

**ORDINANCE NO. 3312**

**AN ORDINANCE OF THE CITY OF CORONA,  
CALIFORNIA, AMENDING CHAPTER 8.20 OF THE  
CORONA MUNICIPAL CODE RELATING TO  
RECYCLABLE MATERIALS AND ORGANIC WASTE  
RECYCLING REQUIREMENTS FOR COMMERCIAL  
FACILITIES**

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

**WHEREAS**, on September 30, 1989, the Governor of California approved Assembly Bill No. 939 enacting the California Integrated Waste Management Act of 1989 (“AB 939” or the “Act”) (Public Resources Code §§ 4000 et seq.) and establishing a solid waste management plan that requires cities and other local jurisdictions to adopt and implement plans to reduce solid waste by maximizing reuse and recycling; and

**WHEREAS**, Assembly Bill No. 939 further states that all aspects of solid waste handling, such as the frequency of solid waste collection, the means of solid waste collection and transportation, levels of service, charges and fees for services, and the nature, location and extent of providing solid waste services are of local concern and authorizes cities to furnish any necessary services for itself, through other local agencies, or by a solid waste enterprise; and

**WHEREAS**, Assembly Bill No. 341 amended the Act to, among other things, require commercial waste generators to arrange for commercial recycling services as a means to achieve the State’s goal to divert 75 percent of solid waste away from landfills by 2020 through source reduction, recycling and composting; and

**WHEREAS**, Assembly Bill No. 341 further requires that a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential development with five or more units shall arrange for recycling services consistent with state law; and

**WHEREAS**, Assembly Bill No. 1826, effective on January 1, 2015, amended the Act to require a business that generates more than four cubic yards of commercial solid waste per

week, including multifamily residential developments with 5 or more dwelling units, to arrange for recycling services specifically for organic waste; and

**WHEREAS**, on June 21, 2017, the City Council approved Resolution No. 2017-051 establishing rates for additional services to allow the City’s franchise waste hauler, Waste Management, to provide recycling services for organic waste and implement the requirements established by Assembly Bill No. 1826; and

**WHEREAS**, the City Council has determined that amendments to Chapter 8.20 of the Corona Municipal Code (“CMC”), concerning the collection of refuse and recycling materials, are necessary to bring the CMC into compliance with Assembly Bill Nos. 341 and 1826 to ensure that the City will apply its rules and regulations relating to the recycling of recyclable materials and organic waste in a manner consistent with State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The City Council finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

**SECTION 2. CEQA Findings.** This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes changes to the City’s rules and regulations pertaining to the recycling of recyclable materials and organic waste in order to better protect the public health, safety and welfare and to bring the City’s rules and regulations into compliance with State law. This Ordinance increases the amount of waste that is required to be diverted in accordance with State law, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

**SECTION 3.** Amendment to Section 1.08.074(A). Subsection (A) of Section 1.08.074 (Issuance of citations by Administrator) of Chapter (Penalties) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(A) The Administrator, as defined in § 8.20.015, is authorized by the City Council, pursuant to Cal. Penal Code §§ 836.5 and 19.7 and subject to the provisions thereof to issue a Notice to Appear to any person on his or her written promise to appear in court, pursuant to Cal. Penal Code §§ 853.5 and 853.6, whenever the Administrator has reasonable cause to believe that the person has either violated a mandatory provision of Chapter 8.20 of this code in the presence of the Administrator or fails to correct a violation of the mandatory provisions of Chapter 8.20 of this code and therefore has committed an infraction or misdemeanor which the Administrator has a discretionary duty to enforce.”

**SECTION 4.** Amendments to Chapter 8.20. Chapter 8.20 (Collection of Refuse and Recyclable Materials) is hereby amended in its entirety as provided in Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 5.** Policy Amendments. The City Council hereby authorizes and directs the City Manager to implement and amend any applicable administrative policies regarding solid waste, recycling and organics recycling.

**SECTION 6.** Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 7. Conflicting Ordinances.** This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

**SECTION 8. Effective Date.** The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force on the 30<sup>th</sup> day after its adoption.

**ADOPTED** this 19<sup>th</sup> day of February 2020.

\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**

\_\_\_\_\_  
City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held on the 5<sup>th</sup> day of February, 2020, and thereafter at a regular meeting held on the 19<sup>th</sup> day of February, 2020, it was duly passed and adopted by the following vote of the City Council:

**AYES:**

**NOES:**

**ABSTAINED:**

**ABSENT:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 19th day of February, 2020.

\_\_\_\_\_  
City Clerk of the City of Corona, California

(SEAL)

