

ATTACHMENT B

Section 1.12.020(B) of Chapter 1.12 of Title 1 of the Newport Beach Municipal Code

B. The Fire Chief, Public Works Director and Harbormaster, and members of the staff designated by the Fire Chief, Public Works Director and Harbormaster, shall have the power to issue citations for any violation of Titles 11 and 17, Chapters 7.04, 7.16 and 7.20, Sections 6.04.~~050060~~, 6.04.~~190200~~ and 10.06.010, the Fish and Game Code of the State of California, Title 14 of the California Code of Regulations, the provisions of the Health and Safety Code of the State of California that pertain to animals and the provisions of Chapter 5 of Division 3 of the Harbors and Navigation Code of the State of California.

Section 1.12.020(D) Chapter 1.12 of Title 1 of the Newport Beach Municipal Code

D. The Municipal Operations Director and department staff designated by the director shall have the power to issue citations for any violation of Chapters 6.04 [and 6.06](#) of this Code.

The Table of Contents of Chapter 2.08 of Title 2 of the Newport Beach Municipal Code

Chapter 2.08
CITY MANAGER*

Sections:

- 2.08.010 Establishment Authority.
- 2.08.020 Bond for Manager Pro Tempore.
- 2.08.030 Compensation—Expenses.
- 2.08.040 Powers and Duties.
- 2.08.050 Removal.
- 2.08.060 Subject to Civil Service Provisions.

* Responsibilities and duties for civil service—See Section 2.24.060.

Amount of bond—See Chapter 2.16.

Power and duty to restrict water use—See Chapter 14.16.

Administrative authority over department heads—See Chapter 2.12.

Business licensing and regulation duties—See Title 5.

Administration of garbage collection service—See Chapters 6.04 [and 6.06](#).

Water shortage duties—See Chapter 14.16.

Chapter 6.04

GARBAGE, REFUSE AND CUTTINGS*

Sections:

- [6.04.0150 Purpose and Intent.](#)
- [6.04.0210 ~~Municipal Solid Waste Defined~~ Definitions.](#)
- ~~6.04.020 Recyclables Defined.~~
- ~~6.04.025 Commercial Solid Waste Bins Defined.~~
- ~~6.04.030 Green Waste Defined.~~
- ~~6.04.040 Beach Defined.~~
- ~~6.04.045 Public Solid Waste Container Defined.~~
- [6.04.0350 Nuisance Declared.](#)
- [6.04.04055 Leaf Blowers.](#)
- [6.04.0560 Disposal on Public Property Prohibited.](#)
- [6.04.0670 Collection of Solid Waste.](#)
- [6.04.0780 Containers.](#)
- [6.04.0890 Solid Waste and Divertible Materials Container and Bulky Item Requirements.](#)
- [6.04.0910095 Commercial and Multi-Family Solid Waste Bin and Wheeled Cart Requirements.](#)
- ~~6.04.100 Green Waste.~~
- ~~6.04.110 Contents of Containers.~~
- [6.04.1020 Prohibited Materials.](#)
- ~~6.04.130 Fish and Fish Products.~~
- [6.04.1140 Accumulation Limitation.](#)
- [6.04.1250 Storage and Placement of Containers, Boxes, Bags or Bulky Items for Collection.](#)
- [6.04.1360 Administration of Collection Service.](#)
- [6.04.1470 Costs Defrayed From Ad Valorem Tax Revenue.](#)
- [6.04.1580 Removal of ~~Building Scraps~~ Construction and Demolition Debris.](#)
- [6.04.1690 Public Solid Waste and Public Recyclable Material Containers.](#)

6.04.170~~91~~ Prohibition of Commercial Use of Public Solid Waste or Public Recyclable Material Containers.

6.04.180~~95~~ Prohibition on Private Use of Public Solid Waste or Public Recyclable Material Containers on Balboa Island.

6.04.190~~200~~ Tampering with Public Solid Waste or Public Recyclable Material Containers.

