

# ATTACHMENT C

## ORDINANCE NO. 2021-~~25~~

### TITLE 6 HEALTH AND SANITATION

#### CHAPTER 6.04 GARBAGE, REFUSE AND CUTTINGS

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#### **6.04.010 Purpose and Intent.**

The City Council finds and declares that the regulations contained in this chapter are necessary and appropriate to protect the health, safety and welfare of the citizens of the City by providing minimum standards for the safe and sanitary collection, storage, and transportation ~~and of~~ solid waste, ~~green waste, and recyclable~~ and divertible materials generated within the City.

#### **6.04.020 Definitions.**

For the purposes of this chapter, the following words, terms, phrases, and their derivations have the meanings given herein. Terms defined in Chapter 6.06 shall have the same meanings herein unless expressly defined in this chapter. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

“Beach” means and includes all the shore of the Pacific Ocean lying southerly of the most southerly line of the public street nearest and parallel to the ocean and all the shore of the harbor and any bay or channel in the City.

“Bin” means an open top, ~~metal wheeled~~, rectangular container with wheels, with attached plastic or metal lid(s), used for storage of solid waste, recyclables materials, green waste, wood, food scraps, construction and demolition debris or other materials, that is provided by the City or a waste hauler authorized by the City.

“Cart” means a solid waste, recyclable materials, green waste or food scraps container with a hinged lid and wheels collected by an automated or semi-automated truck, which come in a variety of sizes including, but not limited to, a capacity of twenty-two (22) to twenty-five (25) gallons, thirty-two (32) to thirty-five (35) gallons, sixty-two (62) to sixty-five (65) gallons and ninety (90) to ninety-five (95) gallons, that is provided by the City or a waste hauler authorized by the City.

“Garbage, refuse, and cuttings” shall have the same definition as set forth in the applicable portions of Ordinance 1403, adopted on November 8, 1971, and Ordinance 1558 adopted March 25, 1974.

“Green waste” means trimmings from trees or shrubs, plants, grass cuttings, or removed or discarded branches, shrubs, plants, leaves or other materials generated from landscapes or gardens.

“Municipal solid waste” or “MSW” means putrescible and nonputrescible solid and semisolid wastes generated in or upon, related to the occupancy of, remaining or emanating from any premises within City including, but not limited to, garbage, trash, rubbish, refuse, ashes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes. For purposes of this chapter, “municipal solid waste” does not include recyclable materials, food scraps, green waste, wood waste or construction and demolition debris which shall be separated and segregated from municipal solid waste for diversion and/or (1) hazardous waste or household hazardous waste, (2) low-level radioactive waste regulated under California Health and Safety Code Sections 114960, et seq. or (3) untreated medical waste which is regulated pursuant to the Medical Waste Management Act, California Health and Safety Code Sections 117600, et seq.

~~“Municipal solid waste” or “solid waste” means all discarded putrescible and nonputrescible solid, and semisolid waste generated in or related to the occupancy of, remaining or emanating from any premises within City including, but not limited to, garbage, trash, rubbish, refuse, ashes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, but does not include (i) recyclables, food scraps, green waste, wood waste or construction and demolition debris that have been separated and segregated from~~

~~municipal solid waste for diversion; or (ii) liquid wastes, abandoned vehicles, auto parts, hazardous, biohazardous or biomedical wastes.~~

“Public solid waste container” and “public recyclable material container” shall mean all solid waste and divertible/recyclable material containers suitable for the storage and collection of solid waste or divertible/recyclable material which are procured, placed and maintained on public property in accordance with this chapter.

“Recyclable material” or “recyclables” means ~~items in the solid waste stream which can be reused or processed into a form suitable for reuse consistent with the requirements of State law including, but not limited to, aluminum and tin cans, glass bottles, plastic bottles, plastic containers, newspaper, paper, printed materials, paper containers, cardboard and textiles.~~ material which otherwise would become, or be treated as, municipal solid waste but which, by means of a process of collecting, sorting, cleansing, treating, and/or reconstructing, may be returned to the economic mainstream in the form of finished or source material for new, reused or reconstituted products, which may be used in the market place. “Recyclable material” includes single-stream recyclable materials and single material recyclables. Recyclable materials includes, but is not limited to, paper, books, magazines, cardboard boxes, plastics, metals, glass, and other similar materials authorized by the City for collection. Recyclable material does not include green waste, wood waste, food scraps or construction and demolition debris.

#### **6.04.060 Collection of Solid Waste and Divertible Materials.**

A. All solid waste or divertible materials placed in the vicinity of any curb or alley for collection purposes shall become the property of the City, a sanitary district, or a private collector licensed or contracted by the City.