**EXHIBIT "A"**

**AMENDMENTS TO CMC CHAPTER 8.20**

**CHAPTER 8.20  
COLLECTION OF REFUSE AND RECYCLABLE MATERIALS**

Sections

8.20.010	<u>Purpose and intent.</u>
<u>8.20.015</u>	Definitions.
8.20.020	Deposit in designated areas prohibited.
8.20.030	Refuse accumulation prohibited.
8.20.040	Burning prohibited.
8.20.050	Receptacles - Required.
8.20.060	Receptacles - Maintenance.
8.20.070	Receptacles - Tampering with prohibited.
8.20.080	Collection - Prohibited except by franchised solid waste hauler.
8.20.085	Collection - Placement of unauthorized containers prohibited.
8.20.090	Collection - Procedure - Vehicle.
8.20.100	Collection - Use of refuse collection service, residential trash, recycling and green waste programs required.
<u>8.20.105</u>	<u>Collection – Recycling requirements for commercial facilities.</u>
8.20.110	Collection – Customer change of address.
8.20.120	Collection - Rubbish, waste not included in refuse or recyclable materials.
8.20.130	Collection - Rates.
8.20.140	Collection - Suspension of service for delinquent payment.
8.20.150	Collection - Charges as civil debt.
8.20.160	Placement of delinquent charges on tax roll.
8.20.170	Grievance procedure.
8.20.180	Dead animals.
8.20.190	Manure.
8.20.200	Citrus fruit.
8.20.210	Inspection of premises.
8.20.220	Violations - Penalty and enforcement.
8.20.230	Fees paid by solid waste collectors
8.20.240	Service by state agency collectors
8.20.250	Reports by state agency collectors

### **8.20.010 Purpose and intent.**

The purpose and intent of this chapter is to regulate solid waste handling in order to protect public health, safety, and welfare and to meet the City's obligation under the California Integrated Waste Management Act of 1989 (Public Resources Code Sections §§ 40000 et seq) (hereinafter the "Act" "AB-939"). The City is obligated by the Act AB 939 to implement plans for solid waste source reduction, reuse, and recycling to meet specified achievement milestones.

### **8.20.0150 Definitions.**

Unless it is apparent from the content of this chapter that another meaning is intended, the following words and terms shall be defined as set forth in this section.

(A) "**Administrat~~or~~er**" means one or more employees designated by the City Manager who is functioning in a responsible level in the city administration. The Administrator(s) shall administer and enforce the provisions of this chapter.

(B) "**Agreement**" means the agreement between the contractor and the city for the collection and disposal of refuse, garbage, rubbish, waste material, green waste or recyclable materials from the city.

(C) "**Billing**" means the written statement of moneys due from collections made in good faith by the contractor.

~~(D) "**Business establishment**" means any commercial, industrial or nonresidential unit, any trailer park, any hotel or motel or any building in which a combination of residential and commercial and/or industrial uses exist and for which a single or more frequent collection is made per week.~~

~~(DE) "**Collection**" means the operation of gathering together and transporting to the point of disposal all refuse, green waste or recyclable materials.~~

(E) "**Commercial facility(ies)**" means any property used for conducting business, including but not limited to a food service establishment, retail facility, office, manufacturing facility, markets, office buildings, hotels, motels, shopping centers, and theaters; any educational, professional, commercial, governmental, institutional, or industrial establishment or facility of any nature whatsoever, except residential, where there is a generation of refuse, including but not limited to nonresidential sites used by charitable or nonprofit organizations; properties and sites used for special events; other nonresidential properties located within the boundaries of the city; and multifamily residential developments with five (5) or more dwelling units.

~~(F) "**Contractor**" means the company(ies) that is/are awarded a contract for the collection of the refuse, collection contract, the company that is awarded the contract for the collection of recyclable materials, organic waste and the company that is awarded the contract for the collection of green waste.~~

(G) "**Designated green waste facility(ies)**" means a properly licensed facility which has been designated by the city as a location to which the contractor shall transport and deliver green waste.

(H) "Designated organic waste facility(ies)" means a properly licensed facility which has been designated by the city as a location to which the contractor shall transport and deliver organic waste.

(H) "**Designated recycling facility(ies)**" means a properly licensed facility which has been designated by the city as a location to which the contractor shall transport and deliver recyclable materials.

(I) "**Disposal**" means the complete operation of treating and/or disposing of the accumulation of refuse and the product or residue arising from such treatment; or, in the case of recyclable materials, the delivery of such materials to a designated recycling facility(ies); or in the case of green waste, the delivery of such materials to a designated green waste facility(ies).

(J) "Green waste" means tree and shrubbery, trimmings, grass, weeds, straw or leaves, wood chips and other household garden organic materials which have been segregated from solid waste materials for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to the designated green waste facility(ies).

(K) "Hazardous Waste" shall have the same meaning as set forth in California Public Resources Code § 40101, as presently adopted or further amended.

(L) "Household Hazardous Waste" means hazardous waste generated incidental to owning or maintaining a place of residence.

(JM) "May" is permissive.

(N) "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

(KN) "Person" includes firms, corporations, associations, partnerships, societies, church organizations and individuals.

(LO) "Recyclable materials" means paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, construction and demolition debris and any other solid waste material which is capable of being recycled or reused, whether generated from or at residential or commercial premises, means paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum or other materials which have been segregated from solid waste materials for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to the designated other materials which have been segregated from solid waste materials for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to the designated recycling facility. recycling facility(ies).

(M) "Green waste" means tree and shrubbery, trimmings, grass, weeds, straw or leaves, wood chips and other household garden organic materials which have been segregated from solid waste materials for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to the designated green waste facility(ies).  
N) "Organic waste" means food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-spoiled paper waste that is mixed in with food waste.



