act prohibited by this chapter or omission of an act required by this chapter.

P. "**Multi-family**" references (1) any residential building comprised of greater than 5 units, unless a customer thereat requests collection in carts because of limited space for bins; and (2) any residential buildings comprised of less than 5 units if the customer requests collection services with bins, subject to approval by the director.

Q. "**Multi-family recycling**" means the recycling of recyclables generated at multi-family premises.

R. "**Recyclables**" has the meaning provided in Chapter 8.16.010.

S. "**Recycling**" means the collection and processing of any and all materials that are intended for reuse in their same form or in a different form outside of the premises from which such materials were generated, excluding the use of recyclables to cover the working face of a solid waste landfill defined in Section 40195.1 of the California Integrated Waste Management Act.

T. "**Recycling permit**" means a clean recyclables service permit and dirty recyclables service permit.

U. "**Refuse**" has the meaning provided in Chapter 8.16.010.

V. "**Residential**" has the meaning provided in Chapter 8.16.010.

W. "**Residential recycling**" means the recycling of recyclables generated at residential premises.

X. "**Scavenging**" means the unauthorized collection, removal of, or possession of recyclables intended for collection by the city or an authorized recycling agent

Y. "**Solid waste**" has the meaning provided in Chapter 8.16.010.

Z. "**Violation**" means breach of or failure to timely and fully comply with any provision of a recycling permit, this chapter or any other applicable law, ordinance or regulation of any public agency.

#### **8.17A.020 Authorized recyclers.**

**A. Franchised Residential, Multi-family and C&D Debris Recycling.** Residential recycling, multi-family recycling and C&D debris recycling shall be performed exclusively by the city under the supervision of the city manager; and for such purpose contracts may be made or let, or agreements (including franchise agreements) entered into, with any person, with or without advertising for bids; provided, however, that the city council may authorize any person to engage in the business of recycling under such terms, conditions or limitations as it may deem necessary.

**B. Permitted Commercial Recycling.** Commercial recycling may be performed only by any authorized recycler holding a current and valid recycling permit.

#### **8.17A.030 Business Licenses, Recycling Franchises and Recycling Permits.**

**A. Business License.** All authorized recyclers must maintain a current business license pursuant to the requirements set forth in Title 5 of this code.

**B. Recycling Franchise.** Upon direction by the director, each authorized recycler holding a dirty recyclables service permit must execute a legal, valid and binding franchise agreement with the city pursuant to which the city may require payment of a franchise fee in consideration for the grant thereof.

**C. Permits.** The director is authorized to issue a recycling permit to an authorized recycler under the following terms, protocol and conditions:

**1. Term.** The term of a recycling permit shall be for no more than one year and shall expire on June 30 of each year.

**2. Application.** Applications for recycling permits shall be made to the director on forms provided by the director, no later than the deadline stated on the form. The application shall include the following information

(1) The name, business address of the applicant, and addresses where all of the applicant's vehicles will be stored;

(2) Applicant business ownership information, responsible official and contact person;

(3) City business license;

(4) Identification of the type of recycling permit for which the applicant is applying: dirty recyclables service permit or clean recyclables permit.

(5) Any other information requested by the director.

**3. Conditions.** Applications for recycling permits shall be issued subject to the following conditions:

(1) Upon request of the director, the applicant shall make available to the director a list of clients that the authorized will service in the city, a map of the authorized recycler's service area, detailed information regarding recycling services offered to customers, a listing of customers currently receiving recycling services, and classification of recyclables to be collected by the applicant.

(2) All records and facilities shall be subject to examination upon request by the director.

**4. Denial.** After review of the permit application, the director may deny the issuance of a recycling permit based on information disclosed in the permit application. Denial of a permit may be based on an incomplete application, failure to demonstrate qualifications or financial responsibility necessary to comply with the requirements of this chapter, prior failure to supply required reports or other previous violations of any provisions of this chapter. Upon denial, the director shall provide the applicant written notification of the reasons therefore and shall include the effective date of such denial. Written notification of denial shall be delivered in person or certified first class mail to the applicant. An applicant may appeal the denial of a recycling permit in accordance with Section 5.16.010 of the municipal code.

**5. Transfer or assignment; delegation..** Authorized recyclers may not transfer or assign recycling permits or delegate obligations there under to another person. No authorized recycler shall sell, transfer, delegate, assign, hypothecate, relinquish or surrender its interest in a permit to any person or entity or allow another person or entity to use its permit in any act for which a permit is required without the prior written consent of the director.