6.04.20~~40~~ Prohibited Disposal.

6.04.21~~20~~ Persons Required to Clean Sidewalks.

6.04.22~~30~~ Burying of Solid Waste or Recyclable Material Prohibited.

6.04.23~~40~~ Violation, Penalties and Enforcement.

* Water and sewers—See Title 14.

~~—Prior ordinance history—1949 Code §§ 5200—5221, as amended by Ordinances 687, 855, 921, 1164 and 1192.~~

~~—1949 Code Section 5212, which was derived from Initiative Ordinance 878 adopted by a vote of the people on June 2, 1959, and became effective on June 19, 1959.~~

6.04.0150 Purpose and Intent.

The City Council finds and declares as follows:

A. 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, transportation and solid waste, green waste, and recyclable materials generated within the City.

B. The provisions of this chapter shall regulate all municipal solid waste not covered by Chapter 6.06. ~~Chapter 6.04 was originally adopted x date to provide regulations of all solid waste. That with the passage of time, laws related to solid waste have evolved including state mandated requirements related to diversion of recyclable materials. The City Council adopted Chapter 6.06 in or about November 2019 to comply with state mandates of commercial uses and multifamily residential units of 5 or more units meet requirements for the diversion of solid waste. Chapter 6.04, as amended, is intended to apply to the regulation of solid waste not covered by Chapter 6.06. Unless expressly provided, the definitions in Chapter 6.06 are applicable to Chapter 6.04.~~

6.04.0210 Solid Waste Defined 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 containers with attached plastic or metal lids, used for storage of solid waste, recyclables, green waste, wood, food scraps, construction and demolition debris or other materials.

"Cart" means a 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, a capacity of 22-25 gallons, 32-35 gallons, 62-65 gallons and 90-95 gallons.

"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 1508 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.

~~The term "Municipal solid waste" or "solid waste" shall~~ means all discarded putrescible and nonputrescible solid, ~~semisolid, and liquid wastes, and semi-solid wastes~~ 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 semi-solid wastes, and other solid and semi-solid wastes, but does not include

~~"Municipal solid waste" 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) ~~"Municipal solid waste" does not include liquid wastes, abandoned vehicles, auto parts, hazardous, biohazardous or biomedical wastes, including refuse, construction, demolition debris, bulky items, recyclable materials, and green waste or any combination thereof which are permitted to be disposed of in a Class III landfill, and which are included in the definition of "nonhazardous solid waste" as set forth in the California Code of Regulations as it may be amended from time to time. Any reference in this Code to "garbage," "refuse," or "cuttings" shall mean "solid waste." (Ord. 2014-7 § 1, 2014: Ord. 1403 § 1 (part), 1971)~~

"Public solid waste container" and "public recyclable materials container" shall mean all solid waste and divertible/recyclable materials carts containers suitable for the storage and collection of solid waste or divertible/recyclable material which are procured, placed and maintained on public property pursuant to Section- 6.04.1606.04.190.

~~6.04.020 Recyclables Defined.~~

~~The term "R~~ecyclable materials" or "recyclables" shall 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 ~~(i.e., AB 939). Recyclable materials include~~ including, but ~~are~~ not limited to, aluminum and tin cans, glass bottles, plastic bottles, plastic containers, newspaper, paper, printed materials, paper containers, cardboard and textiles. Recyclable materials do not

include green waste, wood waste, food scraps or construction and demolition debris. (Ord. 2014-7 § 2, 2014: Ord. 1558 § 1, 1974: Ord. 1403 § 1 (part), 1971)

~~6.04.025 Commercial Solid Waste Bins Defined.~~

~~The term "commercial solid waste bin" shall mean any container which requires special collection equipment, and is designed for the storage of solid waste generated by any business open top metal wheeled rectangular containers with attached plastic or metal attached lids, used for storage of solid waste, recyclables, green waste, wood, food scraps, construction and demolition debris or other food scraps, construction and demolition debris or other materials.~~ (Ord. 2014-7 § 3, 2014: Ord. 82-29 § 1, 1982)