(~~NP~~) "**Refuse**" means all garbage and other waste material, including, but not limited to, trees and shrubbery trimmings, grass, weeds, straws or leaves; chips; paper, pasteboard or printed materials; rags; rubber; carpets; clothing; packing boxes, cartons, crates or other packing material; crockery, glass or pieces thereof; ashes or cinders; shells; bottles; cans; metal; all other kinds of rubbish, trash or waste which ordinarily accumulate in the operation of a household or a business; and material resulting from building or construction operations. Refuse does not include recyclable materials, organic waste or green waste which have been segregated from other ~~solid waste~~refuse for the purpose of collection by the contractor and transportation to the designated recycling facility(ies), the designated organic waste facility(ies), or the designated green waste facility(ies), as appropriate. For the purposes of §§ 8.20.050, 8.20.060, 8.20.080 and 8.20.120, "refuse" excludes discarded vehicle bodies or other bulky or heavy objects; dirt, sod or rocks; manure or waste from any poultry yard or animal stable, hazardous waste, or any household hazardous waste.

(~~QQ~~) "**Residential unit**" means a building or portion of a building used for dwelling purposes by an individual family or group of persons.

(~~PR~~) "**Shall**" is mandatory.

(~~QS~~) "**State agency collector**" means any person or entity which collects refuse, recyclable materials, green waste and/or any other waste products from premises located within the city that are owned or operated by a state agency.

(~~RT~~) "**State agency**" means any agency or department of the State of California, including, but not limited to, school districts, boards of education, and any school or other entity operated by or under the auspices of a school district and/or board of education.

(~~SU~~) "**Waste matter,**" for the purposes of this chapter, means all materials that will ignite through contact with flames of ordinary temperatures, including, but not limited to, refuse as defined in ~~division subsection~~ (N) of this section, wood, hay, sawdust and shavings.

#### **8.20.020 Deposit in designated areas prohibited.**

No person shall dump, place or bury in any lot, land or street, alley or in any water or waterway within the city refuse, organic waste, green waste or recyclable materials as defined in § 8.20.01~~05~~.

#### **8.20.030 Refuse accumulation prohibited.**

No person owning or occupying a ~~business commercial facility establishment~~ or residential unit, lot or premises in the city shall suffer, allow or permit to collect and remain upon the lot or premises, business ~~establishment facility~~ or residential unit any refuse, organic waste or green waste, except between the normal collection pickups. This provision shall not be construed as interfering with construction pursuant to a valid building permit.

### 8.20.040 Burning prohibited.

(A) No ~~garbage refuse, organic waste, green waste or manure waste matter~~ shall be burned within the city ~~without the authorization of the Corona Fire Department~~, except as expressly permitted in Chapter 15.12 of this code and the California Fire Code provided for in division (C) of this section.

(B) Anyone who ignites or otherwise causes, or who assists, counsels, procures or maintains any burning in violation of ~~subsection~~ division (A) of this section thereby violates this section.

~~(C) Notwithstanding the language of division (A) of this section, the burning of waste matter within screened fireplaces or incinerators designed for such purposes shall not constitute a violation of this section, so long as such burning conforms to otherwise applicable state law.~~

### 8.20.050 Receptacles - Required.

(A) Every person who owns, occupies, resides in, operates, manages or is in charge of any ~~commercial business facility establishment~~, residential unit or place under the control and jurisdiction of any governmental agency or nonprofit organization, including, but not limited to, hospitals, churches and educational institutions, shall have available at the ~~establishments~~ commercial facility, units and places (hereinafter referred to as "locations") whenever refuse is created or accumulated thereon one or more refuse receptacles in which receptacles the persons shall place and continually contain the refuse at all times from the time of its creation and initial accumulation to the time and date of its collection and removal by the contractor pursuant to the provisions of ~~his or her~~ the refuse collection contract with the city.

(B) Every person owning or occupying a residential unit ~~in an area in which the city has established a residential recycling program~~ shall have available at the location one or more receptacles which shall be used for the accumulation and segregation of recyclable materials to be placed for collection and removal by the contractor pursuant to the provisions of the agreement with the city.

(C) Every person owning or occupying a residential unit ~~in an area in which the city has established a residential green waste program~~ shall have available at the locations one or more receptacles which shall be used for the accumulation and segregation of green waste to be placed for collection and removal by the contractor pursuant to the provisions of ~~an~~ the agreement with the city.

(D) Every person who owns, occupies, resides in, operates, manages or is in charge of any commercial facility shall have available at the locations one or more receptacles which shall be used for the accumulation and segregation of recyclable materials to be placed for collection and removal by the contractor pursuant to the provisions of the agreement with the city.

(E) Every person who owns, occupies, resides in, operates, manages or is in charge of any commercial facility shall have available at the locations one or more receptacles which shall be used for the accumulation and segregation of organic waste to be placed

for collection and removal by the contractor pursuant to the provisions of the agreement with the city. Commercial facilities other than multifamily residential developments with five (5) or more dwelling units will be provided with a separate organic waste receptacle by the contractor. Multifamily residential developments with five (5) or more dwelling units may deposit organic waste in the green waste receptacle provided by the contractor.

