



# ***City of Ridgecrest***

## **INFRASTRUCTURE COMMITTEE**

**City Council Conference Room  
100 W. California Ave.  
Ridgecrest, CA 93555**

**Tuesday, August 12, 2008 at 5:00 p.m.**

### **AGENDA**

Infrastructure Committee Member: Chairman Tom Wiknich; Councilmember Steve Morgan,  
Members Lois Beres and Nellavan Jeglum  
Recorder: Karen Harker, Administrative Secretary

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES: July 8, 2008
4. COMMENTS: (PUBLIC COMMENT)
5. DISCUSSION ITEMS:
  - A. Balsam Street – Discuss crown, curbs, and drainage
  - B. Damage from flooding to Infrastructure
    1. Balsam
    2. W. Ridgecrest Blvd.
    3. Bowman
    4. Richmond
    5. College Heights
    6. Other
  - C. Update on Recovery of Flooding
  - D. Sales Tax Measure – Discussion of Possible County 1% measure for March 09 Ballot
  - E. Implementation – 5 year street moratorium on cut ordinance.
  - F. Presentation of Universal Trash pick-up – Discussion of sample ordinances
  - G. Down Street Landscape Project
6. DIRECTOR'S REPORT
7. COMMITTEE COMMENTS
8. FUTURE AGENDA ITEM

9. ADJOURNMENT



# ***City of Ridgecrest***

## **INFRASTRUCTURE COMMITTEE**

**City Council Conference Room  
100 W. California Ave.  
Ridgecrest, CA 93555**

**Tuesday, July 8, 2008 at 5:00 p.m.**

### **DRAFT MINUTES**

Infrastructure Committee Member: Chairman Tom Wiknich; Members Steve Morgan, Lois Beres and Nellavan Jeglum  
Recorder: Karen Harker, Administrative Secretary

1. CALL TO ORDER  
The meeting was called to order at 5:01 p.m.
2. APPROVAL OF AGENDA  
A motion was raised by Chairman Tom Wiknich and seconded by Councilmen Steven Morgan to approve the Agenda. Carried with a voice vote of 3 ayes. The Agenda was approved as submitted.
3. APPROVAL OF MINUTES: June 10, 2008  
There was a motion to approve the minutes by Chairman Tom Wiknich, second by Nellavan Jeglum, to APPROVE THE MINUTES for June 10, 2008. Carried with a voice vote of 3 ayes. Recording Secretary, Karen Harker, made note of all typographical errors to the minutes earlier today and the changes were made.
4. PUBLIC COMMENTS: None
5. DISCUSSION ITEMS:
  - A. Status Report – Solid Waste/Local Assistance Plan  
Jim McRea – 2<sup>nd</sup> quarter report is due 30 days after June 30, 2008. At the June 26<sup>th</sup> meeting we discussed nine action items: Mr. McRea passed out handout:
    1. Letter to California Integrated Waste Management Board (CIWMB) regarding modifications of Local Assistance Plan (LAP) to focus on additional programs.
    2. Request from CIWMB history reports
    3. Discussion with Jon McQuiston
    4. Meeting with Jon McQuiston/Daphne Harley and staff
    5. Meeting with Nancy Ewert/Daphne Harley and Staff
    6. Letter to Kern County requesting assistance
    7. Work with consultant analyzing the SRRE and fair share cost participation
    8. Meeting with CIWMB Staff

## 9. Item to September 12, 2008 Waste Advisory Committee

There were also three discussion points:

1. Universal pick-up and blue bin recycling fee – with a universal pick-up for unincorporated areas via a tax assessor collection, it would be a one year minimum process.
2. M.R.F., Transfer Station or Tehachapi Haul
3. Public awareness and education partnership with County of Kern

Councilman Morgan wanted to know if all the solid waste information would go from City Council to the Infrastructure Committee and the answer was yes. Chair Tom Wiknich stated in trying to move this recycling effort forward and making sure that we are meeting the deadlines, we needed to know where Benz Sanitation is going with their effort to accommodate the city with MRFs, Transfer Stations, etc. It is going to cost them permit fees and how long is it going to take for them to get those permits and we are getting closer to deadlines. What are we going to do with the county? Is the county going to make collection mandatory in the county area? City Manager Avery realizes that we need recycling, MRF, or transfer stations at the dump and that we need to move forward as a city and as a community. At the next meeting, staff will bring you ordinances from several different cities that we can start studying. The goal is to have a document that states our intentions as of March 2009. The document will cover all the critical area of mandatory collections and fees for low income, multi cart sizes, senior costs, etc. Dave Matthews, private citizen, wanted to know why we didn't haul the trash by railroad to Tehachapi. There is already a freight terminal down by the railroad tracks instead of using a big rig use a train car.

### B. Signal sequencing

The City has seven signals. Public Works Director Dennis Speer asked if the Committee was talking about Norma or South China Lake Blvd where we currently have stop signs. Radar and Church on Norma would be good for sequencing. Caltrans was going to go to radio controls and we do have Church, California, and Ridgecrest on one sequence. Mr. Morgan felt that we didn't need a reason to sequence at this time and should report that back to the City Council.

### C. Building Inspector In-House

Discussion: Contractors in our community were asking if it was time to bring back building and street inspectors into our community. Mr. Morgan stated that even if we hired an inspector we still might need county support. The Building Department is short staff and Engineer Techs can fulfill the requirement of inspecting a street, Project Management Design cannot be handled by a tech. City Manager Avery still feels the City does not have the money to support an inspector. Chair Wiknich asked questions about Helt Engineering and what they do for the money we are paying them and can we use that money to hire an inspector. Mr. Speer informed the Committee of the benefits that Helt is offering the City with his contacts in working with CalTrans, Kern Cog and other organizations. Helt provides a low fee to the City by handling paperwork for staff that the City just doesn't have. Member Nellavan Jeglum felt that

having someone on board was not going to save time or money on a project. Mr. Speer went on to explained how the gas tax money worked and how a contractor can mark up a job and the percentages that they can charge. He felt that Helt was using an appropriate mark up.

6. DIRECTOR'S REPORT

- Handed out a memorandum from Kern Cog stating that a fine has been imposed and that no construction project will start until March 2009. Mr. Morgan asked City Manager Avery to contact members to find out how this would affect our current projects.
- Handed out information regarding Federal-Aid Contracts with Disadvantaged Business Enterprise Goals
- Verbal – Pot Hole Patcher is permitted and scheduled for training on the 15<sup>th</sup> of July, Les Wood will be going to Bakersfield to get one load of emulsion for the training.
- Received a letter from District 9, they have approved and signed the E-76 on Radar Ave and South China Lake Boulevard. Preliminary Engineering work is reimbursable for federal fund.
- District 6 is arranging a kick off meeting to start on the Ward and China Lake traffic signal project. I have not heard yet when the meeting will be taking place.
- Hand out - how projects will be ranked in the future by Kern Cog. This is for the TAC meetings
- Hand out – Undergrounding projects – guidelines and requirements to start engineering projects
- Hand out – Santa Barbara is using a resurfacing system made with aerate chips that they are getting 14 years worth of life out of. Mr. Speer thought it would be a good idea to go and see what the material is like and how is placed.

7. COMMITTEE COMMENTS

Steven Morgan asked that Dennis Speer give his information and handout before the Committee Meetings. He also asked if District 9 would be willing to come to a City Council Meeting and do a Presentation. City Manager Avery stated that he would check on that.

8. FUTURE AGENDA ITEMS

- A. Street Sweeping – 2 month progress report

9. ADJOURNMENT meeting 6:26

# CALIFORNIA CITY

## Waste Ordinance Template

### CHAPTER 2. WASTE MANAGEMENT

#### Sec. 6-2.101. Definitions.

The following terms are defined for the purposes of this Chapter:

- (a) "Authorized private receptacle" means a waste storage and collection receptacle approved by the City.
- (b) "Garbage" means and includes kitchen and table refuse, offal, swill and other accumulations of animal, fruit or vegetable matter which attend or result from the dealing in, preparation, use, consumption, decay, growing, handling, or storage of meat, fish, fowl, fruits, or vegetables.
- (c) "Litter" means garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as hereinafter prohibited tends to create a danger to the public health, safety and welfare.
- (d) "Park" means a park, reservation, playground, recreation center or other public area in the City owned or used by the City and devoted to active or passive recreation.
- (e) "Private Premise" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yards, grounds, walks, driveways, porches, steps, vestibules, or mailboxes belonging to such dwelling, house, building or other structure.
- (f) "Public Place" means streets, sidewalks, boulevards, alleys or other public ways, public parks, squares, spaces, grounds and buildings and the portions of private premises held open to the public.
- (g) "Refuse" is solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, abandoned automobiles, and solid market and industrial wastes.
- (h) "Residential Establishment" means and includes every private premise. Residential establishments shall not include hotels, motels, lodge house, clubs, tourist camps, trailer camps, churches, business, and industrial establishments or lodge containing more than one dwelling unit or upon which any commercial or industrial occupation is conducted.

- (i) "Rubbish" means and includes trimmings from lawns, trees, plants, or flower gardens and boxes, wood, paper, straw, packing materials, leaves, stones, leather, rubber, clothing, carpets, bedding, feathers, bottles, glass, crockery, brick, ashes, small cans, wires, metals and similar materials.
- (j) "Sharps" means any needles, syringes and lancets used for application, removal, or testing needed for medication, fluid sampling, or any other application.
- (k) "Storage" means the placing or maintaining of garbage, rubbish, refuse, or litter in containers of any type for any period of time, but shall not include the temporary accumulation of refuse during the period of time an owner or occupant of property is actually engaged in cutting trees or shrubbery trimming, or clearing property of refuse or rubbish.
- (l) "Waste" means garbage, litter, refuse, and rubbish.

**Sec. 6-2.102. Accumulation of Waste.**

- (a) No person shall throw or deposit waste in or upon a public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon a public place.
- (b) It shall be the duty of every person in possession, charge, or control of any property within the City to keep such property in a sanitary condition. For the purposes of this section, sanitary condition means all parts of such property are free and clean of any accumulation of combustible or non-combustible or garbage.
- (c) Except as otherwise provided in this Chapter, it shall be unlawful for any person to deposit, keep or accumulate or permit or cause to be deposited or to remain on any property in the City, any waste.
- (d) It is unlawful for any person to place, deposit, or dump or cause to be placed, deposited, or dumped upon a private property without the permission of the property owner.
- (e) No person shall sweep into or deposit in a public place within the City, the accumulation of waste from any building or lot or from any public or private sidewalk or driveway. Persons owning or

occupying property shall keep the sidewalks and twelve feet of the Public Place in front of their premises or business free of waste.

