



ORDINANCE 2013-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND WELFARE BY MANAGING SOLID WASTE

The City Council of the City of Trinidad does ordain as follows:

SECTION 1. Purposes.

The purposes of this Ordinance are:

- 1.1 To comply with the requirements of the California Integrated Waste Management Act of 1989 as amended, Public Resources Code Section 40000 et seq., which requires the City to divert at least 50% of discarded materials from landfill disposal.
- 1.2 To create a cost effective solid waste and recyclable materials collection system in order to increase the diversion of recyclable materials from landfill disposal.
- 1.3 To provide an enforcement mechanism to ensure that residential properties, businesses, commercial and non-residential properties provide for the proper storage and collection of solid waste and recyclable materials.
- 1.4 To protect the public health, safety, and welfare of the City by reducing or eliminating health hazards, fire hazards, offensive odors, and unsightly litter attributable to accumulations of solid waste.
- 1.5 To create a system of solid waste management that directs materials collected from the curb into the County-wide processing and disposal system, in order to participate in economic efficiencies of scale.

SECTION 2. Exclusive Rights of City, City Responsibility.

- 2.1 The City holds exclusive authority to manage and regulate Solid Waste, including but not limited to regulations regarding the storage, collection, transportation, processing and disposal of Solid Waste. Such authority includes the right to determine the methods by which such regulation occurs, for example, through contract, permit, franchise, or another method. The City may enter into exclusive or non-exclusive contracts or franchises for the collection and transportation of Solid Waste including Recyclable Materials. No person, entity, organization or firm is authorized to collect such Solid Waste without authorization or permission from the City. Nothing in this Chapter shall be construed as restricting or interfering with a Generator's right to transport Recyclable Materials not regulated by this Ordinance produced by such person or on such person's premises to a recycling facility, provided that transportation occurs in accordance with the provisions of this Ordinance.

SECTION 3. Duty to Assure Removal of Solid Waste.

- 3.1 Every Generator of Solid Waste has the duty to provide, as herein required, for the storage, removal, and/or composting, or recycling of all Solid Waste materials produced on the premises occupied by him or her in compliance with the provisions of this Chapter where applicable, and in a manner that does not create a public nuisance or health hazard. Failure to comply with the requirements of this Ordinance is hereby deemed a public nuisance which may be subject to abatement by the City.

SECTION 4. Definitions.

Unless the context requires otherwise, the definitions in this section govern the construction of this Ordinance. The definition of a word applies to any of that word's variants.

- 4.1 Authorized Recycling Collection Contractor. Any person or entity that the City has authorized to collect Recyclable Materials in the City pursuant to franchise, contract or permit granted in accordance with the provisions of this ordinance.
- 4.2 Authorized Solid Waste Collection Contractor. Any person or entity that the City has authorized to collect Solid Waste for landfill disposal in the City pursuant to franchise, contract or permit granted in accordance with the provisions of this Ordinance.
- 4.3 Customer. A natural person, business or entity who has signed up to receive collection services by the Authorized Solid Waste or Recyclable Materials Collection Contractor.
- 4.4 Designated Recyclable Materials. Recyclable Materials designated by the Manager as subject to curbside collection.
- 4.5 Generator. Any person, firm, or entity that generates Solid Waste.
- 4.6 Hazardous Waste. A waste defined as a "hazardous waste" in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:
- 4.6.1 Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - 4.6.2 Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- Unless expressly provided otherwise, "hazardous waste" includes extremely hazardous waste and acutely hazardous waste.
- 4.7 Household Hazardous Waste. Hazardous Waste commonly occurring in households, including but not limited to motor oils, latex paints, solvents or oil-based paints, batteries, pesticides and cleansers.
- 4.8 Landfill Disposal Facility. Any state permitted facility or location where landfill disposal of Solid Waste occurs or where Solid Waste for landfill disposal may be deposited, for example, a transfer station.
- 4.9 Manager. The City Manager for the City of Trinidad, or his/her designee.
- 4.10 Recyclable Materials. Materials that have been Source Separated from the Solid Waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products in the market place and that are not land-filled. Recyclable Materials include any materials identified by the Manager for which a market exists, including but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, cans, as well as

compostable materials such as green waste, yard waste or food waste.