(DF) The receptacles shall be of the following type and material, unless otherwise determined by the City Council:

(1) A plastic automated cart, provided by the citycontractor, having a load capacity of up to 96 gallons; and

(2) Receptacles shall have the following color designations: for regular trash, black or green with a black lid; for green waste, green with a green lid; ~~and~~ for recyclables materials, green or gray with a gray lid; and for organic waste for commercial facilities other than multifamily residential developments, green with a yellow lid.

(EG) The receptacles and the content thereof shall be kept and maintained by the aforesaid persons upon the location on which the refuse, recyclable material, organic waste or green waste is created or accumulates and shall not be stored in the front yard setback area of the location, except when the receptacle is placed in front of the location for collection and removal of the contents thereof by the contractor. The receptacles shall not be so placed for the collection and removal of the content thereof at a time which is more than 24 hours from the scheduled time of collection by the contractor, nor shall such receptacle be allowed to remain in front of the location more than 24 hours after the actual collection of the content thereof.

(FH) The scheduled time of collection shall be that time for such as provided in the agreement between the contractor and the city regarding collection of refuse, green waste, organic waste or recyclable materials and any amendments thereto, or as otherwise established by the city.

(GI) When a receptacle, as described in this section, is placed for collection and removal of the content thereof, it shall be placed in front of the location on which the refuse, green waste, organic waste or recyclable material was created and accumulated. If a curb exists in front of the location, the receptacle shall be placed in front of the curb. No receptacle shall be located in any portion of a public right-of-way which is used by or designed for the use of vehicles and/or pedestrians, except for those public rights-of-way at the rear of a location, wherever the Aadministrator determines a receptacle may be placed for the collection and removal of the contents thereof, if the receptacle, as so located, does not in any way constitute an obstruction to the passage of pedestrian and vehicular traffic through the right-of-way.

#### **8.20.060 Receptacles - Maintenance.**

All receptacles shall be kept in clean and sanitary condition by the owner or person using the same, and receptacles shall be kept tightly covered at all times, except when refuse, green waste, organic waste or recyclable material is being deposited therein or removed therefrom and shall at all times be secure against access by flies to the

contents thereof and free from leaks. If the provisions of this section are not fully complied with, the contractor shall place a tag on the container so stating; thereafter the container shall be considered as condemned and unfit for service and in violation of the provisions of this chapter.

#### **8.20.070 Receptacles - Tampering with prohibited.**

No person other than the owner, agent or employee of the owner of a receptacle for holding ~~garbage~~refuse, waste matter, green waste, organic waste or recyclable materials, whether or not it conforms with the provisions of this chapter, shall place any substance or material therein or tamper or meddle with such receptacle or its contents. No person other than a duly authorized employee of the city engaged in the collection and removal of ~~garbage~~refuse, a contractor or employee of a contractor under contract with the city for the collection or removal of refuse, green waste, organic waste or recyclable materials, or a state agency collector (with respect only to receptacles placed on the premises of a state agency) shall move such receptacle from the place where it is placed by the owner or remove the contents thereof of the receptacle.

#### **8.20.080 Collection - Prohibited except by franchised solid waste hauler.**

(A) Except as provided by this section, and except for special collection events approved by the Aadministrator, no person shall collect any ~~solid waste~~refuse, green waste, organic waste or recyclable materials from any ~~commercial premises or residential~~premises within the city, place a refuse bin, container, or other receptacle for refuse, green waste, organic waste or recyclable materials at any premises within the city, or collect, transfer, or remove refuse, green waste, organic waste or ~~(including, but not limited to, solid waste and~~ recyclable materials) within the city, unless that person is either a contractor or a state agency collector (with respect only to receptacles placed on the premises of a state agency). Each day any person shall collect any refuse, green waste, organic waste or recyclable materials from any commercial premises or residential premises within the city, place a ~~refuse~~bin, container, or other receptacle for refuse, green waste, organic waste or recyclable materials at any premises within the city, or collect, transfer, or remove refuse, green waste, organic waste or recyclable materials within the city without holding a franchise or contract with the city for doing so shall constitute a separate offense.

(B) The prohibitions in subsection (A) shall not apply to a person or a business hired by that person, including, without limitation, landscape contractors, gardeners, roofers, demolition contractors and grading contractors, that ~~who~~ hauls its own refuse, green waste, organic waste ~~solid waste~~ or recyclable materials generated from that person's ~~own~~residence or commercial facility; to a properly licensed landfill, material recovery facility, transfer station, or other facility permitted to accept such material using its own personnel and equipment.

(C) The prohibitions in subsection (A) shall not apply to any person or entity collecting recyclable material sold or donated to it by the person or entity that generated such

recyclable material, provided that if the generator of the recyclable material is required to pay the collector of the recyclable materials any monetary or non-monetary consideration relating in any way, directly or indirectly, to the collection, transportation, transfer, or processing of the recyclable material, or for the lease or use of containers, this exclusion shall not apply.