- (f) If a person within the City has not complied with an order of the Code Enforcement Officer, or their designated representative, to remove accumulation of waste deemed by the Code Enforcement Officer, or designee to be unsanitary, unsafe, unsightly, or an existing emergency which will make such accumulation dangerous to the public health to delay its removal, the Code Enforcement Officer, or their designated representative, may enter at any time upon the premises and remove, or cause to be removed, the offensive accumulation, and the person responsible for such accumulation shall be liable to the City for the costs thereof, together with any expenses of collection, in addition to other penalties provided for violations of this Chapter.

**Sec. 6-2.103. Burying and Burning.**

The placement or burial of waste in a hole or excavation or burning of waste within the City is prohibited and is a misdemeanor.

**Sec. 6-2.104. Hazardous and Biohazard Waste**

The placement of any hazardous or biohazard waste, material, fluids, equipment, retainers, or medical sharps in any residential or commercial container covered by this chapter is prohibited and is a misdemeanor.

**Sec. 6-2.105. Storage.**

No person shall store waste in any boxes, bags, barrels, or containers of any type within a public place or between any front lot line and the main building on a residential or commercial lot, or within that portion of the street side of a corner lot equal to the depth of the required street side yard.

This Section shall not preclude the storage of waste in a covered bin or container of a commercial establishment, with a capacity not less than three (3) cubic yards, in front of a main building if such bin or container is within a solid wall enclosure lawfully erected and maintained in such a manner to allow the access to the bin or container for collection of waste by a Franchised Hauler.

This Section shall not preclude the storage of waste from renovations of residential or commercial buildings or major landscaping work in temporary use covered containers of not less than three (3) cubic yards, and such container may be placed in view from a public place if such

placement is for the convenience of the collection by the City or Franchised Hauler and is not in violation of any other Municipal Code, and any such temporary use shall be limited to the reasonable time needed to complete such renovations or work not to exceed six months.

This Section shall not preclude the storage of waste in a covered container for collection and removal by the City or its contractor.

This Section shall not preclude a person, whose waste is collected or removed by the City or its contractor, from placing or maintaining a waste container in the manner set forth in this chapter within the public place in front of the premises from which such waste emanated; provided, however, no such waste container shall be placed within any public place earlier than 4:00 p.m. on the day preceding the day for the collection of waste, nor be allowed to remain within the public place later than 6:00 a.m. on the day following such collection.

**Sec. 6-2.106. Receptacles: Bailing: Bundling.**

- (a) Every person in possession, charge, or control of a residential establishment, boardinghouse, restaurant, hotel, motel, apartment, eating house, lodge hall, club, tourist camp, trailer camp, church, business, or industrial establishment, or lot containing more than one dwelling unit or upon which any commercial or industrial occupation is conducted within the City shall provide, or cause to be provided, portable receptacles as determined by the city to contain the amount of waste ordinarily accumulating at such place during the intervals between collections. Such receptacle shall be designated by the City. The containers shall be filled no more than level full and shall have the lids of such portable receptacles kept closed or shall be kept covered if a lid is not available, except when depositing waste, to prevent the loss of any waste material.

**Sec. 6-2.107. Receptacles: Placement for Collection.**

- (a) Receptacles shall be placed, as required by the Franchised Hauler, within five (5) feet of the public place on collection days and shall be readily accessible for collection.
- (b) Notwithstanding the provisions of this Chapter, persons storing waste in containers may request the Franchised Hauler to enter upon their residential establishment to collect such containers.
- (c) Waste shall be enclosed in closable retainers in such a manner so that no portion of the waste shall leak or spill out during the period of storage, prior to, or during its collection.

**Sec. 6-2.108. Collection: General.**

Collection of waste from single or multi-family residential and commercial properties is a municipal function. The City, or its designee, shall collect waste pursuant to uniform rules and regulations adopted from time-to-time by resolution. Collection of trash from other properties shall be pursuant to franchise.

**Sec. 6-2.109. Collection: Limitations.**

- (a) Except as otherwise provided in this chapter, it shall be unlawful for a person to move or convey, or cause or permit to be moved or conveyed, any waste upon or along any public place, or other public thoroughfare in the City without a franchise issued by the City.
- (c) This Section shall not apply to a person who is employed by the City and who shall be assigned by the City Manager to the work of gathering or collecting waste, or to a Franchised Hauler with whom the City is contracting for the collection and removal of waste from residential, commercial, or other establishments in the City, or to an employee of such Franchised Hauler during the time such contract/franchise shall be enforce.
- (d) This Section shall not apply to City designated cleanup day(s), or City beautification activities.
- (e) This Section shall not apply to property owners, renters, or property managers collecting, removing, or conveying items too cumbersome or large for ordinary and customary collection; IE, furniture, appliances, tree trimmings, etc., from the property they own, rent, or manage for the purpose of lawful disposal.
- (f) This section shall not apply to Contractor/Builder construction sites complying with policies established by the City.
- (g) This section shall not apply to any properly licensed and permitted Landscaping Service, Handyman Service, or Yard Cleanup Service business or individuals providing assistance to senior or incapacitated citizens. Businesses and individuals providing such service shall show proof of lawful disposition of any waste collected and disposed of under this exception.

Deleted: rubbish

**Sec. 6-2.110. Collection: Applications.**

- (a) Every person who owns, and every person who occupies, any developed real property within the city, whether residential or otherwise shall make an agreement for waste collection with the City or Franchised Hauler.
- (b) Every person requiring collection service pursuant to this Chapter shall apply for such service and shall agree the City shall be held harmless for any loss occasioned by such entry upon such property. Applications for service pursuant to the provisions of this Chapter shall be in the form provided by the City Clerk or designated representative.

**Sec. 6-2.111. Collection: Frequency.**

The person with whom the City is contracting for the collection and removal of waste from properties within the City or, in the absence of such a contract, the City and its agents and employees, shall at such time as the Council, may from time to time establish by resolution, collect waste located at or resulting from the lawful use of such property within the City. Collection days shall be Monday through Friday of each week, unless otherwise determined by the Council, whereupon notice in writing specifying the days of collection shall be given by the City or to all persons within the City of whom the disposal service is rendered.

The City Manager or designee may authorize the collection of waste at times or from places otherwise prohibited by this chapter if, in his opinion, such collection is necessary for the protection of the property or health of the general public.

**Sec. 6-2.112. Collection: Charges.**

- (a) The charges for the collection of ordinary and customary waste within the City by the City or Franchised Hauler shall be established by the Council by resolution.
- (b) The rates established by the Council by resolution shall apply only to the collection, at the regular intervals set forth in this Chapter, normally resulting from the lawful use of residential and business establishments, and shall not apply to unusual or seasonal accumulations of waste, nor to waste created at or resulting from the use or purposes other than such residential and business establishments.
- (c) Each person establishing an account for waste collection shall be liable for payment of fees established by the Council by resolution.

Deleted: Every  
Deleted: who owns, or occupies, i.e. tenant.

The City shall have the ability to lien the property of those holding the account for due and uncollected fees.

- (d) Business, commercial, industrial, and multiple-dwelling rates shall be established by the Council by resolution. Additional containers shall be billed at the rate established by the Council by resolution.
- (e) The City Manager or designee or the Franchised Hauler, by agreement, may impose restrictions upon the amount of waste collected from any single property or establishment per week.
- (f) The picking up and hauling of unusual or excess accumulations of waste shall be as determined by the City or Franchised Hauler at the rate established by the Council by resolution for handling and hauling such waste.
- (g) This Section shall not preclude the charging and collection of a different rate for supplying rubbish bins and the collection of waste there from any business, commercial, or industrial property not otherwise determined by this chapter.

**Sec. 6-2-113. Collection: Complaints: Adjustments.**

The City Manager or designee shall adjust any rate complaint between the person receiving disposal service and the City's Franchised Hauler, any, and either aggrieved party there upon may appeal in accordance with Title 1, Chapter 4.

**Deleted:** the decision of the City Manager to the Council. The determination of the Council shall be final and conclusive on parties and persons. ¶

**Sec. 6-2-114. Enforcement.**

The Code Enforcement Officer shall be responsible for the enforcement of this Chapter.

**Sec. 6-2-115. Compliance.**

Owners of improved residential or commercial property shall place waste in a closeable retainer so as to preclude the loss of contents if the receptacles supplied by the City or the Franchised Hauler should open or be knocked over. The property owner or occupant shall make reasonable effort to maintain the receptacle in a serviceable condition, insure lids are closeable and contact the City or Franchised Hauler if repair or replacement is required and insure the area where such receptacle is collected by the City or Franchised Hauler is clear of loose or any collection of other waste not retained in the receptacle before, during, and after the receptacle is emptied.

**Deleted:** ¶ Containers shall be maintained in an area and/or manner inaccessible to domestic or wild animals. ¶

## Mandatory Trash Collection

City of Ridgecrest

The RMC Sections 3-5.701,-.704, page 361 under Revenue And Finance is the only reference to Trash Collection.

For reference a best practice example was obtained which represents a format from CODE PUBLISHING COMPANY | Seattle, Washington. The text was from the City of Vacaville, and additional cities served by CPC are listed in Exhibit A. Manhattan Beach, Lancaster, and California City are also reviewed.