~~6.04.030 Green Waste Defined.~~

~~The term "green waste" shall mean and include trimmings from trees or shrubs, plants, grass cuttings, or removed or discarded branches, shrubs, plants, leaves or other forms of organic waste materials generated from landscapes or gardens, which are suitable for composting.~~ (Ord. 2014-7 § 4, 2014: Ord. 1403 § 1 (part), 1971)

~~6.04.035 Carts Defined.~~

~~The term "carts" shall mean a container with a hinged lid and wheels collected by an automated or semi-automated truck. Carts come in a variety of sizes including a capacity of 22-25 gallons, 32-35 gallons, 62-65 gallons and 90-95 gallons."~~

~~6.04.040 Beach Defined.~~

~~The term "beach" shall mean and include 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 of Newport Beach.~~ (Ord. 1403 § 1 (part), 1971)

~~6.04.045 Public Solid Waste Container Defined.~~

~~The term "public solid waste container" and "public recyclable materials container" shall mean all solid waste and recyclable materials containers with a forty-four (44) gallon or one to three cubic yard capacity suitable for the storage and collection of solid waste which are procured, placed and maintained on public property pursuant to Section 6.04.190.~~ (Ord. 2014-7 § 5, 2014: Ord. 97-27 § 1, 1997)

~~6.04.03~~⁵⁰ Nuisance Declared.

The accumulation and existence of solid waste ~~or and divertable~~ divertible material -on any private premises, on, in, or upon any beach, street, alley or other public place within the City ~~may be~~ is hereby declared to be a public nuisance. No person who owns, leases, controls, ~~or~~ occupies or has charge of any premises in the City shall cause, permit or allow any public ~~such~~ nuisance to exist thereon. (~~Ord. 2014-7 § 6, 2014: Ord. 1403 § 1 (part), 1971)~~)

6.04.04055 Leaf Blowers.

A. Definitions.

1. "Leaf blowers" shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris. This definition shall include "mechanical blowers" as that term is used in Chapter 10.28. "Leaf blowers" shall not include any leaf or refuse vacuum.
2. "Common interest development" and "association" shall be defined as those terms are defined in California Civil Code Section 1351 or any successor statute.

B. Use of Leaf Blowers.

1. Leaf blowers may be used and operated to sweep or clean any surface of dirt, dust, leaves, grass clippings, trimmings, or debris only if the green waste, solid waste or debris so swept or blown are not left in or upon any adjacent or other parcel, any street, public place or right-of-way, public beach, or on the shore, or in the waters of Newport Bay.
2. The hours of operation and maximum noise levels shall be subject to the provisions of Chapter 10.28.
3. Operation of Gas Powered Leaf Blowers in Residential Districts Prohibited. ~~After November 10, 2011, g~~Gas powered leaf blowers shall not be operated in any district identified in Title 20 of this Code as a district zoned for residential use or areas designated for residential use as part of a in-Planned Community (PC) or Specific Area Plan zoning districts, with the exception of operations or locations described in subsections (B)(3)(a) through (e) of this section:
 - a. Residential common interest developments of five (5) or more dwelling units with an association responsible for establishing regulations or operating rules controlling the management and maintenance of their exterior residential environment may, by the method set out in their association's rules and regulations, choose to be exempt from the restrictions contained in this section. The Office of the City Manager shall establish procedures through which such residential common interest developments may demonstrate their decision to be exempt from this section.
 - b. The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency.

- c. Maintenance of golf courses and golf practice facilities conducted between the hours of 6:00 a.m. and 8:00 p.m., and maintenance of other nonresidential uses appurtenant to golf course uses between the hours of 7:00 a.m. and 8:00 p.m.
- d. Areas designated for nonresidential uses located in a within the boundaries of Planned Community (PC) or Specific Area Plan zoning districts.
- e. Operation on parcels zoned for nonresidential use that may be adjacent to or surrounded by a district otherwise zoned for residential use (including but not limited to parcels zoned for public or private institutional uses, park and recreation uses, open space uses, or other similar nonresidential uses).