#### **8.20.085 Collection - Placement of unauthorized containers prohibited.**

(A) The city shall provide written notice to any person or ~~commercial~~business facility violating § 8.20.080 that the prompt and permanent removal of such bin, container or other receptacle from its location within the city is required. The form of notice shall be determined by the City Manager or his or her designee. The city shall provide such written notice by posting a copy of the notice prominently upon the bin, container or receptacle, provided that if the bin, container, or receptacle is not in the driveway of a residential property or in an area open to the public of a commercial or industrial property, the written consent of the owner or occupant of any private property where a bin, container, or receptacle is placed shall be obtained prior to going on the property to give notice. If the bin, container, or receptacle is identified with the name and telephone number of the solid waste enterprise servicing or owning it, the city shall endeavor to contact such enterprise by telephone. However, failure to notify the owner telephonically shall not invalidate the notice. If notice is provided by the city's solid waste franchisee under a delegation of authority pursuant to subsection (D), the franchisee shall promptly provide the city with a copy of the notice, and shall not enter onto private property to provide such notice. Where the notice cannot be physically delivered or placed on the container due to the inability to enter onto private property or the refusal of consent by the owner, the notice may be given to the owner or occupant by certified mail, return receipt requested.

(B) The city may impound or cause to be impounded any such bin, container, or receptacle located on city property or located on private property with the written consent of the owner or occupant of the property where the receptacle is located, if the same is not permanently removed from its location within the time set forth in the notice, which time shall not be less than 24 hours after posting of the notice, or receipt of notice if notice is provided by certified mail, or not less than six business hours after telephonic notification, if such notification is provided. If the bin, container, or receptacle is impounded by the city's ~~solid waste franchisee~~contractor under a delegation of authority pursuant to ~~subsection~~division (D), the ~~franchisee~~contractor may not enter upon private property, and the ~~franchisee~~contractor shall immediately inform the City in writing of the impoundment, promptly dispose of the contents of the bin, container, or receptacle at a permitted disposal facility, and shall store the bin, container, or receptacle in a legally permitted storage area that complies with all applicable local land use regulations. If the bin, container, or receptacle has no markings identifying the owner or setting forth the owner's telephone number, and if identification of such owner thereof cannot be provided by the ~~business~~-owner or operator on whose premises the bin, container, or waste receptacle is located, then the city shall be authorized to immediately remove and

impound it. For purposes of this section, "business hours" shall mean the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, and Saturday 7:00 a.m. to 3:00 p.m. Any person who violates this section shall be liable to the city for all fees and charges established by resolution of the City Council and levied in connection with the collection, transportation, storage and handling of the bin, dumpster or waste receptacle by the City.

(C) The bin, container, or receptacle impounded shall be retrieved by the owner or representative thereof immediately after any applicable fees and charges established pursuant to Chapter 3.02 of this Code have been paid. Such fees and charges may include, among other things, reimbursement of costs incurred for towing, transportation, disposal of contents, storage and administration. If the bin, container, or waste receptacle is not claimed within 35 days after removal and notice to the owner, or 30 days after removal if the identity of the owner is unknown, the bin, container, or waste receptacle shall be deemed abandoned property and may be disposed of in any manner authorized by law.

(D) The City Manager may delegate to the City's ~~solid waste franchisee contractor~~ the authority to provide the notice required by ~~subsection division~~ (A), impound and/or store unauthorized bins, containers, and/or waste receptacles, in accordance with the provisions of this section, and to collect the fees and charges levied by the city pursuant to ~~subsection division~~ (B). Where the ~~franchisee contractor~~ is unable to deliver the notice due to the inability to enter onto private property, it is authorized to provide the notice to the owner or occupant by certified mail, return receipt requested. Prior to the ~~franchisee's contractor's~~ exercise of any such delegated authority, the ~~contractor franchisee~~ shall provide the city with a written agreement in a form satisfactory to the city indemnifying and holding harmless the city against all claims and causes of action arising out of the ~~franchisee's contractor's~~ actions to impound and/or store bins, containers, and waste receptacles, and amending the solid waste franchise agreement to reflect that impoundments performed without full compliance with this section, and failures to provide notice as required by this section, shall be deemed a violation of the franchise agreement. The City Manager may revoke this delegation of authority at any time in his or her sole discretion, and the agreement provided by the ~~franchisee contractor~~ shall acknowledge that any such revocation shall not be deemed a breach of the franchise agreement.

(E) Upon posting of a written notice of violation upon an unauthorized bin, container, or waste receptacle, the customer using the same shall immediately cease placing ~~refuse, green waste, organic waste or recyclable materials~~ ~~solid waste~~ therein.

(F) For purposes of this section, the terms "bin," "container" and/or "receptacle" shall mean and include any form of ~~refuse, green waste, organic waste~~ ~~solid waste~~ or recyclable materials receptacle which is placed for collection upon any public or private property within the city by any person or entity that ~~does not hold a franchise or contract from or with the city for collection and disposal of solid waste~~ is not a contractor as defined in § 8.20.015.

(G) Each and every person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any

violation of any of the provisions of this section is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this section.

(H) The violation of any of the provisions of this section shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

#### **8.20.090 Collection - Procedure - Vehicle.**

(A) All refuse, green waste, organic waste or recyclable materials shall be collected, removed and disposed in such a manner as not to be needlessly offensive and filthy in relation to any person, residential unit or commercialbusiness facility-establishment. No person shall use a vehicle for the conveyance of refuse, recyclable materials, organic waste, green waste, manure, filth, dead animals or any offensive or ill-smelling matter, unless the vehicle is staunch, tight and closely covered with a metal or canvas cover or equivalent cover so as to wholly prevent the spilling, leakage, falling off or blowing off of any contents of the vehicle or escape of offensive odors therefrom. The vehicle shall be kept clean, well-painted and in good repair.