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Vacaville

### Chapter 8.08

## SOLID WASTE, YARD WASTE AND HOUSEHOLD HAZARDOUS WASTE

Sections:

- [8.08.010](#) Definitions.
- [8.08.020](#) Department authorized.
- [8.08.030](#) Deposit in public place and accumulation prohibited.
- [8.08.040](#) Collection – Contract – Exclusive – Exceptions.
- [8.08.041](#) Collection – Solid waste/yard waste – Owner obligations.
- [8.08.050](#) Collection – Solid waste/yard waste – Contract – Contents.
- [8.08.060](#) Collection – Solid waste/yard waste – Single-unit residential – Frequency.
- [8.08.061](#) Collection – Solid waste/yard waste – Multi-unit residential and commercial premises – Frequency.
- [8.08.070](#) Collection – Solid waste/yard waste – Fees.
- [8.08.080](#) Collection – Interference prohibited.
- [8.08.090](#) Solid waste, yard waste, hazardous waste – Burning.
- [8.08.100](#) Solid waste, yard waste, hazardous waste – Burying.
- [8.08.110](#) Solid waste, yard waste – Receptacles.
- [8.08.120](#) Solid waste, yard waste – Collection – Exclusive right.
- [8.08.130](#) Household hazardous waste collection – Contract – Contents.
- [8.08.140](#) Household hazardous waste disposal – Owner obligations.
- [8.08.150](#) Transportation.
- [8.08.160](#) Vehicle maintenance.
- [8.08.170](#) Emergency removal.
- [8.08.180](#) Street sweeping – Contract – Contents.
- [8.08.190](#) Street sweeping – Owner/occupant obligations.
- [8.08.200](#) Billing charges to be a lien.
- [8.08.210](#) Federal and state law controlling.
- [8.08.220](#) Violations.

For statutory provisions authorizing cities to contract for the collection and disposal of garbage and solid waste, see Public Resources Code §§49300 and 40059; for provisions on burning of garbage, see Public Resources Code §§49600 – 49602 and 49620.

Prior ordinance history: Ords. 621, 681, 744, 1100, 1341 and prior code §§10.1 – 10.21.

### **8.08.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Bulky waste" means and includes discarded large and small household and industrial appliances, discarded furniture, discarded tires, discarded carpets, discarded mattresses and similar large discarded items.

B. "Commercial premises" means and includes all premises except residential premises. This term specifically includes, but is not limited to, any and all facilities operated by or for the benefit of city, county, special districts, school districts, state, (including the California Medical Facility and California State Prison, Solano) federal, and other governmental entities within the city, unless exempt by law from the application of the requirements of this section to their premises. All structures on the same legal parcel which are owned by the same person shall be considered as one "commercial premises."

C. "Compostables" means and includes vegetable, yard and wood wastes which are not hazardous waste and any other organic wastes which are capable of controlled biological decomposition, excluding hazardous waste and any animal waste other than manure.

D. "Contractor" means and includes any entity and any agents or employees thereof with whom the city has duly contracted under the terms hereinafter set out in this chapter, to collect, transport through the streets, alleys or public ways of the city and to dispose of solid waste, yard waste and/or recyclable materials produced and discarded within the limits of the city.

E. "Garbage" means and includes any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption; kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that results from or attends the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, vegetables, grains or other animal or vegetable matter. It also includes bottles, glass, tin vessels, ashes and all refuse save and excepting rubbish, stable matter, yard waste, any type of hazardous waste, and recyclables which have been separated by the generator for recycling.

F. "Household hazardous waste" means and includes all toxic, corrosive, flammable, ignitable and reactive waste. "Household hazardous waste" means and includes waste

material that is purchased by the general public for household use which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly stored, treated, disposed of or otherwise managed.

G. "Household hazardous waste collector" means and includes any entity and any agents or employees thereof with whom the city has duly contracted under the terms hereinafter set out in this chapter, to collect, transport through the streets, alleys or public ways of the city and to dispose of household hazardous waste generated and/or discarded within the limits of the city.

H. "Multiple-unit dwelling" means any residential premises containing four or more separate units.

I. "Person" means and includes an individual, firm, corporation, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

J. "Premises" means and includes any land, building and/or structure, or portion thereof, in the city where solid waste, yard waste or household hazardous waste is produced, generated, or accumulated. All structures on the same legal parcel which are owned by the same person shall be considered as one premises.

K. "Recyclable materials" means and includes discarded solid waste which may be sorted, cleansed, treated, processed, and/or reconstituted, and which is segregated for the purpose of reuse or recycling, including, but not limited to, separated paper, glass, cardboard, plastic, ferrous materials or aluminum.

L. "Recyclables" means and includes materials which are capable of being recycled, reclaimed, or reused in any way.

M. "Refuse" means and includes all types of solid wastes, including garbage, rubbish, stable matter, recyclables which have not been separated by the generator from other solid waste for recycling, all matter and materials which are rejected by owners or generators thereof as offensive or useless and which by their presence or accumulation may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire, and any other solid waste, but excluding any type of hazardous waste and yard waste.

N. "Residential premises" means and includes any premises used or designed for use for residential purposes, irrespective of whether residence therein is transient, temporary, or permanent.

O. "Rubbish" means and includes all treated wood, treated wood products, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp, and other products such as are

used for packaging or wrapping crockery, ashes, cinders, floor sweepings, mineral or metallic substances, earth, rock, used, demolished or discarded building materials, and other waste material not included in the definition of garbage, hazardous waste or yard waste.

P. "Solid waste" means and includes all putrescible and nonputrescible solid and semisolid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, manure, vegetable or animal solid and semisolid wastes, discarded recyclables which have not been separated by the generator from other solid wastes for recycling and other discarded solid and semisolid waste.

Solid waste does not include abandoned vehicles or parts thereof.

Solid waste does not include household hazardous waste, hazardous waste or low-level radio-active waste regulated under Chapter 8 (commencing with Section 114960 of Part 9) of Division 104 of the Health and Safety Code.

Solid waste does not include medical waste which is regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code).

Solid waste does not include dewatered, treated or chemically fixed sewage sludge or any other type of processed sludge or biosolids, whether or not it is hazardous waste.

Solid waste does not include "yard waste" as defined in subsection on Q of this section.

Solid waste does not include items which would be recyclable materials but for the fact that they are personally separated from other solid waste by the generator thereof and are donated or sold to third parties. For purposes of this chapter, no donation or sale shall be deemed to have occurred in any instance where a generator directly or indirectly pays the third party any sum (including without limit as a consulting fee, container rental or other fee or tangible consideration) either: (1) in lieu of being directly charged for collecting, transporting, processing or recycling such item, or (2) to offset the payment to the generator for the purported sale of such item to the third party. Nor shall the receipt of a discount of or reduction in the disposal service rate on unsegregated solid waste containing such an item be deemed to be the donation or sale of such an item to a third party.

Q. "Yard waste" means and includes all tree and shrubbery trimmings, grass, weeds, leaves, or other organic material or garden trimmings. (Ord. 1570 §1(part), 1997).

**8.08.020 Department authorized.**

The power is granted the city council to create at any time, by resolution, a waste department of the city, and to collect, remove and dispose of all solid waste or yard waste or household hazardous waste as a sanitary measure and as a benefit to the public health. (Ord. 1570 §1(part), 1997).

#### **8.08.030 Deposit in public place and accumulation prohibited.**

It is unlawful for any person to throw, deposit, keep, accumulate, permit, or cause any solid waste, yard waste, except that being actively composted, or any type of hazardous waste to be thrown, deposited, kept or accumulated upon any public or private lot or parcel of land, or on any public or private place, street, lane, alley, drive, gutter, drain facilities, park, creek, vacant lot, backyard, side yard or front yard, or to store or to keep the same, unless the same is kept, deposited, stored or allowed to accumulate as provided in this chapter.

Any such deposit or accumulation of solid waste, yard waste or hazardous waste in violation of this provision shall be deemed a public nuisance as set forth in Chapter 8.10 (Public Nuisance) of the Vacaville Municipal Code, and the person owning, leasing, occupying or having charge or possession of any premises in violation of this section shall be subject to the provisions of Chapter 8.10 (Public Nuisance) of the Vacaville Municipal Code. (Ord. 1570 §1(part), 1997).

#### **8.08.040 Collection – Contract – Exclusive – Exceptions.**

A. At such time as there is in force a contract entered into by the city with any entity (to be known as "contractor") for the collection of solid waste and/or yard waste and/or recyclable materials, it is unlawful for any person, other than the persons in the employ of the contractor, or its agents, having such contract, to collect, haul or transport any solid waste or yard waste or recyclable materials within the city, except as otherwise set forth in this chapter or as provided by law.

B. Notwithstanding the above, contractor shall not have the exclusive right to collect, haul, transport or dispose of the following types of solid waste or yard waste:

1. Garden trimmings and yard waste when removed and transported by the gardening service performing the gardening;

2. Rubbish generated by construction and demolition which is accumulated as the result of new construction, structure demolition or modification, when:

a. The building or demolition/modification contractor owns and operates the hauling equipment necessary to remove and haul the demolished construction and modification rubbish generated, or

b. The construction and demolition rubbish generated is hauled by a vehicle or trailer commonly known as an "end dump" which vehicle or trailer must have a non-

detachable debris container with an open top and cannot be capable of loading itself and the driver remains with the vehicle while it is being loaded, provided further that equivalent services or equipment are not available from the contractor;

3. A building or demolition/modification contractor may not subcontract for construction and demolition rubbish hauling services except as is set forth in Section 8.08.040(B)(2)(b), above;

4. Solid waste or yard waste which must be removed only as incident to the infrequent clearing of a premise(s) and when a vehicle or container of no greater than five cubic yards capacity is used to remove the solid waste or yard waste;

5. Rubbish, yard waste or bulky waste created or produced by a resident or his or her household and hauled or transported by the resident of the premises, provided the same is kept, hauled or transported and disposed of under the rules and regulations prescribed in this chapter. (Ord. 1577 §1, 1997: Ord. 1570 §1(part), 1997).

#### **8.08.041 Collection – Solid waste/yard waste – Owner obligations.**

A. Every owner of residential or commercial premises occupied by any person shall subscribe for and pay the contractor for solid waste and yard waste collection and disposal and at such rates as may be set by contractor and approved by resolution of the city council from time to time.

B. The owner of any occupied single-family residential premises shall subscribe to and pay for solid waste and yard waste collection service made available to the occupied single-family residential premises by the contractor and shall place at a location designated by contractor in accordance with the provisions of this chapter, a container or containers provided by contractor, for deposit of solid waste and yard waste in accordance with the provisions of this chapter and as set forth from time to time by contractor upon reasonable notice to generator.

C. Nothing in this section is intended to prevent any arrangement, or the continuance of an existing arrangement under which payments for garbage collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the owner's obligation as provided herein.

D. Upon reasonable notice from contractor, owners of single-family residential premises shall comply with such mandatory waste separation requirements, including, but not limited to, separation of solid waste, yard waste and/or recyclable materials as set forth from time to time by contractor and as approved by the city council. (Ord. 1570 §1(part), 1997).