For purposes of this subsection, “assign” shall have the meaning defined in commercial franchise agreements referred to in Section 8.17.030B.

## **6. Enforcement.**

**a. Initiation of action.** The director may initiate an enforcement action based on his or her own observations of or complaints regarding a violation or violations. The director may accept complaints from any source in writing, through personal visit or telephone call. Anonymous complaints alone shall not result in an enforcement action although the director may initiate an enforcement action based on other independent information that the director received as a result of any investigation prompted by an anonymous complaint. The director may choose not to identify any complainant if his or her investigation reveals other evidence that is a sufficient basis for his or her decision that violations have occurred.

**b. Notification.** The director shall notify the authorized recycler by mail of alleged violations by describing the nature of the offense and, if a representative of the independent commercial recycler is available, the director shall release further pertinent available details regarding the alleged violation.

**c. Response.** The authorized recycler shall provide the director with a written explanation of the pertinent events and circumstances relative to the alleged violation within ten city business days of the date of the director’s mailed notice to the authorized recycler. The director may extend the time for the authorized recycler to provide an explanation upon a showing of reasonable cause. The director shall consider this explanation in making his or her determination whether a violation has occurred.

**d. Determination.** Prior to making his or her determination the director shall investigate the violation and may contact any known complainant, witness and the authorized recycler.

Within 15 days of a determination by the director that a violation has not occurred, the director shall notify the authorized recycler of such determination in writing.

Within 30 days of a determination by the director that a violation has occurred, the director shall notify the authorized recycler of such determination in writing specifying the violation, the findings that support the violation; stating the amount of any civil penalty and deadline for payment thereof; and including information on the procedure for requesting a hearing to appeal the determination. Where the director can demonstrate an attempt to properly deliver the notice, a refusal by the offender or offender's representative to receive the notice in person, or failure of offender to accept certified mail, shall not constitute a failure by the director to fulfill the requirement for the delivery of notice.

**e. Civil Penalties.** The director may impose a civil penalty of up to \$1,500 per violation. An authorized recycler may be liable for more than one violation, involving different acts or omissions of noncompliance, even if the different violations are occurring at the same time, and for each incident with respect to an violation.

**f. Suspension or revocation.** Any authorized recycler shall be required to comply with all the provisions of this chapter and failure to observe any of those conditions shall result in a summary revocation of that authorized recycler's recycling permit by the city manager. In addition, and without limiting the preceding sentence,

the director may revoke or suspend a recycling permit in accordance with the procedure provided in Section 5.16.040A of the municipal code for breaches of any recycling contract, agreement or franchise by the authorized recycler or any other grounds provided in Section 5.16.020 of the municipal code. An authorized recycler may appeal any revocation or suspension by the city manager or the director to the city council in accordance with Section 5.16.040C of the municipal code. Absent appeal, the revocation or suspension shall become final and conclusive as provided in Section 5.16.040D of the municipal code.

The city council may also revoke or suspend a recycling permit in accordance with the procedure provided in Section 5.16.040 of the municipal code.

The effect of revocation shall be as provided in Section 5.16.060 of the municipal code. The authorized recycler shall provide each of its customers written notification of termination of service within ten days of the date that denial, suspension or revocation of permit has become final and conclusive. The authorized recycler shall attach to the notice to its customers a listing of all eligible permitted collector/recycling collectors in the city.

**g. Recycling Permit Fees; Franchise.** Each authorized recycler shall pay an annual recycling permit fee in a sum set forth by resolution of the city council. The failure of an authorized recycler to submit said permit fee on or before the date on which it is due shall constitute just cause for revocation of a recycling permit.

Each authorized recycler that is a franchisee as a condition of its dirty recyclables service permit shall pay any franchise fee set forth by ordinance and resolution of the city council in accordance therewith and with the authorized recycler's franchise agreement with the city.

#### **8.17A.040 Recyclables Handling.**

##### **A. Separation and Storage of Recyclables.**

**1. Combustible materials.** Combustible materials must be stored in compliance with the requirements of the city fire chief.