(B) The word "**vehicle**" as used in this section means:

(1) Any motorized transport consisting of two or more axles;

(2) Any one or two axle trailer, serf or wagon that would normally be pulled and transported by a motorized transport.

#### **8.20.100 Collection - Use of refuse collection service, residential trash, recycling and green waste programs required.**

(A) Every person owning or occupying a residential unit ~~within an area in which a trash program has been established~~ shall sign up and pay for the trash-refuse collection services of the contractor pursuant to the refusetrash program, ~~unless otherwise determined by the City Council. Every person owning or occupying a business establishment or residential unit that the City Council has determined to be exempt from the residential trash program shall sign up and pay for the refuse collection services of the contractor.~~ The contractor shall collect all refuse put-outplaced in the appropriate receptacle and in the correct location as specified in §8.20.050 by such persons pursuant to the provisions of this chapter and in accordance with the terms of the agreement for such services.

(B) Every person owning or occupying a residential unit ~~within an area in which a recycling program has been established~~ shall sign up and pay for the recycling collection services of the contractor, and the contractor shall collect all recyclable materials put-placed in the appropriate receptacle and in the correct location as specified in §8.20.050 out-by such persons pursuant to the provisions of this chapter and in accordance with the terms of the agreement for such services. Every person owning or occupying a residential unit within the city shall ensure that only recyclable

materials are placed in the receptacle provided by the contractor for the collection of recyclable materials.

(C) ~~Every person owning or occupying a residential unit within an area in which a green waste program has been established shall sign up and pay for the green waste collection services pursuant to rates established by the city of the contractor, and the contractor shall collect all green waste placed in the appropriate receptacle and in the correct location as specified in §8.20.050 pursuant to the provisions of this chapter and in accordance with the terms of the agreement for such services. Every person owning or occupying a residential unit within the city shall ensure that only green waste is placed in the receptacle provided by the contractor for the collection of green waste.~~

(D) Every person owning, occupying or operating a commercial facility within the city shall sign up and pay for the recycling collection services of the contractor, and the contractor shall collect all recyclable materials placed in the appropriate receptacle and in the correct location as specified in §8.20.050 pursuant to the provisions of this chapter and in accordance with the terms of the agreement for such services. Every person owning, occupying or operating a commercial facility within the city shall ensure that only recyclable materials are placed in the receptacle provided by the contractor for the collection of recyclable materials.

(E) Every person owning, occupying or operating a commercial facility within the city shall sign up and pay for the organic waste collection services of the contractor, and the contractor shall collect all organic waste placed in the appropriate receptacle and in the correct location as specified in §8.20.050 pursuant to the provisions of this chapter and in accordance with the terms of the agreement for such services. Every person owning, occupying or operating a commercial facility within the city shall ensure that only organic waste is placed in the receptacle provided by the contractor for the collection of organic waste; provided that multifamily residential developments with five (5) or more dwelling units may place green waste and organic waste in the receptacle provided by the contractor for the collection of organic waste.

(~~EF~~) Except as otherwise determined by the City Council, no person owning or occupying a residential unit, or owning or occupying any ~~commercial business facility establishment~~ or real property of any type within the city and for any purpose shall contract with, or pay any sum to, any person or entity other than the City's contractor for the collection, disposal, and/or recycling of refuse, green waste, organic waste or recyclable materials.

### **8.20.105 Collection – Recycling requirements for business facilities.**

(A) Every person owning, occupying or operating a commercial facility within the city shall segregate and recycle all recyclable materials and organic waste generated by the commercial facility by depositing in the appropriate recycling, green waste or organic waste containers provided by the contractor.

(B) Every person owning, occupying or operating a commercial facility within the city shall designate, for the convenience and use of the occupants, employees, guests, invitees and independent contractors of the commercial facility, recycling and organic



waste collection and storage areas and shall place appropriate signs in and around such areas.

(C) Every person owning, occupying or operating a commercial facility within the city shall ensure that their employees and independent contractors are informed and educated about all recycling services available at the site. Information concerning the types of recyclable materials and organic waste that can be segregated and recycled, the location of containers for recyclable materials and organic waste, and the employees' responsibility to recycle recyclable materials and organic waste shall be distributed to all new employees when hired, to all independent contractors when retained and periodically to all other employees and independent contractors. All employees and independent contractors shall also be given appropriate information and instructions concerning any change in recycling services to the commercial facility.

#### **8.20.110 Collection - Customer change of address.**

It shall be the responsibility of persons owning or occupying a residential unit or ~~commercialbusiness facility establishment~~ to sign up for service as described in § 8.20.100 and to notify the contractor if and when they change their residence or ~~commercialbusiness facility~~ location within 14 days after beginning occupancy.

#### **8.20.120 Collection — Rubbish, hazardous waste, household hazardous waste, ~~waste~~ not included in refuse or recyclable materials.**

(A) All forms of rubbish or waste not included in the terms refuse, organic waste, green waste or recyclable materials, as defined in § 8.20.0150, may be collected by the contractor for such charge as set forth in the ordinance establishing rates and charges.

