

**ORDINANCE NO. CC 2025-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADDING CHAPTER 8.04.340 (C) "MULCH" RELATING TO PROCUREMENT REQUIREMENTS FOR THE USE OF MULCH PER SENATE BILL 1383, ASSEMBLY BILL 2902, AND ASSEMBLY BILL 2346**

**WHEREAS**, Article 11, Section 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, in 2016, the State approved SB 1383, the Short-lived Climate Pollutant Reduction Act, which requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (SB 1383 Regulations) place requirements on multiple entities including the city, residential households, commercial businesses, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets; and,

**WHEREAS**, in 2024, the State approved AB 2902, which directs the CalRecycle to make changes to existing organic waste regulations. The new law changes how population is calculated for organic waste procurement targets and modifies several other provisions that reduce the stringency of organic waste regulations; and

**WHEREAS**, in 2024, the State approved AB 2346, which directs the CalRecycle to make changes to existing organic waste regulations. This new law authorizes local jurisdictions to count towards their procurement targets compost produced and procured from specified compost operations and specified investments and expenditures related to meeting its procurement target, as provided. Among other revisions, the bill authorizes CalRecycle, in adopting and revising regulations, to consider other pathways to prioritize local use of compost, as specified; and

**WHEREAS**, State regulations covered by the laws SB 1383, AB 2902, and AB 2346 require the city to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions for specific types of mulch procurement; and

**WHEREAS**, the city council has determined this addition to Chapter 8.04 of the La Habra Municipal Code ("CMC"), concerning mulch procurement requirements, is necessary to enable the city to implement and enforce its rules and regulations relating to SB 1383, AB 2902, and AB 2346 in a manner consistent with State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** That Chapter 8.04.340 (C.) (Mulch) of Title 8 (Health and Safety) of the La Habra Municipal Code is added with the following:

- C. Mulch. In order for mulch to qualify as a recovered waste product or as SB 1383 Eligible Mulch, it must be in compliance with the land application standards listed:

- (1) The mulch is produced at one or more of the following:
  - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or
  - ii. transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or
  - iii. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.
- (2) The mulch must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3:

**SECTION 2: SEVERABILITY.** The City Council of the City of La Habra hereby declares that should any section, subsection, paragraph, sentence, clause or word of this ordinance hereby adopted be declared for any reason invalid by the final judgment of any court of competent jurisdiction, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

**SECTION 3: SAVINGS CLAUSE.** Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**SECTION 4: ADOPTION.** The City Clerk shall certify to the passage and adoption of this ordinance and cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Rose Espinoza  
Mayor

ATTEST:

\_\_\_\_\_  
Rhonda J. Barone, CMC  
City Clerk

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS  
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. CC 2025-\_\_ introduced and adopted at a Regular Meeting of the City Council of the City of La Habra held on the 20<sup>th</sup> day of October, 2025, and was therefore adopted at a Regular Meeting held on the \_\_ day of \_\_\_\_\_, 2025, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Rhonda J. Barone, CMC  
City Clerk