**2. Separate or compartmentalized containers and segregation of materials.** Either containers for collection of clean recyclables shall be provided for no more than 3 types of recycling commodities, for example papers, plastics, and metals, or such containers shall have separate sections or compartments provided for no more than 3 commodities in each section or compartment. All recyclables shall be segregated from any other solid waste material in designated recycling containers visibly marked with the word "Recycle" or any other such word, words or wording that reasonably conveys the intent that the container is being used for the specific purpose of holding recyclables.

At direction of the city, authorized recyclers shall sort recyclables or characterize or analyze those recyclables by weight in a manner satisfactory to city in order to establish to satisfaction of city that they are clean recyclables, dirty recyclables or merely solid waste. Disputes over whether material should be classified as clean recyclables, dirty recyclables or solid waste shall be resolved by the director. The director's decision may be appealed to the city manager, explaining the basis of the appeal, within 10 days of such decision and the payment of a \$50 appeal fee. The burden of proof shall be on the authorized recycler challenging the director's decision. The city manager or his or her designee shall hear said dispute and render a written decision, which shall be final.

**3. Container ownership.** Recyclables shall be stored in containers owned by the generator of the recyclables, the authorized recycler, or the city, provided containers as part of a recycling diversion program.

**4. Storage location.** Recyclables shall be placed for collection in storage areas other than those required for refuse containers, designated by the generator of the recyclables, as space on the generator's premises permits. Storage of recyclables may not interfere with regular solid waste collection and separate recyclables containers must be maintained on the premises generating the recyclables. Any recyclables placed for collection in the public right-of-way shall become the property of the city and shall be collected by the city or its contractor or franchisee for residential, commercial or multi-family solid waste collection services, as applicable.

##### **B. Collection, Disposal Prohibition.**

**1. Schedule.** Authorized recyclers shall collect recyclables either on a regular schedule or an on-call basis. If an on-call method is used, the authorized recycler shall collect the material within three working days following request of the generator.

**2. Collection vehicles.** Collection vehicles shall comply with the requirements described in Sections 8.16.120, 8.16.140 and 8.16.150 of the code. Authorized recyclers may transport more than 3 types of recyclables in a collection vehicle, as long as materials separated by the generator are not combined with mixed solid waste on the vehicle.

**3. Disposal Prohibited.** The authorized recycler shall not transport any collected recyclables to any facility for disposal by landfilling, burning, incineration or mixed waste composting, other than disposal of residue remaining after sorting, grading, cleaning, shredding, grinding, densifying or otherwise preparing, treating or converting recyclables for end use markets, unless authorized in writing in advance by the director. The authorized recycler must transport and market the recyclables it collects by delivery to a recyclables processor or broker or to an end use market. Placement of recyclables that have been separated and set out for recycling in any container for any length of time considered excessive by the director constitutes an violation of this requirement.

**4. Processing records.** Authorized recyclers will authorize and direct facilities that process recyclables delivered by the authorized recyclers to submit records and evidence of the amount and type of those recyclables, the date of delivery thereof and other data or reports reasonably requested by the city, directly to the city, at such time a facility routinely prepares those reports or upon request of the director.

### **C. Records and reports.**

**1. Records.** Authorized recyclers shall retain all records necessary for preparing reports in accordance with the following subsection 2 for a period of two years and provide the director with copies of or access to any relevant recycling information as the director may need for the program within ten working days of director's written request, or, if the director makes an inspection as provided below, during the inspection. Authorized recyclers shall make records related to their recycling collection services in the city available during the city's business hours for inspection by the director and/or his staff within one week of director's written notice.

#### **2. Reporting.**

**a. Dates.** Authorized recyclers shall submit a quarterly report to the city, on or before each January 31, April 30, July 31 and October 30 for the respective preceding quarters comprised of January, February and March; April, May and June; July, August and September; and October, November and December. When those days fall on a Saturday, Sunday, or holiday, the report is due on the next business day.

**b. Content.** The authorized recycler shall submit reports described in the preceding paragraph in a form provided by the director, including hard copy, facsimile or electronic transmission. Reports shall include the type and cumulative total weight and/or volume of recyclables collected, locations where taken during the preceding quarter, and other information required by the city to prepare and support reports that the city is required to make to the California Integrated Waste Management Board and the California Department of Conservation. Upon direction of director, the authorized recycler shall not report materials that are routinely recycled without entering the solid waste stream, such as certain manufacturing and industrial wastes, as may be excluded under state law for purposes of calculating solid waste diversion in the city. If the director finds reports to be inadequate, inaccurate or incomplete, he or she may direct the authorized recycler to remedy or correct the inadequacy, inaccuracy or incompleteness by a specified date no less than 7 days after the director requested the corrected information.