B. No person, except an individual acting within the course and scope of their agency or employment with the City, a sanitary district, or a private collector licensed or contracted by the City, shall remove from any place or premises in the City, or transport over public streets, any solid waste, or divertible materials.

C. No person shall enter onto private property for the purpose of collecting or inspecting solid waste or divertible material except the owner, occupant, manager, person in control of the premises, or a person employed to do so by the City, a sanitary district, or private collector licensed or contracted by the City to perform this service who is then acting within the course and scope of their agency or employment.

D. No person shall knowingly aid and abet another person in committing a violation of subsection (A), (B), or (C) of this section. A person is guilty of aiding and abetting

another person in committing a violation of subsection (A), (B), or (C) of this section if the person knows of the other person's unlawful purpose and the person specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of a violation of subsection (A), (B), or (C) of this section.

E. The provisions of this section shall not prohibit:

1. Any person, with the permission and consent of the property owner, from gathering and removing solid waste, construction and demolition debris, green waste and/or wood waste generated by construction, landscaping or gardening on the property when the solid waste and/or divertible material have not been set out for collection by the City, a sanitary district, or a private collector licensed or contracted by the City; provided, that such activities are in compliance with all provisions of this Code including, but not limited to, the provisions of Chapter [6.06](#);
2. Any person from removing solid waste generated on property owned or controlled by that person;
3. The immediate removal by any person of solid waste, food scraps, and other divertible material which the Health Officer, Code Enforcement Supervisor, City Manager or his/her designee, Fire Chief, Building Official or their agents have determined to constitute a nuisance or an immediate threat to the public health, safety and welfare;
4. Any entity, person or organization from collecting recyclables that have been donated or sold to such entity by the person owning or controlling the premises where the recyclables were generated, in any manner which does not conflict with this chapter or any other provision of this Code; or
5. Any person engaged in the business of destruction of secret, confidential or sensitive documents from collecting, shredding, destroying, recycling and/or disposing of those documents, provided the transport of the documents is incidental to the document destruction or disposal service.

#### **6.04.080 Solid Waste and Divertible Material Container and Bulky Item Requirements.**

A. Container requirements for solid waste and divertible material vary throughout the City depending upon location and the solid waste and divertible material collector servicing the area. If a container is collected by automated equipment, the container shall not exceed the weight limit provided on the container, including contents. If a container is

collected without automated equipment, the container shall not exceed fifty (50) pounds in weight, including contents. All solid waste and divertible material set out for collection shall satisfy one or more of the following requirements:

1. All municipal ~~S~~solid waste ~~and/or~~ divertible material shall be placed in a container ~~provided by a permitted contractor,~~ or allowed by, the City, ~~a sanitary district or a permitted contractor,~~ for use in the specific area the container is provided or used. Materials placed inside a container shall allow complete closure of the lid of the container, otherwise, such materials shall be considered noncontainerized. Solid waste or divertible material—with the exception of bulky items— shall not be placed on the ground, in a bag, or in a box;

~~2.— If allowed by the solid waste or divertible material collector servicing an area, persons may use sturdy, grease-resistant, waterproof nonreturnable bags which are specifically designed for solid waste provided that each filled bag, including contents, is no greater than fifty (50) pounds, the opening is secured, and the weight does not cause the bag to tear when handled;~~

~~3.— If allowed by the solid waste or divertible waste collector servicing an area, solid waste may be placed within a cardboard box and other similar disposable container (collectively, “box”) weighing fifty (50) pounds or less, including contents;~~

~~4.— If allowed by the solid waste or divertible material collector servicing an area, a business owner or operator may place solid waste and/or divertible material in separate thirty-five (35) gallon containers; or~~

~~5~~2. Bulky item collection (e.g., an item that does not fit within an approved container, ~~box or bag~~) varies according to the agreement the City, a sanitary district, or a private community has with a private collector licensed, permitted or contracted by the City. Bulky items shall be placed in accordance with the bulky item collection rules and regulations specific to the various areas of the City, which shall be posted on the City’s website.

B. No person shall place any municipal solid waste, divertible material or bulky item on public property for collection unless the municipal solid waste and/or divertible materialss are in a container, ~~box, or bag~~ that fully complies with subsection (A) of this section.