#### **8.08.050 Collection – Solid waste/yard waste – Contract – Contents.**

A. For the collection and disposal of solid waste and/or yard waste, a contract for a period not to exceed twenty-five years may be entered into by the city in accordance with and subject to the terms and conditions of this chapter. Additionally, if performance requirements are specified in the collection contract and those performance requirements are met, the collection contract term may be extended as set forth in its provisions.

B. Such contract shall provide that the contractor shall collect and dispose of the solid waste and yard waste in the city in the manner provided for in this chapter, and shall not charge any amounts in excess of the rates specified in this chapter, or as set from time to time by the contractor and approved by resolution by the city council. The contractor shall be required to furnish a cash surety bond to the city in the penal sum of five thousand dollars conditioned upon the faithful performance of the contract and the provisions of this chapter. Such contractor shall have the sole exclusive right, except as in this chapter otherwise provided, to collect all solid waste and yard waste generated in the city, and transport the same through the streets and public ways of the city. Such contract shall also require that the contractor procure for the period covered by the proposed contract, full compensation insurance in accordance with the workmen's compensation insurance safety provisions of the California Labor Code. Such contract shall also require that the contractor carry public liability insurance to the extent of one million dollars for the death or injury of one person, two million dollars for the death or injury of more than one person, and property damage insurance to the extent of twenty-five thousand dollars upon each of the trucks or other vehicles used by contractor in carrying out the work set forth in the contract. The city council, by resolution, shall have the power to provide for the inclusion in such contract of such terms as it deems necessary to protect the public health and safety and the financial interests of the city, including, but not limited to, hours of operation, frequency of service, specified disposal facility, reporting requirements and notice requirements. The violation of such agreed upon terms shall be deemed a breach of contract and/or a violation of the Vacaville Municipal Code and may be enforced pursuant thereto.

C. Before such contract is entered into sealed bids may be called for by the city council, on notice by publication in a newspaper of general circulation in the city, not less than one time, and the contract awarded to the most responsible proposer. Each proposal or bid shall be accompanied by a certified check payable to the city in the sum of five hundred dollars which sum shall be forfeited to the city if proposer to whom the contract is awarded fails or refuses to enter into the contract within fifteen days after the date of mailing to the successful proposer the "Notice of Award Contract." The city council shall reserve the right to reject any and all proposals.

D. The consideration paid to the city upon which the bids shall be based is as follows:

Either:

1. Based on a percentage of the gross proceeds of the entire business to be awarded under the proposed contract; or

2. Based on a flat monthly payment by the contractor to the city.

The bidders shall bid on either or both of these alternative plans.

E. Such contract shall also provide that the contractor shall obtain a contract granting it rights to dispose of all waste pursuant to this agreement at the disposal site located at 6426 Hay Road, Vacaville, commonly known as B&J Landfill, or other such facility as the city council may from time to time specify, consistent with the terms of the franchise agreement. The contract between contractor and B&J Landfill, or such other disposal facility, shall be subject to the approval of the city council and shall include terms allowing, without charge, the city to use the landfill for the deposit of solid waste or yard waste from the streets or other areas collected during the regular work of street maintenance and park maintenance crews of the city and requiring the landfill to remain open every Saturday and/or Sunday for the convenience of persons bringing solid waste, rubbish, yard waste or bulky waste to the landfill.

F. The financial records of the contractor shall be subject to audit and checking at any reasonable time by the city, and the payments to the city by the contractor shall be due and payable at the beginning of each month, if flat monthly payment plan is accepted, and shall be payable at the end of each quarter if gross percentage plan is accepted. (Ord. 1570 §1(part), 1997).

**8.08.060 Collection – Solid waste/yard waste – Single-unit residential – Frequency.**

There shall be at least one solid waste (excluding uncontainerized bulky waste) and yard waste collection per week for all single-unit residential premises.

Uncontainerized bulky waste shall be collected by contractor upon the request of the generator, at the rate set by contractor and approved by the city council. (Ord. 1570 §1(part), 1997).

**8.08.061 Collection – Solid waste/yard waste – Multi-unit residential and commercial premises – Frequency.**

Contractor shall collect solid waste and yard waste on such days and at such frequencies as the generator or owner and contractor shall mutually determine, provided that collection shall be performed at least once each seven days. (Ord. 1570 §1(part), 1997).

**8.08.070 Collection – Solid waste/yard waste – Fees.**

Any person or business from whom solid waste or yard waste is collected under the provisions of this chapter shall pay to the contractor, or other persons designated by the city council to receive the same, such fee as may be set by the contractor and approved by the city council by resolution from time to time for said services. Multi-unit residential

premises with five or more units shall be treated as commercial premises for purposes of collection service and fees. Residential premises of two, three or four units, condominium properties and mobile home parks shall have the option of receiving service and being billed as either individual subscribers with each unit having its own residential service, or as a commercial subscriber with the entire complex receiving commercial service and being billed as one commercial account. Such determination shall be made by the property owner and communicated to contractor. (Ord. 1570 §1(part), 1997).

**8.08.080 Collection – Interference prohibited.**

It is unlawful for any person in any manner to interfere with the collection and/or disposal of solid waste, yard waste, recyclable materials or household hazardous waste by any person authorized by license, franchise or contract to collect and dispose of same. (Ord. 1570 §1(part), 1997).

**8.08.090 Solid waste, yard waste, hazardous waste – Burning.**

It is unlawful for any person to burn or cause to be burned in the city any solid waste, yard waste or hazardous waste of any kind or nature without prior approval by the city and those state and federal agencies which have regulatory authority over such activities. (Ord. 1570 §1(part), 1997).

**8.08.100 Solid waste, yard waste, hazardous waste – Burying.**

It is unlawful for any person to bury any solid waste, yard waste, except that being actively composted, or hazardous waste at any place within the city, unless otherwise provided in this chapter. (Ord. 1570 §1(part), 1997).

**8.08.110 Solid waste, yard waste – Receptacles.**

It is unlawful for any person to keep, accumulate or permit to be accumulated any waste or yard waste, except yard waste being actively composted, upon any lot or parcel of land, or on any public or private place, street, lane, alley, gutter, drain facilities, park, creek, vacant lot, backyard, sideyard or front yard, unless the same is in receptacles provided by or approved by contractor as set forth in this chapter. Such receptacles are to be provided with close-fitting lids or covers which shall be kept closed at all times, except when necessarily opened to permit solid waste or yard waste to be taken therefrom or deposited therein.

On the specified collection days, the receptacles shall be placed so as to be readily accessible for removal and emptying of the material contained therein as specified by the contractor and in compliance with Section 8.08.041 of this Municipal Code. (Ord. 1570 §1(part), 1997).

**8.08.120 Solid waste, yard waste – Collection – Exclusive right.**

It is unlawful for any person other than the authorized contractor designated by the city, or an agent or employee thereof, to collect or convey through the streets, alleys or other public thoroughfares of the city any solid waste, yard waste, recyclable materials, or any other matter offensive to the sight or smell, or collect or dispose of the same except as provided in Section 8.08.040, and except as otherwise provided by law; and provided further, that any manufacturer or processor of fruits, vegetables or other foods may be exempted from the provisions of this chapter upon filing an application therefor to the city council and obtaining consent of the city council and thereafter complying with the terms and conditions of such consent. (Ord. 1570 §1(part), 1997).

### **8.08.130 Household hazardous waste collection – Contract – Contents.**

A. For the collection and disposal of household hazardous waste, a contract for a period of not to exceed twenty-five years may be entered into by the city in accordance with and subject to the terms and conditions of this chapter.

B. Such contract shall provide that the contractor shall operate collection sites and dispose of collected household hazardous waste in the manner provided for in this chapter. The contractor shall be required to furnish a performance bond to the city in the penal sum of five thousand dollars or an amount as agreed upon by and between the city's risk manager, city attorney and the contractor, conditioned upon the faithful performance of the contract and the compliance with the provisions of this chapter. The performance bond requirement may be waived or amended by mutual agreement of the parties. Such contract shall also require that the household hazardous waste contractor procure for the period covered by the proposed contract, full compensation insurance in accordance with the workmen's compensation insurance safety provisions of the California Labor Code. Such contract shall also require that the contractor carry public liability insurance to the extent of one million dollars per occurrence for the bodily injury, personal injury and property damage, automobile liability insurance to the extent of one million dollars combined single limit per accident for bodily injury and property damage upon each of the trucks or other vehicles used by the household hazardous waste contractor in carrying out the work set forth in the contract, and pollution liability insurance in the amount of one million dollars per occurrence and two million dollars aggregate. Additionally, such other amount may be required as set forth by the city's risk manager and the city attorney. The city council, by resolution, shall have the power to provide for the inclusion in such contract such terms as it deems necessary to protect the interests of the city, including but not limited to, hours and days of operation, reporting requirements, receipt and storage requirements, transportation requirements, personnel requirements, and notice of release requirements, the violation of which shall be deemed a breach of contract and/or a violation of the Vacaville Municipal Code and may be enforced pursuant thereto.

C. Such contract shall also provide that the household hazardous waste contractor shall be responsible for contracting with a licensed hazardous waste hauler for the hauling of the household hazardous waste collected at the collection site to the a

licensed disposal site. The contract with the licensed hazardous waste hauler shall be subject to approval by the city's public works director.

D. Such contract shall also provide that the household hazardous waste contractor shall be responsible for the safe handling and storage of the hazardous wastes from the time the hazardous wastes are delivered to the disposal site until they are delivered to a licensed hazardous waste hauler and loaded onto a transport vehicle for transport to a permitted treatment/disposal site as designated on an uniform hazardous waste manifest.

E. Such contract shall provide that the household hazardous waste contractor shall obtain all required federal, state, and local permits, variances, and other approvals for the household hazardous waste collection operations. (Ord. 1570 §1(part), 1997).

#### **8.08.140 Household hazardous waste disposal – Owner obligations.**

A. Household hazardous waste disposed of within the city limits may only be disposed of at a licensed and permitted household hazardous waste collection facility.

B. No household hazardous waste shall be included in or combined with generator's weekly solid waste or yard waste. (Ord. 1570 §1(part), 1997).