(B) Any waste consisting of flammable liquids, motor oil, anti-freeze, insecticides, poisons, caustics, acids, explosives, liquid paint or other hazardous waste or household hazardous waste material shall not be placed in receptacles for collection by the contractor, but rather shall be disposed of at designated hazardous waste collection sites or through periodic household hazardous waste collection events, or as otherwise required by law.

#### **8.20.130 Collection - Rates.**

Rates for services rendered by the contractor under this section shall be determined from time to time by City Council ordinance or resolution, provided however, that the landfill portion of such rates may be approved by the City Manager or his or her designee.

#### **8.20.140 Collection - Suspension of service for delinquent payment.**

If any person owning or occupying a residential unit or ~~commercialbusiness facility establishment~~ does not pay for services rendered to him or her by the contractor

and is found to be in arrears, then the contractor shall have the right to suspend service to that person upon notification by U.S. mail no later than one week prior to the discontinuance of service. This remedy is in addition to all other remedies and penalties provided for by law or in this chapter.

#### **8.20.150 Collection - Charges as civil debt.**

The charges provided for in this chapter shall be civil debts due and owing to the contractor from the party responsible to make the payments as provided in this chapter, and collection thereof may be enforced by the city by suit in any court of competent jurisdiction. A basic penalty of 10% of the amount due shall be added to the amount due and unpaid for 90 days after the first billing therefor in case of bimonthly billings and 45 days in case of monthly billing. In addition, a penalty of 1½% per month for nonpayment of the amount due and basic penalty shall be assessed.

#### **8.20.160 Placement of delinquent charges on tax roll.**

(A) Should any of the charges provided for in this chapter remain due and owing 90 days after the first billing therefore in case of bimonthly billings and 45 days in case of monthly billing, the charges shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from the city's general taxes.

(B) The City Council shall cause a written report to be prepared yearly and filed with the City Clerk describing each parcel of property owing delinquent refuse collection fees for the year.

(C) The City Clerk shall notify each delinquent property owner by mail of the hearing on the report and the city's intention to place the fees on the tax rolls.

(D) At the hearing, the City Council shall hear and consider all objections to the accuracy of the report. The City Council shall then pass a resolution either adopting or revising the charges on the report at the hearing's conclusion.

(E) By August 10 of each year, the City Clerk shall file with the city's Financial Officer a copy of the report with the City Clerk's signature stating that the City Council has adopted the report. The Financial Officer shall then enter the charges onto the assessment roll.

#### **8.20.170 Grievance procedure.**

(A) If any person owning or occupying a residential unit or ~~commercial business facility establishment~~ has a grievance against the contractor, then the following procedures shall be adhered to:

(1) If any person owning or occupying a residential unit or commercial establishment files a grievance complaint against the contractor with the Administrator of the agreement, the Administrator shall render a judgment;

(2) If either the person or contractor wishes to appeal the Administrator's decision, a written appeal may be filed with the City Manager. The City Manager shall render a judgment;

(3) If either the person or the contractor wishes to appeal the City Manager's decision, an appeal may be filed pursuant to Chapter 1.09 of this Code.

(B) If the contractor has a grievance against the city, the following procedures shall be adhered to:

(1) If the contractor has a grievance with the Administrator of the agreement, the contractor shall file a written complaint with the City Manager. The City Manager shall render a judgment thereon;

(2) If the contractor wishes to appeal the decision of the City Manager, or has a grievance against him or her, an appeal may be filed pursuant to Chapter 1.09 of this Code.

#### **8.20.180 Dead animals.**

It shall be the responsibility of the owner of any dead animal to dispose of the carcass of such animal in a manner consistent with state and local laws. No persons shall place the body of any dead animal in any street, park or alley within the city.

#### **8.20.190 Manure.**

Unless all manure accumulating on any premises is removed daily, boxes or receptacles of a design and construction acceptable to the Administrator shall be provided by each owner, lessee, tenant or occupant of the places, and the boxes shall be kept tightly closed at all times except when manure is being placed therein or placed in such boxes or receptacles in such a manner as to prevent the tight closing of the lid. The boxes or receptacles shall be removed as often as filled or more often as required by the Administrator.

#### **8.20.200 Citrus fruit.**

No citrus fruit shall be dumped at any place in the city except by and under the supervision of the Administrator.

#### **8.20.210 Inspection of premises.**

The Administrator or his or her duly authorized representative may visit any premises within the city from time to time relative to complaints to examine the sanitary conditions of the premises and to determine whether the provisions of this chapter are being complied with. The Administrator, or his or her representative, shall have the right of access during all reasonable times and hours in the event of such inspection.

#### **8.20.220 Violations - Penalty and enforcement.**

(A) Any person, firm or corporation violating any of the provisions of this chapter, except §§ 8.20.100 ~~and~~, 8.20.110, and 8.20.105 is guilty of a misdemeanor. Any person, firm or corporation violating §§ 8.20.100 ~~or~~, 8.20.110, and 8.20.105 is guilty of an infraction. Any subsequent violation of § 8.20.100 or § 8.20.110 or -§ 8.20.105 within two years of the first violation of the same section shall be a misdemeanor. Penalties for violations in this chapter isare established by section§ 1.08.025 of this Code.