C. Violations. Any person who uses a gas powered leaf blower in a residential zone, and/or causes or permits cuttings, refuse or debris swept or blown by any leaf blower to be left in places contrary to the provisions of subsection (B) of this section, is guilty of an infraction. (~~Ord. 2014-7 §§ 7, 8, 2014; Ord. 2011-12 § 1, 2011; Ord. 95-38 § 2, 1995; Ord. 87-15 § 1, 1987; Ord. 83-23 § 1, 1983; Ord. 1828 § 1, 1979~~)

6.04.0560 Disposal on Public Property Prohibited.

No person ~~shall throw, deposit or leave any solid waste or divertable~~ who is in possession or otherwise controls solid waste or divertible material, shall throw, deposit or leave any solid waste or divertible material, or permit the same to be thrown, deposited or left, in or upon ~~or, being in possession and control of any solid waste the aforementioned, shall permit the same to be thrown, deposited, or left in or upon~~ any street, public beach or other public place, or on the shore, or in the waters of Newport Bay, ~~within the City. (Ord. 2014-7 § 9, 2014; Ord. 1403 § 1 (part), 1971)~~

6.04.0670 Collection of Solid Waste.

A. All solid waste 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.

C. No person shall enter onto private property for the purpose of collecting or inspecting solid waste, or divertable/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 materials ~~have~~ has 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 the 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, e-and-or other divertible materials 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 ~~nonprofit 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: (Ord. 2014-7 § 10, 2014: Ord. 2011-7 § 1, 2011: Ord. 91-6 § 1, 1991: Ord. 1558 § 2, 1974: Ord. 1403 § 1 (part), 1971)~~
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.

6.04.0780 Containers.

A. Except as provided in subsection (B) of this section, every owner and tenant of any dwelling unit or units, or any place of business or institution within the City where solid waste and/or divertible materials accumulates, shall have a sufficient number of containers ~~carts~~ to accommodate all solid waste and divertible materials ~~accumulated~~ materials accumulated on the premises between collection days.

B. The owner and tenant are each responsible for having the required number of containers; 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.

~~C. Failure of the owner or tenant to comply with the provisions of this section shall constitute an infraction. (Ord. 2014-7 § 11, 2014: Ord. 95-25 § 1 (part), 1995: Ord. 1867 § 1, 1980: Ord. 1403 § 1 (part), 1971)~~

6.04.080990 Solid Waste and Divertible Materials Container and Bulky Item Requirements.

A. ~~—Solid waste~~ Container requirements for solid waste and divertible materials vary throughout the City depending upon location and the solid waste and divertible materials 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 materials set out for collection shall satisfy one or more of the following requirements:

1. Solid waste and or divertible materials shall be placed in a container provided by, or allowed by, the City, a sanitary district or a permitted contractor, for use in the specific area the container is provided or used;
2. If allowed by the solid waste or and-divertible materials 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 and-or divertible materials collector servicing an area, a business owner or operator may place solid waste and/or divertible materials in separate use thirty-five (35) gallon containers; ~~or to dispose of solid waste; or~~
5. 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 or contracted by the City. The City shall post on its website or such other public location a list of the bulky item collection rules and regulations specific to the various areas of the City.