#### **8.08.150 Transportation.**

In addition to any state or federal requirements, no solid waste, yard waste or hazardous waste of any kind or nature shall be removed and carried on or along the streets and alleys of the city by any person, including contractor, except when the same is carried, conveyed or hauled in any truck, vehicle or trailer so constructed as to be absolutely dustproof and leakproof, and so arranged as not to permit dust, debris or other matter to sift through, leak onto or fall upon the streets and alleys. The contents of such truck, vehicle or trailer must be further protected with appropriate covers so as to prevent the same from being blown upon the streets, alleys and adjacent lands. (Ord. 1570 §1(part), 1997).

#### **8.08.160 Vehicle maintenance.**

Every truck, vehicle or trailer used by contractor in the collection of solid waste and/or yard waste shall be kept well painted, clean inside and out. (Ord. 1570 §1(part), 1997).

#### **8.08.170 Emergency removal.**

Nothing in this chapter shall be deemed to prohibit the removal and hauling by any person other than the contractor, materials considered by the health officer or police department to constitute a health menace of such a nature as necessary to be ordered by either of the officers to be promptly removed. (Ord. 1570 §1(part), 1997).

#### **8.08.180 Street sweeping – Contract – Contents.**

Contractor shall provide street sweeping services on city residential streets and on city streets located in business districts and major arterials at a regular frequency as provided in the contract.

Contractor shall provide all owners and occupants of all premises in the city reasonable notice of the schedule when street sweeping will occur in specified areas of the city. Such notice shall be provided to property owners at least annually and upon a change in ownership or occupancy, as set forth in the contract.

The city council, by resolution, shall have the power to provide for the inclusion in the contract such terms as it deems necessary to protect the interest of the city, including but not limited to, hours and days of operation, reporting requirements, and notice provisions, the violation of which shall be deemed a breach of contract and/or a violation of the Vacaville Municipal Code and may be enforced pursuant thereto. (Ord. 1570 §1(part), 1997).

#### **8.08.190 Street sweeping – Owner/occupant obligations.**

Owners and occupants of premises shall remove all automobiles and other items under their ownership and/or control from the streets in the vicinity of their premises on the dates and during the times when street sweeping is scheduled to occur, subject to the rules and procedures set forth by contractor and approved by the city council. (Ord. 1570 §1(part), 1997).

#### **8.08.200 Billing charges to be a lien.**

A. All billing for waste collection shall be made by the contractor. All charges shall become delinquent ninety days after billing date.

B. If the bill remains unpaid after the billing due date the contractor shall be entitled to a late charge as approved by resolution by the city council. Contractor shall provide notice of the late charge on the subsequent bill.

Any delinquent accounts may be subject to the lien process. If a bill becomes delinquent, contractor may send a notice of delinquency to the owner. The form and content of the delinquency notice sent by the contractor shall be approved by the director of public works. The contractor shall simultaneously file with the director of public works a formal written notice stating that such delinquency notice has been sent to such recipient and owner and the date upon which notice was sent.

C. Should the bill remain unpaid at the expiration of the fifteen days following the delinquency notification, the contractor may assign said bill to the city for lien proceedings. Once the bill is assigned to the city for lien proceedings, as part of the lien proceedings an administrative fee shall also be assessed.

D. Upon the city's receipt of the assignment from the contractor and at the convenience of the city (once per year during the month of May), the public works director may initiate proceedings complying with Government Code Sections 38790.1 and 25831 to create a lien on the real property to which the waste collection (including street-sweeping) has been rendered.

E. The lien will be officially recorded in the county recorder's office. The lien may carry such additional administrative charges as set forth by city council resolution. The owner shall be notified by the director of public works that the late charges and administrative charges are due the city and that such lien has been recorded. (Ord. 1570 §1(part), 1997).

#### **8.08.210 Federal and state law controlling.**

The provisions of this chapter shall be subject to changes made in any government contract entered into by the federal government or any state or federal law enacted concerning garbage, rubbish, solid waste, yard waste or hazardous waste disposal in and from public housing units within the city limits. (Ord. 1570 §1(part), 1997).

#### **8.08.220 Violations.**

Any person who violates or fails to comply with any of the provisions of this chapter on two or fewer occasions within one year shall be guilty of an infraction for each of the first two violations and shall be punished as provided in Chapter 1.16.

Any person who violates or fails to comply with any of the provisions of this chapter on three or more occasions within one year shall be guilty of a misdemeanor for each subsequent violation after the second violation committed within the one year period and shall be punished as provided in Chapter 1.16 of this code. (Ord. 1570 §1(part), 1997).

Additional selected was Manhattan Beach because of recycling and construction requirements

Manhattan Beach

## **Chapter 5.24 GARBAGE AND REFUSE**

[5.24.010 Definitions.](#)

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### **5.24.010 Definitions.**

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

- A. "Administrative Authority" shall mean the City Manager and his duly authorized representatives.
- B. "Bulky waste" shall mean discarded furniture (including chairs, sofas, mattresses, and area rugs, but not carpeting); appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as "white goods"); electronic equipment (including stereos, televisions, computers, VCRs and other similar items commonly known as "brown goods"); residential wastes (including wood waste, tree trunks and large branches if no longer than two feet (2') in diameter, four feet (4') in length and fifty (50) pounds in weight per bundle, scrap wood, debris from building remodeling, rocks, sod and earth, in the aggregate not exceeding one (1) cubic yard per Collection); clothing; and tires. Bulky wastes do not include such things as car bodies or construction and demolition waste, or any other items that can not be handled by two (2) persons.
- C. "Coastal area" shall refer to the area west of Bell Avenue and Ardmore Avenue within the political boundary of the City.
- D. "Collect" or "collection" shall mean to take physical possession, transport, and remove solid waste within and from the City.
- E. "Commercial" shall refer to property, or owners of property, upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding businesses conducted upon residential property which are permitted under applicable zoning regulations and are not the primary use of the property.

F. "Construction and demolition waste" shall mean used or discarded construction materials removed from a premise during the construction or demolition of a structure.

G. "Containers" shall mean any and all types of solid waste receptacles, including cans, carts, compactors, bins, rolloff boxes, and customer-provided receptacles.

H. "Customer" shall mean the person having the care and control of any premises in the City receiving solid waste collection service.

I. "Green waste" shall mean leaves, grass, weeds, and wood materials from trees and shrubs (including holiday trees, but otherwise not more than four inches (4") in diameter or four feet (4') in length and similar materials generated at the premises.

J. "Hazardous waste" shall mean all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code § 25110.02, § 25115, and § 25117 or in the future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.

K. "Household hazardous waste" shall mean hazardous waste generated at residential property.

L. "Multi-family" shall mean pertaining to any residential property with two (2) or more units, irrespective of whether residence therein is transient, temporary or permanent.

M. "Private collector" shall mean any person who owns or operates a refuse collection, hauling or disposal business who has obtained a license and permit to operate within the City in compliance with the provisions of this chapter, other related ordinances within this Code and resolutions pertaining thereto.

N. "Recycling" shall mean any process by which materials which would otherwise become solid waste are collected (source-separated, co-mingled, or as mixed waste), separated and/or processed and returned to the economic mainstream in the form of raw materials or products or materials which are otherwise salvaged or recovered for reuse.

O. "Recyclable materials" shall mean residential, commercial or industrial source separated by-products of some potential economic value, set aside, handled, packaged, or offered for collection in a manner different from refuse.

P. "Refuse" shall mean solid waste or debris, except construction and demolition waste, hazardous waste, sewage, whether combustible or noncombustible.

Q. "Residential" shall refer to property, or owners of property, which is used for residential purposes including single-family and multi-family dwelling units, irrespective of whether such dwelling units are rental units or are owner-occupied.

R. "Salvaging" shall mean the authorized collection and removal of articles of value from refuse by a private collector.

S. "Scavenging" shall mean the uncontrolled pickup of refuse from any location within the City by an unauthorized collector.

T. "Single-family" shall mean pertaining to any residential property with only one (1) dwelling unit.

(§ 2, Ord. 1341, eff. December 20, 1973; § 2, Ord. 2037, eff. October 31, 2002)

#### **5.24.020 Mandatory collection by the City.**

- A. The City reserves the exclusive right to engage in the municipal collection, removal and disposal of all refuse, bulky waste, construction and demolition waste, green waste and recyclable materials within the political boundaries of the City. This shall not be construed as meaning that the City may not enter into an agreement or contract with a private collector to assist in the collection, removal or disposal of some or all of said refuse, as conditions may necessitate.
- B. All persons residing in single family residences, multi-family dwellings or doing business within a commercial establishment shall be required to use the refuse service provided by the City.

C. Each commercial establishment shall be required to subscribe to a level of service sufficient to allow all refuse to fit inside refuse container(s) for collection, with no refuse accumulating in public rights of way at any time other than for collection purposes. If the Administrative Authority deems the level of service inadequate, the party responsible for the establishment shall increase the level of service to the level mandated by the Administrative Authority immediately. If said party fails to order an increase within ten (10) days of being notified to do so, the Administrative Authority shall have the right to adjust the level of service at the expense of said party to rectify the situation.

D. Inasmuch as charges are to be assessed for the collection of refuse, it is necessary that said charges be assessed to the occupants or owners or their authorized representative, of all premises where the water is on. Subject to Finance Department approval, waiver of said charges can occur if the dwelling is under construction utilizing a rental or roll off bin. Regardless of whether such premises are occupied or not and regardless of whether such persons in fact do place such refuse for collection in the manner prescribed in this chapter or not, refuse charges are to be assessed to the end that all persons will be encouraged to place or cause to be placed all the refuse generated or produced on the premises, for collection in the manner prescribed in this chapter and not to accumulate or scatter such refuse in order to avoid payment charges imposed by this chapter.

(§ 2, Ord. 1341, eff. December 20, 1973; Ord. No. 1851, Amended, 05/21/92; § 2, Ord. 2037, eff. October 31, 2002)

#### 5.24.030 Pre-collection practices.

A. It shall be the duty of every owner or occupant of a residence in the Coastal Area to provide and maintain, in sanitary condition, at least one approved refuse container and maintain it at all times in sanitary condition.

B. It shall be the duty of every owner or occupant of a commercial establishment or a residence outside of the Coastal Area to maintain, in sanitary condition, the refuse containers provided by the service provider.

C. **Storage of containers.** All residential and commercial structures constructed after February 2, 1967 shall be required to provide an enclosure for the storage of trash and rubbish receptacles and containers. All residential and commercial structures constructed prior to February 2, 1967 shall have one (1) calendar year from the date of adoption of this chapter to provide refuse container enclosures in accordance with the provisions stated herein. Where such refuse or rubbish container enclosures have been constructed, all containers shall be placed therein.