**c. Audit or Inspection.** Upon request by the director, the authorized recycler described in the next paragraph must allow inspection, or otherwise arrange with its subcontractors or other recycling service providers for, the audit or inspection of records, operations, facilities, or other matters as may be necessary to ensure compliance with this chapter.

**d. Violations.** Should an authorized recycler fail to timely and fully submit, correct or complete a required report, or correct information as requested by the director, then the director may send notice of that failure stating that the authorized recycler must send in the report as requested by the director, within five business days of the date of the delinquent notice; and require payment of \$50.00 service charge, due and payable when the report is

submitted. Should an authorized recycler fail to timely comply with the provisions of that notice, then the director may send the authorized recycler notice of a violation in accordance with Section 8.17.030C6b.

**D. Rates, Fees and Charges.** The authorized recycler shall be solely responsible for rates, fees and charges to and/or payments required to be made by its customers. The city shall have no liability to authorized recycler or responsibility therefor. Authorized recyclers (other than those required to secure donate-or-purchase recyclables service permits) must impose rates, fees and charges or other payments for recycling clean recyclables that are less than, but not equal to or greater than, rates, fees and charges or other payments for recycling dirty recyclables.

**E. Insurance and Indemnification.**

1. **Insurance.** Each authorized recycler shall furnish the city a policy or certificate of comprehensive general automobile liability insurance insuring the authorized recycler against bodily injury, property damage and automobile liability in the sum of \$1,000,000 combined single limits. These limits shall be subject to annual review by the city for the purpose or reasonably adjusting to current insurance conditions and requirements. The insurance shall provide that the coverage is primary and that any insurance maintained by the city shall be excess insurance, shall be procured from an insurer authorized to do business in the state of California, shall name the city and its officers, employees and agents as additional insureds and shall not be cancelled or modified without first giving to the city thirty days' prior written notice. The city may waive this requirement for these authorized recyclers if it determines that the liability insurance that the authorized recycler provides under another franchise agreement with the city is adequate to secure payment of these franchise fees as well as those paid under the other franchise agreement.

2. **Indemnity.** Each authorized recycler shall indemnify, defend and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies, including interest, penalties, and reasonable attorneys fees, that the city shall incur or suffer, which arise, result from or relate to the collection, transportation or disposal (including sale) of recyclables by that person.

**8.17A.050 Scavenging Prohibited.** Scavenging is prohibited in the city. No person, other than an authorized recycler, shall remove recyclables that have been segregated from solid waste and placed at the designated collection location for the purposes of recycling. Unless otherwise authorized by the city in writing, recyclables may not be removed from such location by anyone other than an authorized recycler.

**8.17A.060 Right to Sell or Donate Recyclables.** Nothing in this chapter shall limit the right of any person to donate or sell his or her own recyclables.

**8.17B Recyclables Generator Recycling and Reports.**

**8.17B.010 Definitions.** Words used in this chapter shall have the meanings provided in 8.17.010 of the code.

**8.17B.020 Business Recycling Goal.** All owners of commercial businesses or enterprises shall plan for, and work in good faith to divert 50% of the solid waste they generate at their commercial premises from disposal. This goal shall be determined by reports from the owners of the amount of solid wastes eliminated by better design or production processes, reused, recycled or composted, as compared to wastes disposed of in landfills or mixed waste incinerators.

**8.17B.030 Business Recycling Reports.**

**A. Time, content, form.** All owners of commercial businesses or enterprises shall submit a Business Recycling Report annually with their payments of annual business taxes to the City, beginning with business tax payments for 2004, including the following information:

- (1) the amount of solid wastes eliminated by better design or production processes, reused, recycled or composted, or disposed of in landfills or mixed waste incinerators,
- (2) what types of solid waste reduction programs are in place,
- (3) what firms are providing solid waste and recycling services,
- (4) what types of solid waste reduction programs are proposed for the future to meet the City's 50% recycling goal, and
- (5) any other information required by the director.

Owners shall submit Business Recycling Reports on multiple choice forms prepared by the city Department of Public Works that can be easily filled out and compiled by the city. Business owners may attach additional information that highlights company policies and programs to reduce waste.

**B. Compilation of reported data.** The city shall compile data annually from these plans in a report to the city council that highlights particular business sectors that are doing well, and those that need more outreach and education efforts, and new programs and services.