- 4.11 Recycle. The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed of, and returning them to the economic mainstream in the form of raw material for new, re-used, or reconstituted products which meet the quality standards necessary to be used in the market place.
- 4.12 Recycling Facility. A facility designated or permitted by the City to process recyclable material.
- 4.13 Single-Family Unit. Premises used for or designated as a single-family residential dwelling, irrespective of whether residents therein are transient, temporary, or permanent.
- 4.14 Solid Waste.
- 4.14.1 Except as provided in subdivisions 2, 3, and 4, Solid Waste includes, but is not limited to, all putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, de-watered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid or semi-solid wastes, yard waste and other discarded solid and semi-solid wastes, Recyclable and Compostable materials.
 - 4.14.2 Solid Waste does not include low-level radioactive waste regulated under Chapter 7.6 of Division 20 of the Health and Safety Code.
 - 4.14.3 Solid Waste does not include medical waste, which is regulated pursuant to the Medical Waste Management Act, Division 20 of the Health and Safety Code, provided that the medical waste, whether treated or untreated, is not disposed of at a solid waste facility. Medical waste which has been treated and which is deemed to be Solid Waste shall be regulated pursuant to this Ordinance.
 - 4.14.4 Solid Waste does not include Hazardous or Household Hazardous Waste.
- 4.15 Solid Waste Collection Services. Services provided by an Authorized Solid Waste Collection Contractor for the collection of Solid Waste materials which may include Solid Waste for Landfill Disposal and/or Designated Source Separated Recyclable Materials.
- 4.16 Solid Waste For Landfill Disposal. Solid Waste material intended by the Generator for landfill disposal.
- 4.17 Source Separated. The process of removing Recyclable Materials from Solid Waste at the place of discard, prior to collection, into separate containers that are separately designated for collection.
- 4.18 Special Waste. Non-rotting Solid Waste material from dwelling units, institutional, commercial, industrial, or agricultural establishments that requires special collection, handling, treatment, and/or disposal techniques or permit changes for disposal.

SECTION 5. Collection Service.

- 5.1 Collection Authorized. The City may enter into an exclusive contract(s) or franchise agreement(s) for the purpose of collecting Solid Waste for Landfill Disposal and/or Designated Recyclable Materials. No other person, entity, organization or firm is authorized to collect Solid Waste for Landfill Disposal or Designated Recyclable Materials.

SECTION 6. Collection Containers.

- 6.1 Containers. All Solid Waste and Designated Recyclable Materials for collection shall be placed in containers or bags at the location as designated by the Manager. Such containers and bags shall be maintained at all times in good repair and in a clean, neat and sanitary condition. Containers shall be kept covered at all times except when depositing or removing Solid Waste or Recyclable Materials. Containers and bags shall be stored on private property unless the owner has been granted written permission by the City to use public property for such purposes. The weight of any individual container or bag when filled within four inches of the top shall not exceed 1.25 pounds per gallon.
- 6.2 Source Separation. In the event the City authorizes the collection of Designated Recyclable Materials, said Materials shall be Source Separated by the Generator and placed into the container provided or required for collection.
- 6.3 Storage, General. The area used for storage of any Solid Waste and Recyclable Material shall be maintained at all times in a clean, neat and sanitary condition, in such a manner that does not create a health or safety hazard, and does not litter public or private property, including the premises of the Generator. Solid Waste and Recyclable Material may not be stored on or in front of any premise in an unsightly manner. The Manager may establish additional container and/or storage requirements as needed to maintain the public health and safety.
- 6.4 Unauthorized Containers. Each use of a container for Solid Waste or Recycling materials other than that provided or required by the Authorized Solid Waste or Recycling Collection Contractor, and each use of a container which does not meet the weight limitations, shall constitute a separate and distinct offense punishable as provided in this Chapter. In all situations of non-conforming containers, a warning notice shall be mailed to the Customer and/or property owner advising of applicable provisions of this Chapter.

SECTION 7. Collection Requirements, General.

- 7.1 Point of Collection. The Manager may specify the placement of Solid Waste and Recyclable Materials for collection on the curb or alley, and may also specify the size type or kind of container for collection. When space restraints exist, the Manager may require Customers to utilize combined collection containers. It shall be presumed that materials placed in specified collection containers at a point of collection in accordance with this Chapter are to be collected by an Authorized Collection Contractor.
- 7.2 Collection Intervals. Solid Waste shall be collected weekly, monthly, bi-monthly, or more or less frequently as determined necessary by the Manager to protect the public health and safety. Recyclable Materials shall be collected at frequencies established by the City in the collections service contract or franchise agreement.
- 7.3 Time Limit on Container Placement at Curb. Containers containing Solid Waste or Recyclable Materials placed on the curb for collection shall be placed not more than twelve (12) hours prior to the collection date and shall be removed not more than twelve (12) hours subsequent to the collection date.
- 7.4 Authority To Enter Upon Private Property. The City, its employees, and Authorized Solid Waste and Recycling Collection Contractors are authorized to enter upon and/or across private property for the sole purpose of collecting Solid Waste and Recyclable Materials as required by this Chapter. Authorized Solid Waste and Recycling Collection Contractors shall not enter dwelling units or other residential buildings for collection purposes. Owners of Commercial premises may provide written permission for an Authorized Solid Waste or Recycling Collection Contractor to enter such premises for collection purposes.