(B) Any holder of an exclusive franchise or contract for the collection and disposal of solid waste awarded by the City may bring a private action to enjoin and prevent violations of §§ 8.20.080, 8.20.085, and/or 8.20.100, to the fullest extent allowed under California law, including but not limited to actions alleging that such violations constitute unfair competition within the meaning of the law.

#### **8.20.230 Fees paid by solid waste collectors.**

(A) The contractor shall pay to the city a franchise fee in an amount set forth in the franchise agreement or other contract between the city and the contractor, as well as any other fees that may be specified in the franchise agreement or other contract. Fees paid by the contractor shall be paid at such times, shall be subject to such late fees, and shall be accompanied by such statements as may be specified in the franchise agreement or other contract between the city and the contractor.

(B) Each state agency collector shall pay to the city a franchise fee equal to 11% percent of the state agency collector's gross revenues from providing refuse, recyclable materials, green waste and all other collection and disposal services to premises located within the city that are owned or operated by a state agency. Fees paid by a state agency collector shall be payable to city no later than 45 days after the close of each quarter of the calendar year. Each state agency collector shall prepare a statement reporting its gross revenues for services provided to state agencies within the city, and shall submit such statement concurrently with the remittance of the fee payable pursuant to this subsection. Fees imposed pursuant to this section and not timely paid by a state agency collector shall bear interest at a rate of 12% per annum prorated to each day of delinquency.

(C) In addition to the franchise fee required by subsection (B) of this section, the city may direct a state agency collector to collect from customers and remit to the city a fee, in an amount established by resolution of the City Council, to offset the city's costs in administering programs to encourage recycling and diversion and compliance with AB 939 (the "AB 939 Fee"). The city may adjust the AB 939 Fee as necessary to reflect changes in city's costs by following any statutory procedures required for the adoption or amendment of the AB 939 Fee, and by providing written notice to each state agency collector of the revised amount. The AB 939 Fee shall not be included in the state agency collector's gross revenues for purposes of calculating the franchise fee payable pursuant to subsection (B) of this section.

#### **8.20.240 Service by state agency collectors.**

(A) Each state agency collector shall comply with all applicable federal, state, and local laws and regulations concerning the collection, transportation, and disposal or diversion of refuse, green waste, and recyclable materials, and shall divert from landfills all materials collected to the greatest extent feasible. Each state agency collector shall transport and deliver all recyclable materials collected within the city to a processing facility and all green waste collected within the city to a green waste facility, provided that recyclable materials may first be delivered to a facility for separation from trash. Any facility to which a state agency collector takes collected materials must possess all required licenses, permits, and approvals required to operate and accept the materials transported there by the state agency collector. Each state agency collector shall ensure that, at a minimum, all materials shall be weighed upon delivery to a processing facility or composting facility, and all weight and related delivery information recorded. Each state agency collector shall make arrangements with the facility to allow the city to review, during such facility's normal operating hours, any recordings or video of tipping. Each state agency collector shall ensure that all scales are weighmaster certified and regularly maintained to ensure reliability and continued functioning.

(B) No state agency collector shall litter or cause any spillage to occur upon the service area premises, roadway, right-of-way or the receiving facilities wherein the collections occur. During hauling, all solid waste, recyclables and green waste shall be contained, tied or enclosed so that leaking, spilling and blowing is prevented. In the event of any spillage or leakage by a state agency collector, the state agency collector shall immediately clean up all spills and leaks which would cause a violation of National Pollutant Discharge Elimination System ("NPDES") requirements if not cleaned up, and shall within eight hours of notification of other spills and leaks clean up those spills and leaks. All cleanup of spills and leaks shall be completed at no cost to the city or any customer. Each state agency collector shall make every effort to prevent hydraulic leaks on city, public and private property. Upon receiving notification of a leak, the state agency collector shall dispatch a cleanup crew to perform cleanup operations according to guidelines established by the NPDES and the Clean Water Act. All vehicles placed into service in the city by a state agency collector shall meet all applicable emissions requirements, including but not limited to those established by the South Coast Air Quality Management District ("SCAQMD").

#### **8.20.250 Reports by state agency collectors.**

(A) Each state agency collector shall deliver quarterly solid waste diversion summary reports to the city. Each diversion summary report shall show tonnage for the refuse collected within the city and different types of recyclable material collected within the city, and provide a comparison between the refuse and recyclable materials to produce a quarterly diversion percentage. Each state agency collector shall maintain and provide to the city monthly reports containing information including the number of tons of solid waste, recyclable material, green waste and construction and demolition debris collected within the city and delivered to disposal facilities, processing facilities or

composting facilities. Each state agency collector shall submit written quarterly reports to the city totaling the information contained in the monthly reports.

(B) No later than May 1 of each year, each state agency collector shall submit to the city a written annual report summarizing the information contained in the quarterly reports and containing additional information including, but not limited to, a statement of revenue derived from services provided to customers in the city, setting forth quarterly franchise fees, and the basis for the calculation thereof, certified by an officer of the state agency collector.

(C) In addition to the foregoing, each state agency collector shall cooperate fully with the city's AB 939 reporting requirements by providing the city with requested information concerning diversion and disposal rates and practices within 15 days of the city's request. Each state agency collector shall incorporate into the reports required by this section any additional information requested by city and any new reporting information required by applicable law or regulation.