B. No person shall place any solid waste or divertible materials on public property for collection unless the solid waste and/or divertible materials are ~~is~~ in a container, box, or bag that fully complies with subsection (A) of this section. No solid waste or divertible materials will be collected unless the solid waste or divertible materials is placed in a container, box or bag that complies with subsection (A) of this section. No person shall place any bulky item on public property for collection unless the bulky item fully complies with subsection (A) of this section. No bulky item ~~shall~~ will be collected unless the bulky item complies with subsection (A) of this section. ~~C. Notwithstanding any other provision of this Code, the violation of this section shall constitute an infraction and shall be punishable as such or in accordance with Chapter 1.05. (Ord. 2014 7 § 12, 2014: Ord. 2000 1 § 1, 2000: Ord. 1403 § 1 (part), 1971)~~

6.04.090100095 Commercial and Multi-Family ~~Solid Waste Bin and Wheeled Cart~~ Requirements.

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

A. ~~ensure~~ The bin and/or wheeled cart is equipped shall equip the bin with a lid or cover sufficient to prevent:

1. ~~(A) odor~~ from escaping the container; ~~(B) flies and other insects from coming into contact with the contents of the container;~~ ~~(3.C) 3. The contents from leaving the interior of the container;~~ and ~~(D)~~
- 4.4. Rain or water from entering the interior of the container.

B. Further, any business or multi-family dwelling utilizing bins or wheeled carts any commercial solid waste bins shall ensure that ~~t~~ The solid waste, green waste, wood and food scraps -accumulated in the bins and wheeled carts ~~is~~are picked up a minimum of one time per week and recyclable materials are picked up at least one time per month.

E.C. Each bin and cart ~~shall be~~ is maintained in a clean and sanitary manner, and disposed of at least once per week and shall maintain each bin in a clean and sanitary manner.

D. Any business or multi-family dwelling utilizing commercial solid waste bins and/or wheeled carts shall keep ~~t~~ The lids to the bin or wheeled carts are closed at all times except when solid waste is being deposited, shall keep the bins closed, the storage area clean and free of trash and debris, and ensure that all oil, grease, fluid and other items are contained within the bin and wheeled cart storage area.

E. The ~~commercial or multi-family commercial solid waste bin and wheeled cart~~ storage area ~~is shall be~~ cleaned or power washed, as needed, to keep the area free of grease, oils, fluids, stains or odors. (Ord. 2014-7 § 13, 2014: Ord. 82-29 § 2, 1982)

6.04.100 Green Waste.

~~Tree limbs, branches, hedge cuttings, and similar green waste materials may also be disposed of by placing them in a solid waste container, box, or bag compliant with Section 6.04.090. (Ord. 2014-7 § 14, 2014: Ord. 1403 § 1 (part), 1971)~~

6.04.110 Contents of Containers.

~~Contents of containers shall be limited to solid waste, except as qualified to the extent set forth in this section:~~

~~A. Food waste or animal feces must be thoroughly drained and securely wrapped to prevent leakage, odor, and access to flies and animals.~~

~~B. Feathers and ashes must be dampened and securely wrapped, and vacuum cleaner sweepings must be securely wrapped.~~

~~C. Grass, tree, shrub and flower trimmings, leaves and weeds must be contained as set forth in Section 6.04.100. (Ord. 2014-7 § 15, 2014: Ord. 1403 § 1 (part), 1971)~~

6.04.1020 Prohibited Materials.

A. No person shall set out for collection ~~any refuse~~ any solid waste or divertible material which contains any of the following:

1. Ammunition or explosives;
2. Industrial wastes, or caustic or hazardous chemicals or acids;
3. Pathological, toxic and radioactive waste;
4. Drugs or medicines;
5. Human feces, unwrapped animal feces or dead animals;
6. Liquids, paints or any substance the disposal of which is regulated by the Hazardous Substances Act, or regulations adopted pursuant thereto;
7. Any material, the disposal of which is prohibited within County landfills, including, but not limited to, items longer than four feet in length or items more than eighteen (18) inches in diameter;
8. Lube oils and used oil filters;
9. Items which are too large for, or which may damage, the collection equipment or machinery such as large pieces of metal, machine parts, logs and tree stumps; or
10. Hypodermic needles and lancets. ~~unless broken and placed within a plastic container which cannot be pierced by the needle.~~

B. Sod, building scraps, bricks, concrete and other building or construction ~~material~~ debris may be refused at the discretion of the collector. ~~(Ord. 94-5 § 1, 1994: Ord. 83-15 § 1, 1983: Ord. 1403 § 1 (part), 1971)~~