1. **Residential.** Storage facilities for residences shall include an area sufficient for at least three (3) 35-gallon capacity refuse containers. Such storage facilities shall be provided in any one of the following ways:

a. Attached to the outside of the structure on privately-owned property, enclosed on all sides by suitable screening of not less than five (5') feet in height or similar type of structure so that the same shall not be open to public view, one side of which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base and shall be adequately ventilated; or

b. Constructed within the building structure; or

c. A separate structure enclosed on all sides by suitable screening of not less than five (5') feet in height or similar type structure so that the same shall not be open to public view, one side of which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base and shall be adequately ventilated.

Commercial bins or receptacles may be used in place of individual 35-gallon containers for multiple dwelling units if the capacity of such commercial bins or

receptacles equals or exceeds the amount of 35-gallon refuse containers that would otherwise be required by this section.

2. **Commercial.** Storage facilities for commercial establishments shall include an area sufficient to enclose commercial lift container(s). Such storage facilities shall be provided in any one of the following ways:

a. Attached to the outside of the structure on privately-owned property, enclosed on all sides by suitable screening of not less than six (6') feet in height or similar type of structure so that the same shall not be open to public view, one side of which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base, drainage to the sanitary sewer system, and shall be adequately ventilated; or

b. Constructed within the building structures; or

c. A separate structure enclosed on all sides by suitable screening of not less than six (6') feet in height or similar type of structure so that the same shall not be open to public view, one side of which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base, drainage to the sanitary sewer system, and shall be adequately ventilated.

d. Storage enclosures built in accordance with (a), (b), or (c) of subparagraph (C)(2) of this section shall be constructed so as to facilitate the removal and replacement of approved commercial refuse containers without causing damage to said container or surrounding improvements.

3. Owners of commercial establishments that have been determined unsatisfactory by the Administrative Authority for the placement of approved commercial refuse containers shall comply with the storage enclosure requirements as determined appropriate by the Administrative Authority.

4. Every owner, occupant and person responsible for management of premises shall keep refuse containers, when not set out for collection of refuse, in an area where such containers are screened from view from any point at grade outside the property where said containers are stored. Where no container storage area is available which would be screened from view, then a suitable container storage structure shall be constructed.

5. Storage areas in commercial establishments, when fire spread potential exists, shall be provided with a sprinkler system in accordance with the relevant provisions of the Fire Prevention Code of the City.

**D. Location of Containers for Collection.** Refuse containers shall be placed for collection in the location and manner as follows:

1. Refuse containers shall be placed for collection no earlier than 10:00 a.m. of the day preceding the regular day of collection.

2. Where there is an alley, other than a blind alley, in the rear of the premises where refuse is offered for collection, the containers shall be placed in the alley in a convenient the collector immediately adjacent to the property line only during the hours fixed for collection.

3. Where there is no alley in the rear of the premises or where the only alley in the rear of the premises is a blind alley or an alley not served by the collector, the containers shall be placed on the curb adjoining the premises in a convenient place for the collector only during the hours fixed for collection.

4. Commercial refuse containers shall be placed within the property boundaries of commercial establishments and multiple dwelling units utilizing commercial refuse containers except where space and accessibility prevent such placement during the period of one (1) year following adoption of this chapter. During said one (1) year period, the exact location of said containers outside the boundaries of commercial establishments shall be subject to the approval of the Administrative Authority.

5. In the event that undue problems arise as to the placement of refuse for collection, the Administrative Authority shall decide upon the final placement of refuse for collection.

(§ 2, Ord. 1341, eff. December 20, 1973; § 2, Ord. 2007, eff. November 18, 1999; § 2, Ord. 2037, eff. October 31, 2002)

#### **5.24.040 Post-collection practices.**

A. **Removal of Refuse Containers.** Any person who places refuse container(s) for collection in an alley or upon a curb side shall remove all containers from the area where the collection was made by 10:00 a.m. of the morning following the regular day of collection. Containers not timely removed as set forth above shall be deemed unclaimed property and shall be removed by the City, impounded and disposed of in a manner considered appropriate by the Administrative Authority.

B. **Maintenance of Abutting Street or Alley.** Prior to and following collection, it shall be the duty of every property owner placing refuse at curb side or in an alley for collection, to maintain the sanitary condition of the street or alley abutting his property from the property line to the curb side or from the property line to the center line of the alley.  
(§ 2, Ord. 1341, eff. December 20, 1973)

#### **5.24.050 Collection by the City.**

A. The City shall collect and dispose of residential/commercial refuse and recyclable materials from every residence and commercial establishment within the City at least once per week, provided that such refuse is prepared and placed for collection in accordance with the provisions of this chapter and of subsequent resolutions that may be adopted from time to time by the Council.

B. The City shall not be obligated to collect any refuse which is improperly contained or bundled, any construction and demolition waste which is commingled with other refuse or recyclable materials, or any hazardous waste.

C. The City shall establish additional operating rules and regulations for a municipal refuse collection service, not inconsistent with this chapter, as deemed necessary by the Administrative Authority or the Council. Such rules and regulations shall be adopted by the Council through resolution.  
(§ 2, Ord. 1341, eff. December 20, 1973; § 2, Ord. 2037, eff. October 31, 2002)

#### **5.24.060 Prohibited activities.**

A. It shall be unlawful for any person to interfere with the collection, conveyance or disposal of refuse by the City.

B. No person, except the City or a licensed private collector with authorized permit, shall gather, collect or transport refuse within the City and exact charges for such service.

C. It shall be unlawful to deposit refuse within or upon another person's property without the consent of the owner of said property.

D. It shall be unlawful for any property owner or occupant to allow refuse and debris to be scattered or accumulate upon public rights of way abutting his property.

E. It shall be unlawful for any person to cause to be placed for collection any refuse which does not conform to standards set forth in this chapter, or standards set forth in subsequent resolutions.

F. It shall be unlawful for any person to place for collection any refuse from outside the City.

G. Scavenging is prohibited; authorized salvaging is permissible upon issuance of a City permit to be defined herein.

H. It shall be unlawful for any person other than an officer or employee of the City, or the owner, or the employee of an authorized private collector engaged in a salvaging operation, to interfere in any manner with any residential or commercial containers, or the contents thereof, or to remove any residential or commercial container from the location where the same was placed by the owner thereof, or to remove the contents of any residential or commercial container.

I. It shall be unlawful for any person to deposit, bury or burn refuse in the City or to permit such activity to occur.

J. It shall be unlawful for any person to cause or permit refuse to accumulate at any plan or premises under his charge or control for a period in excess of one (1) week.

K. It shall be unlawful for any property owner to allow any portion of his property to become a breeding place for flies, wild rodents or other pests.

L. It shall be unlawful for any person who provides a service or installs a product at residential properties to leave waste materials resulting from such activities for collection as regular residential refuse. Any such waste materials shall be removed from the residential property at the conclusion of the service or installation activities.

M. It shall be unlawful for any person to deposit commercial refuse in any refuse container established for public use.

(§ 2, Ord. 1341, eff. December 20, 1973; § 1, Ord. 1551, eff. April 19, 1979)

#### **5.24.070 Issuance of permits to private collectors.**

Private collectors wishing to engage in authorized salvaging operations or in the collection and disposal of special refuse or building waste shall obtain a permit from the Administrative Authority to engage in such practices within the City. The type of permit to be issued and matters related thereto shall be determined by the Council from time to time through resolution.

(§ 2, Ord. 1341, eff. December 20, 1973, as amended by § 1, Ord. 1487, eff. May 5, 1977)

#### **5.24.080 Enforcement.**

A. The Administrative Authority is hereby charged with the enforcement of the provisions of this chapter and with the enforcement of provisions of subsequent resolutions that are adopted in relation to this chapter.

B. Any person violating any provisions of this chapter shall be guilty of a misdemeanor.

(§ 2, Ord. 1341, eff. December 20, 1973; § 1, Ord. 1394, eff. October 3, 1974; § 2, Ord. 1487, eff. May 5, 1977; § 2, Ord. 2037, eff. October 31, 2002)

#### **5.24.090 Street sweeping fee.**

There is hereby imposed on each and every person receiving utility service in the City a fee for the cost of providing street sweeping services on streets within the City. Said fee shall be allocated as a percentage of the total charge for refuse collection service and shall be as set forth from time to time by resolution of the City Council. Under no circumstances shall the revenues generated by this fee exceed the actual cost of providing the service which may include in kind costs incurred by the City in providing and administering the service.

(§ 2, Ord. 2056, eff. August 6, 2004)

### **Chapter 5.26 CONSTRUCTION AND DEMOLITION DEBRIS WASTE REDUCTION AND RECYCLING REQUIREMENTS**

5.26.010 Definitions.

5.26.020 Diversion requirement for waste generated by construction and demolition.

5.26.030 Submission of Waste Management Plan.

5.26.040 Administrative penalty.

5.26.050 Review of Waste Management Plan.

5.26.060 Compliance with Waste Management Plan.

[5.26.070 Exemption.](#)

[5.26.080 Enforcement.](#)

**5.26.010 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

- A. "Administrative penalty" means any penalty or fine assessed to an applicant pursuant to Section 5.26.040 of this chapter.
- B. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private for-profit or non-profit corporation, or any other entity whatsoever that applies to the City for the applicable permits to undertake any construction, demolition or renovation project within the City.
- C. "City-sponsored project" means any project where the improvements are or will be upon completion owned by the City of Manhattan Beach and used for City functions.
- D. "Construction" means the building of any improvement or any portion thereof including any tenant improvements to an existing facility or structure.
- E. "Construction and demolition debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, deconstruction, or demolition operations on any pavement, house, commercial building or other structure.
- F. "Conversion rate" means the rate set forth in the standardized Conversion Rate Table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.
- G. "Covered project" shall have the meaning set forth in Section 5.26.020 of this chapter.
- H. "Deconstruction" means the process of carefully dismantling a building or structure in order to salvage components for reuse and recycling.
- I. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- J. "Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.
- K. "Diversion requirement" means the redirection of at least fifty percent (50%) of the total construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an exemption pursuant to Section 5.26.070 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the WMP Compliance Official for the project.
- L. "Final building approval" means acceptance by the City that all requirements and conditions of the project have been met.
- M. "Project" means any activity which requires an application for a building or demolition permit or any similar permit from the City.
- N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them 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.
- O. "Remodel" means any change, addition or modification in an existing structure.
- P. "Renovation" means any change, addition or modification in an existing structure.
- Q. "Reuse" means further or repeated use of construction or demolition debris.
- R. "Salvage" means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.
- S. "Total costs" means the total construction value of the project as calculated by the Building and Safety Division using the City's standard commercial and residential valuation formulas.

