

## Chapter 5.24 GARBAGE AND REFUSE

### Sections:

#### 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 Ardmere 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.

#### ADD DEFINITION

"Food Establishment" shall mean a business that stores, prepares, packages, serves, or sells food for human or animal consumption. This includes any place where food is consumed, whether or not there is a charge for it.

- 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.

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- 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.

ADD DEFINITION

"Non-Food Establishment" shall mean a business that does not store, prepare, package, serve or sell food for human or animal consumption. This includes any place where food is not consumed.

- 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.

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- 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.

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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 undergo a Trash Enclosure Review when a commercial Planning or Building permit is filed and comply with Table-1 or Table-2 of this section, depending on whether it is a food establishment. Such establishment 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.
6. Storage facilities shall comply with the following criteria unless otherwise approved by the Administrative Authority.

**TABLE - 1**

**FOOD ESTABLISHMENT MINIMUM WASTE ENCLOSURE AREAS REQUIRED (SQ.FT)**

Business Structure	RECYCLING	LANDFILL	ORGANIC	Enclosure Total Area
0-5,000	32	32	24	88
5,000+	32	32	24	88 plus every additional 1000 sq.ft requires an additional 34 sq.ft (12 sf landfill, 14 sf recyclables and 8 sf organic waste)

**TABLE-2**

**NON-FOOD ESTABLISHMENT MINIMUM WASTE ENCLOSURE AREAS REQUIRED (SQ.FT)**

Business Structure	RECYCLING	LANDFILL	ORGANIC	Enclosure Total Area
0-1,000	14	14	8	36
1,000-5,000	28	28	12	68
5,000-15,000	32	32	12	76
15,000+	74	74	12	160 sf. plus every additional 10,000 sq.ft requires an additional 76 sq.ft (32 sf landfill, 32 sf recyclables and 12 sf organic waste)

- 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

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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.

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- 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)

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### **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)