~~6.04.130 Fish and Fish Products.~~

~~Each wholesale and retail fish business, fish preserving plant, fish cold storage plant, fish market, and each business dealing in fish or fish products, shall dispose of, promptly and in a sanitary and clean manner, and at its sole cost and expense, all garbage accumulations in reference to its respective business, and at all times keep its respective business premises in a sanitary manner free of garbage accumulations and refuse, and shall at all times prevent any odor or smell from escaping from its respective business premises and shall also exclude all flies and other insects from reaching or coming in contact with refuse or garbage accumulations from its respective business premises. (Ord. 1403 § 1 (part), 1971)~~

6.04.1140 Accumulation Limitation.

No person who owns, leases, controls, ~~or occupies~~ or has charge of any premises shall permit ~~garbage~~ solid waste, green waste, wood or food scraps to accumulate for a period in excess of one calendar week, or ~~refuse or cuttings~~ recyclables to accumulate for a period in excess of one calendar month. ~~No person shall fail of fifteen (15) days, or fail,~~ refuse or neglect to place such ~~garbage and such refuse and cuttings~~ solid waste and divertible materials for collection in accordance with schedules established therefor, the provisions of this chapter, Chapter 6.06, and rules and regulations established pursuant thereto. (~~Ord. 1879 § 1, 1981: Ord. 1403 § 1 (part), 1971~~)

6.04.1250 Storage and Placement of Containers, Boxes, Bags or Bulky Items for Collection. Email Link

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 sideyard, 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 materials 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 ~~may~~ be placed in the ~~gutter or~~ 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. ~~In no event shall~~ 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 materials collector serving an area, containers, boxes, bags or bulky items shall not be considered placed for collection and solid waste and divertible materials 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 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, ~~but not~~ 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 p.m. of the day of collection.

C. The owner and tenant ~~shall be~~ are each 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. (~~Ord. 2014-7 § 16, 2014: Ord. 95-25 § 1 (part), 1995: Ord. 94-5 § 2, 1994: Ord. 1403 § 1 (part), 1971)~~)

6.04.1360 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 ~~disposition-disposal~~ of solid waste and collection and diversion of recyclables, green waste, wood, food scraps and other materials, 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. (~~Ord. 2014-7 § 17, 2014: Ord. 1403 § 1 (part), 1971)~~)

6.04.1470 Costs Defrayed From Ad Valorem Tax Revenue.

The cost and expense of collecting, hauling away and disposing of garbage, refuse and cuttings, as those terms are defined by Sections 6.04.20 and s-6.04.030~~10, 6.04.020 and 6.04.030~~, for any dwelling or dwelling unit, existing or future, within the boundaries of the City as of November 1, 1996, that receives curbside container refuse collection service from the City, shall be defrayed exclusively from the ad valorem tax revenues of the City.

[Note: The definition of "garbage, refuse and cuttings" referred to in Ordinance 96-46 adopted by the voters, is set forth in Section 6.04.020.](~~Ord. 96-46 § 1, 1996)~~)

6.04.1580 Removal of -Construction and Demolition DebrisBuilding Scraps.

All owners, contractors and builders of structures shall, at their sole cost and expense, comply with all requirements of Section 15.11.010 of the Code to divert construction and demolition debris from disposal. All construction and demolition debris shall be removed from the lot and all nearby premises utilized in such construction within ten (10) calendar days of demolition and said lot and premises shall be left in a slightly sightly condition.~~upon the completion or demolition of any such structure, gather up and haul away, at their sole cost and expense, all solid waste of every nature, description or kind, which has resulted from the building or demolition of the structure, including all lumber scraps, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a sightly condition.~~ (Ord. 2014-7 § 18, 2014: Ord. 1403 § 1 (part), 1971)