T. "Waste Management Plan" (also referred to as "WMP") means a completed WMP form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered project.

U. "WMP Compliance Official" means the staff person(s) designated by the Director of Public Works authorized and responsible for implementing this chapter.  
(§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### **5.26.020 Diversion requirement for waste generated by construction and demolition.**

All construction, renovation, and remodel projects within the City, other than City-sponsored projects, with a total project value equal to or greater than one hundred thousand dollars (\$100,000.00), as calculated for purposes of receiving a Manhattan Beach building permit, all demolition projects, and all roofing projects that require tear-off of the existing roof shall comply with this chapter. Failure to comply with any of the terms of this chapter shall subject the project applicant to the full range of penalty and enforcement mechanisms set forth in Sections 5.26.040 and 5.26.080. Compliance with the provisions of this chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project. Failure to include such a condition shall not relieve the project applicant from complying with this chapter.

All City-sponsored construction, demolition and renovation projects, whose total costs are equal to or greater than one hundred thousand dollars (\$100,000.00) in value, shall be considered "covered projects" for the purposes of this chapter and shall submit a Waste Management Plan to the WMP Compliance Official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this chapter.  
(§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### **5.26.030 Submission of Waste Management Plan.**

A. **WMP Forms.** Applicants for a plan check involving any covered project shall pay a WMP review fee and complete and submit a Waste Management Plan (WMP) on a form approved by the City for this purpose before a building or demolition permit may be issued. The WMP shall be submitted for review with the first plan check of an individual project or at the first check of a residential master plan in the case of a residential project. The completed WMP shall indicate all of the following:

1. Estimated weight of project C&D debris, by materials type, to be generated;
2. Maximum weight of such materials that can feasibly be diverted via reuse or recycling;
3. Vendor or facility that the applicant proposes to use to collect or receive that material;
4. Estimated weight of C&D materials that will be landfilled; and
5. Total square footage of the project.

B. **Calculating Weight of Debris.** In estimating the weight of materials identified in the WMP, the applicant shall use the standardized conversion rates approved by the City for this purpose.

C. **Deconstruction.** In preparing the WMP, applicants for a plan check involving the removal of all or part of an existing structure shall consider deconstruction, to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to sending to a landfill.

(§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### 5.26.040 Administrative penalty.

Any applicant who does not comply with any requirement of this chapter may be assessed an administrative penalty for non-compliance. The amount of the penalty assessed may be up to five thousand dollars (\$5,000.00) for demolition projects and up to ten thousand dollars (\$10,000.00) for all other projects. The WMP Compliance Official upon determining non-compliance with this chapter shall notify the applicant of the penalty assessed against it. The notice shall be in writing and shall identify the amount of the penalty assessed, the specific noncompliance for which the penalty is being assessed and inform the applicant that it has a right to a hearing to protest the validity or amount of the assessed penalty. The applicant's request for a hearing must be made in writing and received by the WMP Compliance Official no later than the City's close of business on the seventh calendar day from the mailing date (as determined by postmark) of the penalty notice. A hearing shall be held no later than ten (10) days following the receipt by the WMP Compliance Official of the written request for hearing. The City Manager or his or her designee shall serve as the hearing officer. The applicant shall be notified in writing of the decision of the hearing officer. Notwithstanding any other provision of this Municipal Code (including Section 1.12.010), the decision of the hearing officer shall be final. Any penalty assessed must be paid to the City prior to final building approval. Nothing in this chapter precludes the use of any other type of enforcement if administrative fines are imposed under this section.

(§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### 5.26.050 Review of Waste Management Plan.

A. **Approval.** Notwithstanding any other provision of this Code, no plan check shall be approved for any covered project unless and until the WMP Compliance Official has approved the WMP. Approval shall not be required, however, where an emergency demolition, as determined by the WMP Compliance Official, is required to protect public health or safety. The WMP Compliance Official shall only approve a WMP if he or she first determines that all of the following conditions have been met:

1. WMP provides all of the information set forth in Section 5.26.030 of this chapter; and
2. WMP must indicate that at least fifty percent (50%) of all C&D debris generated by the project will be diverted.

If the WMP Compliance Official determines that all of the above conditions have been met, he or she shall mark the WMP "approved," return a copy of the WMP to the applicant, and notify the Building and Safety Division that the WMP has been approved.

B. **Nonapproval.** If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that at least fifty percent (50%) of all C&D debris generated by the project will be reused or recycled, he or she shall either:

1. Return the WMP to the applicant marked "denied," including a statement of reasons, and so notify the Building and Safety Division, which shall then immediately stop processing the plan check; or

2. Return the WMP to the applicant marked "further explanation required."

Notwithstanding any other provision of this code (including Section 1.12.010), the decisions of the WMP Compliance Official with regard to this section shall be final.

(§ 2 (part), Ord. 2053, eff. February 19, 2004)

### **5.26.060 Compliance with Waste Management Plan.**

A. **Documentation.** Prior to final building approval, the applicant shall submit to the WMP Compliance Official documentation that it has met the diversion requirement for the project. If the applicant does not submit the required documentation, he or she may be subject to an administrative penalty or enforcement action as described in Sections 5.26.040 and 5.26.080 of this chapter. The diversion requirement shall be that the applicant must divert at least fifty percent (50%) of the total C&D debris generated by the project via reuse or recycling. Provided, however, that an applicant granted an exemption pursuant to Section 5.26.070 of this chapter shall be required to comply with the maximum feasible diversion rate established by the WMP Compliance Official for that project. The documentation for compliance shall include all of the following:

1. Copies of receipts from the vendor or facility which collected or received each material showing the actual weight of that material;
2. A copy of the previously approved WMP for the project adding the actual weight of each material diverted and landfilled;
3. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

B. **Weighing of Wastes.** Applicants shall make reasonable efforts to ensure that all C&D debris diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the City for this purpose.

C. **Determination of Compliance and Assessment of an Administrative Penalty.** The WMP Compliance Official shall review the information submitted under Sections 5.26.030 and 5.26.050 of this chapter and determine whether the applicant has complied with the diversion requirement, as follows:

1. **Full Compliance.** If the WMP Compliance Official determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall approve the final WMP report.

2. **Good Faith Effort to Comply.** If the WMP Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this chapter. In making this determination, the WMP Compliance Official shall consider the availability of markets for the C&D debris landfilled, the size of the project, and the documented efforts of the applicant to divert C&D debris. If the WMP Compliance Official determines that the applicant has made a good faith effort to comply with this chapter, he or she may approve the final WMP report or assess an administrative penalty as described under Section 5.26.040 of this chapter.

3. **Noncompliance.** If the WMP Compliance Official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by Section 5.26.060(A) of this chapter, then the applicant may be assessed an administrative penalty as described under Section 5.26.040 of this chapter and/or be prosecuted for a criminal violation under Section 5.26.080 of this chapter or use any other legal remedy which may be available. (§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### **5.26.070 Exemption.**

A. **Application.** If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the WMP required under Section 5.26.030 of this chapter. The applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

B. **Meeting with WMP Compliance Official.** The WMP Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement.

C. **Granting of Exemption.** The WMP Compliance Official shall issue an infeasibility exemption if he or she can make the following findings:

1. That circumstances exist which are unique to the project to the effect that compliance with the provisions of this chapter would create an unusual burden on the project which is different than that of similarly situated properties; or

2. That for a specific project compliance with this chapter would result in minimal or no increase in recycled materials or reduction in waste stream;
3. That diversion of one or more substances involved in the project presents unique and burdensome obstacles and would create an especially onerous economic burden on the project unless diversion of that substance is reduced or eliminated.

If the WMP Compliance Official is able to make one or more of the above findings for a project he or she may excuse the project from compliance with this chapter or determine the maximum feasible reduced diversion rate for each material and shall indicate this rate on the WMP submitted by the applicant. The WMP Compliance Official shall return a copy of the WMP to the applicant marked "approved for exemption" and shall notify the Building and Safety Division that the WMP has been approved.

**D. Denial of Exemption.** If the WMP Compliance Official is unable to make any of the findings required by subsection C of this section he or she shall so inform the applicant in writing. The applicant shall have thirty (30) days to resubmit a WMP form in full compliance with Section 5.26.030 of this chapter. If the applicant fails to resubmit the WMP, or if the resubmitted WMP does not comply with Section 5.26.030 of this chapter, the WMP Compliance Official shall deny the WMP in accordance with Section 5.26.060 of this chapter. Notwithstanding any other provision of this Code (including Section 1.12.010) the determination of the WMP Compliance Officer shall be final. (§ 2 (part), Ord. 2053, eff. February 19, 2004)

#### **5.26.080 Enforcement.**

Any person responsible for violation of any provision of this chapter shall be guilty of a misdemeanor. Nothing in this chapter shall preclude the City from initiating a civil action to enforce the provisions of this chapter. If the City shall prevail in any such civil action, it shall be entitled to attorney fees.

(§ 2 (part), Ord. 2053, eff. February 19, 2004)

To represent the High Desert communities Lancaster was selected and provided and it was indicated that we have California City.

Lancaster

## **Chapter 13.16 REFUSE COLLECTION AND DISPOSAL**

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[13.16.020 Definitions.](#)

[13.16.030 Refuse collection.](#)

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[13.16.110 Throwing or scattering refuse.](#)

[13.16.120 Recycling waste reduction program.](#)

[13.16.130 Minimum contractual terms.](#)

### **13.16.010 Purpose.**

It is the purpose of this chapter to promote the health, safety and welfare of the city's residents by establishing regulations governing the collection and disposal of refuse. The city council finds and determines that such regulations are necessary to:

- A. Ensure property maintenance;
- B. Protect against pollution and fire hazards; and
- C. Provide collection and disposal services that are efficient and responsive to community needs. (Prior code § 5-4.1)

### **13.16.020 Definitions.**

For the purpose of this chapter.