#### **8.17B.040 Multi-Family Tenants Opportunity to Recycle.**

In addition to the Business Recycling Reports described in preceding Section 8.17B.010, owners of multi-family dwellings with 5 units or greater shall provide an opportunity to all tenants in those dwellings to recycle all materials that may be recycled in the city's single-family residential curbside recycling program, unless otherwise approved by the director. Owners shall plan for, and work in good faith to achieve, a recycling goal of at least 10% in 2004, 15% in 2005, and 20% in 2006. These goals shall be determined by reports from the owners of the amount of solid wastes eliminated by less wasteful landscaping design or operations, reused, recycled or composted, as compared to wastes disposed of in landfills or mixed waste incinerators.

**8.17B.050 No Civil Penalties.** Failure of owners of commercial businesses or enterprises or multi-dwellings to meet the goals or submit the reports required in Sections 8.17B.010 or 8.17B.020, respectively, shall not constitute an violation of this code and those owners shall not be liable for payment of any civil penalties hereunder.

#### **8.17C Recycling of Construction and Demolition (C&D) Debris**

**8.17C.010 Definitions.** Words used in this chapter shall have the meanings provided in 8.17.010 of the code.

**8.17C.020 Authorized Haulers.** Each authorized hauler who has entered into semi-exclusive franchise agreements with the city for Rolloff services shall submit quarterly reports to the city in a format approved by the Director on the amount of C&D debris it has collected by material type, the destination to which each of those materials were taken, and the amount of diversion documented to have been achieved at each of those destinations.

**8.17C.030 C&D Waste Minimization Plan.** The City has adopted a comprehensive C&D Debris Waste Minimization Plan that details activities by City departments, all authorized haulers and all owners, developers and contractors of C&D projects intended to increase the reuse, recycling and composting of C&D debris, which plan is incorporated into the code by reference. All references in the C&D Debris Waste Minimization Plan to future requirements for H&C Disposal Company shall apply to all authorized haulers.

#### **8.17C.040 C&D Debris Diversion Requirements for Private Projects.**

**A. Diversion requirement.** All owners, developers and contractors of C&D debris projects over 10,000 square feet in gross floor area (“**diversion projects**”) are required to divert the maximum feasible amount of C&D debris (no less than 50% of C&D debris generated). The Department of Building and Safety shall require that persons seeking construction or demolition permits submit (1) quantitative projections for C&D debris generated by diversion projects, and (2) a \$250 deposit. The Department shall return that deposit upon completion of the permitted project only if the permittee demonstrates that it has supplied the C&D debris reports described in subsection B and achieved waste diversion of no less than 50% of C&D debris generated as measured and demonstrated to satisfaction of the director.

**B. Diversion reporting.** All developers, construction and demolition contractors, and any person hauling C&D debris from a construction or demolition project or otherwise handling C&D debris therefrom shall report the quantities diverted and disposed to the city upon completion of the project in a format approved by the director. Prior to issuing a certificate of occupancy for new construction projects, the Department of Building and Safety must receive satisfactorily completed C&D debris reports from permittee.

**SECTION 3.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

**SECTION 4.** The City Attorney is directed to make any typographical or grammatical changes to this Ordinance that do not alter or modify the substance of this Ordinance.

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Hawthorne, or if there is none, she shall cause it to be posted in at least three public places in the City of Hawthorne, California.

**SECTION 6.** Ordinance No. 1770 (Non Urgency) and 1769 (Urgency Ordinance) are identical except for the urgency provision contained in Ordinance No. 1769. Both ordinances seek to amend Chapter 8.17 of the Hawthorne Municipal Code by, among other things, setting forth the City requirements concerning recycling. Ordinance No. 1770 is the "back-up" ordinance of Ordinance No. 1769 in the event that the urgency clause in Ordinance No. 1769 is successfully challenged. Therefore, Ordinance No. 1770 is effective only if Ordinance No. 1769 is found to be unenforceable for any reason.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2003.

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**LARRY M. GUIDI, Mayor**  
**City of Hawthorne, California**

**ATTEST:**

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**DANIEL D. JUAREZ, C.M.C./AAE**  
**City of Hawthorne, California**

**APPROVED AS TO FORM:**

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**GLEN E. SHISHIDO, City Attorney**  
**City of Hawthorne, California**