6.04.16090 Public Solid Waste and Public Recyclable Material Containers.

The City Manager or designated representative shall procure, place and maintain at suitable places on certain business sidewalks, the public beaches, piers and bay and ocean front street ends a sufficient number of public solid waste and public divertible recyclable material containers to receive and hold solid waste and divertible materials recyclables generated by the general public at those locations. The ~~Municipal Operations~~Public Works Director shall at all times keep public solid waste containers and divertible material containers in a clean and sightly condition and in good order and repair; provided, that the failure of the ~~Municipal Operations~~Public Works Director to furnish and provide such containers shall not be held or construed to relieve any person from the penalties of this Code. (Ord. 2014-7 § 19, 2014: Ord. 2013-11 § 30, 2013: Ord. 1857 § 1, 1980: Ord. 1403 § 1 (part), 1971)

6.04.17091 Prohibition of Commercial Use of Public Solid Waste or Public Recyclable Material Containers.

No person who owns, leases, operates, manages or is employed by a business, as that term is defined in Section 5.04.010, shall deposit, or cause to be deposited, any solid waste or divertible or recyclable material generated by the business into any public solid waste or divertible material container unless otherwise authorized by resolution of the City Council of the City of Newport Beach. (Ord. 2014-7 § 20, 2014: Ord. 97-27 § 2, 1997)

6.04.18095 Prohibition on Private Use of Public Solid Waste or Public Recyclable Material Containers on Balboa Island.

No person who resides, leases, rents or occupies property located on Balboa Island, and no person who owns, leases, rents, operates, manages or is employed by any business located on Balboa Island, shall deposit, or cause to be deposited, any solid waste or divertible material into any public solid waste or divertible material container located on Balboa Island. (Ord. 2014-7 § 21, 2014: Ord. 82-1 § 1, 1982)

6.04.190200 Tampering with Public Solid Waste Containers.

No person shall remove, without lawful authority, any public solid waste container from the place where it is placed and maintained by the ~~Municipal Operations~~Public Works Director, or willfully deface, injure, damage or destroy, or use any public solid waste container for any purpose other than the authorized placing of solid waste therein by the general public. (~~Ord. 2014-7 § 22, 2014: Ord. 2013-11 § 31, 2013: Ord. 1403 § 1 (part), 1971)~~)

6.04.20~~10~~ Prohibited Disposal.

A. On Another's Property. No person who is in possession or otherwise controls solid waste or divertible material, shall throw, deposit or leave any solid waste or divertible material, or permit the same to be thrown, deposited or left, in or upon ~~No person shall throw, deposit or leave any solid waste or divertible material, or who being in possession and control of any solid waste or divertible material, permit it to be thrown, deposited or left on~~ the property or premises of another person ~~located in the City~~ without the knowledge and prior permission of the owner thereof.

B. On Own Property. No owner of real property shall throw, deposit or leave, or knowingly permit another to throw, deposit or leave, solid waste or divertible material on such real property, nor shall he or she fail, neglect or refuse to wholly remove solid waste or divertible material from such real property, within three days after receipt of written notice by the Code Enforcement Supervisor, Municipal Operations Director or their designee to do so.

C. By Tenants. No owner of real property located in the City shall knowingly permit ~~or countenance~~ his tenants while in occupation of such real property to throw, deposit or leave any solid waste or divertible material upon the property or premises of another. (~~Ord. 2014-7 § 23, 2014: Ord. 2013-11 § 32, 2013: Ord. 1403 § 1 (part), 1971)~~)

6.04.21~~20~~ Persons Required to Clean Sidewalks.