"Collection" means and includes gathering refuse within the city and transporting it to a point for disposal.

"Commercial premises" means and includes premises with greater than four dwelling units, mobile-homes, and all commercial and industrial premises.

"Container" means and includes a receptacle for refuse.

"Contractor" means a person who enters into a contract with the city for the collection and disposal of refuse.

"Disposal" means and includes treating and disposing of refuse and any product or residue arising from such treatment.

"Garbage" means and includes all animal, vegetable and fruit waste matter resulting from the preparation of food in residential, commercial and industrial premises and resulting from the sale of food.

"Premises" means and includes any lot or lots and the buildings or structures located thereon.

"Refuse" means and includes garbage and rubbish as defined in this section.

"Residential premises" means and includes all premises used for residential purposes with four or less dwelling units.

"Rubbish" means and includes items generated from residential, commercial or industrial premises which are combustible, such as tree, shrub and grass trimmings, plants or flower garden waste, wood, paper, straw, packing materials, leather, rubber, clothing, bedding, books, magazines, newspapers, rags and all other similar articles which will burn upon contact; and items which are noncombustible such as ashes, broken crockery and glass, cinders, shells, bottles, tin cans, metals and other similar materials which ordinarily accumulate in a household or business and are discarded by the producer thereof. The term "rubbish" shall not include dead animals, manure or waste from any poultry yard or stable. (Prior code § 5-4.2)

### **13.16.030 Refuse collection.**

A. The city shall provide for the collection and disposal of refuse from all premises within the city at least once per calendar week. The city manager shall coordinate the routes and schedule for refuse collection. The city may enter into a contract for refuse collection and disposal which grants the contractor and the duly authorized agents of such contractor the exclusive right to collect and dispose of refuse from all residential, commercial, industrial and other facilities and premises located within the city for the duration of the contract.

B. Persons other than those duly authorized by the city shall not collect or dispose of refuse within the city except as authorized herein.

C. Nothing in this chapter shall prohibit a person from removing or providing for the removal of any bulky items not subject to weekly collection pursuant to Section 13.16.070. (Prior code § 5-4.3)

### **13.16.040 Mandatory collection.**

Owners of residential premises within the city shall place any refuse accumulated on the premises throughout the calendar week in a container as described herein for collection on the day designated for pickup or after six p.m. the preceding day. Containers shall be placed along the curb fronting the premises unless the route for collection requires otherwise. All containers shall be removed to storage within twelve (12) hours after the container has been emptied. (Prior code § 5-4.4)

### **13.16.050 Hours of collection.**

Collection shall begin at six a.m. Collection may begin earlier at commercial premises if located greater than six hundred (600) feet from any residential premises. (Prior code § 5-4.5)

### **13.16.060 Containers.**

All refuse accumulated at residential and commercial premises shall be deposited in receptacles approved by the city council. Separate containers may be required for the deposit of toxic substances. (Prior code § 5-4.6)

### **13.16.070 Refuse not subject to weekly collection.**

Bulky items greater than four feet in length or sixty (60) pounds shall not be removed from residential premises during scheduled weekly collection. Such refuse includes but is not limited to discarded automobile parts, trees, logs, building materials, grass, sod and dirt. Owners and occupants of residential and commercial premises shall collect and dispose of bulky items accumulated on the premises as described herein at least once per calendar month to a disposal site as may be designated by the city. However, refuse generated from building and construction operations need not be removed from the premises until such operations have terminated. (Prior code § 5-4.7)

### **13.16.080 Rates.**

Rates for collection and disposal shall be established by the city council by resolution. The city council may adopt a single resolution providing for an automatic annual adjustment in the rates charged by a contractor for collection and disposal services. Council, by contract, shall establish a formula for determining automatic annual adjustment in the rates charged by a contractor for collection and disposal services. The formula for determining automatic annual rate adjustments shall be based on consumer price indexes, and fuel costs for the twelve (12) months preceding adoption of the resolution establishing the automatic annual rate adjustment. (Prior code § 5-4.8)

**13.16.090 Mandatory  
collection fee.**

All owners of residential premises shall pay for the collection and disposal of refuse by a contractor pursuant to its contract with the city for refuse collection. Until such time as the city approves by resolution a billing and collection procedure, owners of residential premises shall be billed by the contractor providing refuse collection and disposal services to the premises. An exception from the mandatory collection fee may be granted to residential property owners based upon a determination by the city staff of undue hardship. (Prior code § 5-4.9)

**13.16.100 Trash  
burning.**

Persons shall not burn any refuse unless they have complied with the rules and regulations promulgated by the city, county and air pollution control district. (Prior code § 5-4.10)

**13.16.110  
Throwing or  
scattering  
refuse.**

Persons shall not throw or scatter refuse in or upon alleys or rights-of-way within the city. Nor shall refuse be deposited below the surface of any premises which may endanger the public health or safety or constitute a public nuisance. (Prior code § 5-4.11)

### 13.16.120 Recycling waste reduction program.

The city shall provide through contractual provisions for recycling programs which have been recognized by city council as exemplary public policy and are necessary to be implemented by the laws established by the state of California. All contractors shall comply with existing state or local mandates for reduction of waste stream and promoting recycling per specific provisions of the contract. (Prior code § 5-4.12)

### 13.16.130 Minimum contractual terms.

A contract for refuse collection and disposal shall include the following provisions:

#### A. Public Assistance.

1. Contractor shall maintain an office in the city of Lancaster or a location approved by the city manager deemed convenient for the residents/businesses. The office shall remain open from nine a.m. to five p.m. Monday through Friday.

2. Contractor shall provide toll free telephone service during office hours to assist persons located within the contractor's designated service area. Contractor shall maintain a log book to record complaints regarding collection service. The log book shall be available to the city manager and authorized city health officials upon demand.

B. Emergency Service. An emergency service vehicle shall be available during office hours to respond to complaints or emergencies.

C. Collection Procedures. Contractor shall adhere to the following collection procedures:

1. Collection shall be conducted in a manner which least interferes with traffic and the peace and quiet of the neighborhood.

2. Contractor shall collect refuse at least once per calendar week between the hours of six a.m. and eight p.m.

3. Refuse shall be collected from the curb fronting the premises unless the route for collection requires otherwise.

4. Refuse containers shall be returned in an upright position where the container was originally found and shall not be deposited in a sidewalk, adjoining property or right-of-way.

5. The contractor shall not be required to enter private property to collect refuse unless otherwise provided by the city manager or an agreement between the contractor and private party.

D. Instructions for Collection. Contractor shall distribute to all premises located within the geographic area serviced by contractor a list of instructions describing the manner in which refuse shall be collected and disposed by the contractor including the following:

1. The designated day for refuse collection at the premises and that such collection is mandatory for residential premises;

2. The type of refuse containers acceptable for collection of refuse and which containers shall be placed on the premises for collection and disposal service;

3. A list of refuse which shall not be collected during weekly collection;

4. A statement regarding the fee for collection established by the city council and notice that such fees are mandatory for residential property owners;

5. Any other information deemed appropriate by the city manager.

E. Noncollection. When refuse is not collected by the contractor, a tag must be fastened to such refuse stating the reason for noncollection.

F. Maintenance of Vehicles and Equipment.

1. All trucks and equipment used by a contractor pursuant to its contract with the city for refuse collection shall be maintained at all times in a safe and sanitary condition. Each truck shall be uniformly painted and numbered. Each piece of equipment shall display a sign indicating the name of the disposal company and its telephone number in lettering of at least three inches in height.

2. The contractor shall not use any equipment in the performance of a refuse contract with the city older than ten (10) years unless expressly approved by the city council. All vehicles and equipment shall be subject to inspection by city health officials and the city manager upon sufficient notice.

3. The refuse compartment of each vehicle used by the contractor for garbage collection shall be constructed of metal, shall be watertight and shall have a metal cover which covers at least fifty (50)

percent of the refuse compartment. The remaining fifty (50) percent of the refuse compartment shall be covered by a tarpaulin or similar cover which is airtight and waterproof when the vehicle is transporting refuse to the disposal site.

4. Each vehicle shall contain a broom, shovel, and other necessary equipment for the immediate removal of any material spilled in the course of collection.

G. Insurance.

1. Contractor shall maintain adequate insurance covering all persons employed in connection with its contract for refuse collection as required by state workers' compensation laws. The contractor shall hold the city, its employees, and agents harmless from and against all liabilities arising from injuries sustained by employees of the contractor who are injured while performing services pursuant to its contract with the city for refuse collection and disposal. Evidence of insurance shall be maintained on file with the city clerk for the term of the contract.

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2. Contractor shall maintain public liability insurance with a company licensed to do business in the state of California covering liabilities for injuries or deaths and property damage arising out of or in connection with the operation of its contract with the city for refuse collection. Said policy shall provided coverage in an amount not less than one million dollars (\$1,000,000.00) for injuries including accidental death and no less than one hundred thousand dollars (\$100,000.00) for property damage or a combined limit policy of at least three million dollars (\$3,000,000.00).

H. Miscellaneous.

1. The contract shall not be assignable, delegated or otherwise transferable unless such transfer is approved by the city council.
  2. The contract shall specify the geographic area where the contractor shall collect refuse within the city.
  3. The contractor shall comply with all applicable laws of the state of California and the provisions of this chapter in performing collection and disposal services.
  4. The contract shall contain a termination clause permitting the city to terminate the contract in accordance with the procedure set forth therein.
  5. Any refuse collection firm(s) granted an exclusive contract by the city council for such purpose shall thereupon have the exclusive right to collect all residential, industrial and commercial refuse generated in the city, subject only to the exceptions set forth herein.
  6. Any firm furnishing such collection services to any residents/businesses in the city for at least three consecutive years prior to notification of the granting of said exclusive contract may continue to provide such services to said firm or firms for not more than a five-year period commencing upon the mailing of notice to such firm of the granting of said contract. Any such firm, operating after the granting of such an exclusive contract shall pay the same fee, and charge up to the maximum rates for its services as are prescribed for the contracting firm pursuant to its contract.
- I. Performance Bond. The contractor shall deposit with the city a performance bond, certificate of deposit, letter of credit or other similar instrument approved by the city guaranteeing the performance of any contract between the city and contractor. The amount of the bond shall be approved by the city council. (Prior code § 5-4.13)