#### **6.04.090 Commercial and Multifamily Bin and Wheeled Cart Requirements.**

Any person who owns, leases, controls, or has charge of any business or multifamily dwelling, which utilizes commercial solid waste bins or wheeled carts for the storage of solid waste, recyclables, green waste, wood waste, food scraps and/or construction and demolition debris shall ensure:

- A. The bin and/or wheeled cart is equipped with a lid or cover sufficient to prevent:
  - 1. Odor from escaping the container;
  - 2. Flies and other insects from coming into contact with the contents of the container;
  - 3. The contents from leaving the interior of the container; and
  - 4. Rain or water from entering the interior of the container.
- B. The frequency of collection of solid waste, green waste, wood waste and food scraps accumulated in the bins and wheeled carts ~~are picked up a minimum of one time per week and recyclable material is picked up at least one time per month~~ is consistent with the timeframes set forth in Chapter 6.06. Commercial businesses and multifamily dwellings may place baled cardboard, other baled divertible materials, and flattened cardboard in piles or stacks on loading docks, in container enclosures, and beside or near containers if authorized by the City, a permitted contractor or recyclable materials collector. Piles or stacks of cardboard shall not be placed on top of carts or bins.
- C. Each bin and cart is maintained in a clean and sanitary manner.
- D. The lids to the bins or wheeled carts are closed at all times except when solid waste or divertible material is being deposited, the storage area is clean and free of trash and debris, and all oil, grease, fluid and other items are contained within the bin or wheeled cart storage area.
- E. The storage area is cleaned or power washed, as needed, to keep the area free of grease, oils, fluids, stains or odors.

#### **6.04.110 Accumulation Limitation.**

No person who owns, leases, controls, occupies or has charge of any premises shall permit solid waste, green waste, wood waste or food scraps to accumulate for a period in

excess of one calendar week, or recyclables to accumulate for a period in excess of ~~one calendar month~~ fourteen days.

No person shall fail, refuse or neglect to place such solid waste and divertible material for collection in accordance with schedules established therefor, the provisions of this chapter, the provisions of Chapter [6.06](#), and rules and regulations established pursuant thereto.

#### **6.04.120 Storage and Placement of Containers, ~~Boxes, Bags~~ or Bulky Items for Collection.**

A. Storage of Containers, ~~Boxes, Bags~~ or Bulky Items. Containers, ~~boxes, bags~~ or bulky items shall be stored in a garage, carport, trash enclosure, or in the side yard, and beyond a line drawn parallel to the alley from the corner of the building closest to the alley to the adjacent property line except when the containers, ~~boxes, bags~~ or bulky items are placed out for collection.

B. Placement for Collection.

1. Containers, ~~boxes, bags~~ or bulky items shall be placed for collection in a location easily accessible to the solid waste and divertible material collector such as the streetside of the adjacent sidewalk, in the parkway, or in driveways and adjacent to the curb line. Containers, ~~boxes, bags~~ or bulky items shall be placed in the street in a manner that does not impede traffic.

2. If solid waste is collected from an alley abutting the premises, containers, ~~boxes, bags~~ or bulky items shall be placed for collection as close to the alley property line as feasible and on private property. In any alley where a yellow line has been painted by City to demarcate private from public property, containers, ~~boxes, bags~~ or bulky items shall be placed adjacent to the yellow line on the private property side. Containers, ~~boxes, bags~~ or bulky items shall not be placed more than eight feet onto private property as measured from the alley property line or placed in a manner which could obstruct vehicular travel through the alley.

3. Unless an exception applies or other arrangements have been made with the solid waste and divertible material collector serving an area, containers, ~~boxes, bags~~ or bulky items shall not be considered placed for collection and solid waste and divertible material will not be collected unless the containers, ~~boxes, bags~~ or bulky items are removed from any enclosure, structure, cabinet, cart or shelf.

4. Containers, ~~boxes, bags~~ or bulky items shall be placed for collection at residences before ~~7:00~~6:30 a.m. on collection days and at businesses before 5:00 a.m. Containers, ~~boxes, bags~~ or bulky items shall not be placed for collection at residences or businesses earlier than 7:00 p.m. the day preceding the collection day, and containers, ~~boxes or bags~~ shall be relocated to their required storage place as soon as possible after collection, but no later than ~~7:00~~6:30 p.m. of the day of collection.

C. The owner and tenant shall be responsible for the placement of containers, ~~boxes, bags~~ or bulky items; provided, however, the occupant of any dwelling unit for which a short-term lodging permit has been issued by the City shall not be responsible for compliance with this section.

#### **6.04.130 Administration of Collection Service.**

The City Manager or designated representatives shall administer the provisions of this chapter. In carrying out this responsibility, he or she shall have the following powers and duties:

A. Establish the routes, hours and days of collection and he or she may change the same as he or she deems necessary, and shall give notice of such routes, hours, days and changes as seems advisable.

B. Establish rules and regulations consistent with this chapter governing storage, collection and disposal of solid waste and collection and diversion of recyclables, green waste, wood, food scraps and other material including the determination of standards and specifications for approved containers, ~~boxes or bags~~ and the placement of containers, ~~boxes or bags~~. The rules may permit special containers or bins when the quantity or the nature of the material to be collected so requires.

C. Establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of solid waste and diversion of recyclables, green waste, wood, food scraps and other materials.