The occupant, tenant, owner, lessee, or proprietor of any real estate in this City in front of which there is a paved sidewalk shall cause said sidewalk to be swept or otherwise cleaned as frequently as necessary to maintain said sidewalks reasonably free of leaves, dirt, paper, litter or rubbish of any kind. Sweepings from said sidewalk shall not be swept, or otherwise made or allowed to go into the street or gutter, but shall be disposed of by being placed in a solid waste divertible or recyclable material container by the person responsible for the cleanliness of said sidewalk. (~~Ord. 2014-7 § 24, 2014: Ord. 1403 § 1 (part), 1971)~~)

6.04.2230 Burying of Solid Waste or Recyclable Material Prohibited.

~~With the exception of green waste, no~~ No person shall dispose of, or attempt to dispose of, any solid waste or recyclable material by burying it in or underneath the surface of the earth in the City of Newport Beach. (~~Ord. 2014-7 § 25, 2014: Ord. 1403 § 1 (part), 1971~~)

6.04.2340 Violation, Penalties and Enforcement.

A. It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this chapter.

B. Any person violating any of the provisions or failing to comply with any of the requirements of Section ~~6.04.060~~ 6.04.070 shall be guilty of a misdemeanor pursuant to the provisions of Section 1.04.010(C); however, the violation may be prosecuted as an infraction pursuant to the provisions of Section 1.04.010(A).

C. Except for Section ~~6.04.060~~ 6.04.070, any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of an infraction pursuant to the provisions of Section 1.04.010(A).

D. In addition to, or separate from, the foregoing criminal penalties, any person violating any of the provisions or failing to comply with any of the requirements of this chapter is subject to the issuance of an administrative citation pursuant to the provisions of Section 1.04.010(E) and Chapter 1.05. (~~Ord. 2011-7 § 2, 2011: Ord. 1476 § 1, 1972~~)

Section 10.28.045(D) of Chapter 10.28 of Title 10 of the Newport Beach Municipal Code

D. ~~After January 1, 1996, m~~Mechanical blowers, as defined in Section 6.04.040055, shall not be operated at a noise level that exceeds an A-weighted sound pressure level of ~~seventy (70) dBA, as measured at a distance of fifty (50) feet. After January 1, 1999, such equipment shall not be operated at a noise level that exceeds an A-weighted sound pressure level of~~ sixty-five (65) dBA, as measured from a distance of fifty (50) feet.

The Table of Contents of Chapter 11.08 of Title 11 of the Newport Beach Municipal Code

Chapter 11.08
CONDUCT ON BEACHES AND PIERS*

Sections:

- 11.08.010 Obstructions on Public Beaches Prohibited.
- 11.08.020 Use of Shade Coverings.
- 11.08.030 Use of Beaches at Night.
- 11.08.040 Sleeping in Vehicles or on Beaches and Piers.
- 11.08.050 Disposal of Noncombustible Refuse.
- 11.08.055 Dangerous Articles—Glass Containers on Beach.
- 11.08.060 Use of Beach Fire Rings.
- 11.08.070 Removal of Beach Sand.
- 11.08.090 Vehicle Restrictions on Public Piers and Plazas.

* Removal of refuse required—See Section 6.04.[050060](#).

The Table of Contents for Title 14 of the Newport Beach Municipal Code titled "Water and Sewers"

Title 14
WATER AND SEWERS*

Chapters:

- 14.04 Utilities Department—General Regulations
- 14.08 Water Connections
- 14.10 Cross-Connection Control Program
- 14.12 Water Rates and Charges
- 14.13 Recycled Water Rates
- 14.16 Water Conservation and Supply Level Regulations
- 14.17 Water-Efficient Landscaping
- 14.20 Water Meters
- 14.24 Sewer Connection, Permits
- 14.28 Industrial Wastes
- 14.30 Fats, Oils and Grease (FOG) Control
- 14.33 Water Capital Improvement Charges
- 14.34 Water Well Standards
- 14.36 Water Quality

* Garbage, refuse and cutting regulations—See Chapter 6.04. [State Mandated Municipal Solid Waste Diversion Programs- See Chapter 6.06.](#)

Section 20.30.120(A) of Chapter 20.30 of Title 20 of the Newport Beach Municipal Code

A. Purpose. This section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Section 42900) and Chapter 6.04 (Garbage Refuse and Cuttings) and Chapter 6.06 ([State Mandated Municipal Solid Waste Diversion Programs](#)).