7.5 Responsibilities at Point Of Collection.

7.5.1 Authorized Solid Waste and Recycling Collection Contractors shall be responsible for the collection of Solid Waste and Recyclable Materials from the point of collection to the transportation vehicle provided that Solid Waste and Recyclable Materials are placed in containers as required by this Chapter. Any spillage or blowing litter occurring prior to the arrival of Authorized Solid Waste Collection Contractor at the point of collection shall be collected and cleaned up by the Generator of such Solid Waste. Any spillage or blowing litter caused as a result of the Authorized Solid Waste Collection Contractor shall be collected and cleaned up by the Solid Waste Collection Contractor.

7.5.2 Authorized Solid Waste and Recycling Collection Contractors shall not be required to reach into containers to remove any contents.

7.5.3 Containers emptied by Authorized Solid Waste and Recycling Collection Contractors shall be returned to the point of collection.

7.6 Special Collections. The Manager may require an Authorized Solid Waste Collection Contractor to make Solid Waste collections in addition to those ordinarily scheduled, when necessary, to protect the public health and safety. Fees for such special collections shall be established by resolution of the City Council.

7.7 Vehicle Standards. Vehicles used by Authorized Solid Waste or Recycling Collection Contractors to transport Solid Waste for Landfill Disposal or Recyclable Materials shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated to prevent litter spillage, leakage, emission of offensive odors, or creation of a health or safety hazard.

7.8 Liability Insurance. No contracts or franchises for Solid Waste collection services shall be entered into by the City until and unless the prospective contractor or franchiser shall procure and maintain for the duration of the contract or franchise, general liability, pollution liability and workers' compensation insurance in connection with the performance of the work thereunder by the contractor or franchiser, its agents, representatives, employees or subcontractors. Coverages, minimum limits of insurance, deductibles, self-insured retentions, as well as all other insurance provisions, shall be in a form and amount satisfactory to the City.

SECTION 8. Ownership of Solid Waste and Recyclable Materials.

8.1 Solid Waste. Solid Waste for Landfill Disposal shall remain the property of the Generator even after such Solid Waste is placed at a point of collection or into a bulk container for collection or is deposited in violation this Chapter. The Generator of Solid Waste shall retain ownership of such Solid Waste even after its collection.

8.2 Recyclable Materials. Source Separated Recyclable Materials placed on the curb for collection shall become the property of the Authorized Solid Waste or Recycling Collection Contractor, or of the City, as set forth in the agreement for collection of Recyclable Materials entered into by the City and such contractor.

8.3 Self Haul of Own Solid Waste or Recyclable Materials. Nothing in this Chapter limits the right of any person to donate, sell or otherwise dispose of his or her own Solid Waste or Recyclable Materials. The transportation of any such Materials shall occur in a manner that does not create any litter spillage, leakage, emission of offensive odors, or creation of a health or safety hazard.

SECTION 9. Disposal of Solid Waste, Processing of Recyclable Materials.

9.1 Disposal at Approved Sites Only. All Solid Waste and Designated Recyclable Materials shall be

deposited at a processing facility or disposal site designated by the City, approved by the State and in compliance with all relevant requirements of local, state, and federal laws and regulations. Authorized Solid Waste and Recyclable Collection Contractors shall transport collected Solid Waste and Recyclable Materials to facilities as specified in the collection agreement entered into by the City and such contractor.

- 9.2 Unlawful Disposal. It shall be unlawful for any person to throw or deposit any Solid Waste, or to cause the same to be thrown or deposited, in or upon any street, alley, gutter, park, body of water or other public property, or to throw or deposit Solid Waste for landfill disposal in or upon any private property or body of water. It shall be unlawful for any person to place Solid Waste into any Solid Waste disposal container without authorization from the City or Customer having possession of such container.
- 9.3 Placement in City Waste Containers Prohibited. City Solid Waste containers are placed in City parks and other public areas for the use by the public to control trash, litter and garbage generated at their respective locations. Such waste containers are not to be used as disposal sites for trash or rubbish which is generated off site. It is unlawful for any person to place, dump, deposit or throw away Solid Waste, Recyclable Material, yard waste, or other refuse or debris of any kind or character whatsoever in City Solid Waste containers if such was generated at a location other than where the waste container is located.

SECTION 10. Hazardous Waste.

- 10.1 Hazardous Waste Segregation; Disposal. All Generators of hazardous waste shall segregate such hazardous waste from all other Solid Waste.
- 10.2 Hazardous Waste Disposal. No person, entity or firm may knowingly cause or permit hazardous waste to be collected or transported to a Landfill Disposal Facility, except in accordance with State and Federal law.
- 10.3 Violations. Any person, entity or firm found in violation of this section shall be guilty of a misdemeanor. Any and each such placement of hazardous materials shall constitute a separate and distinct offense.

SECTION 11. Other Solid Waste Materials.

- 11.1 Collection of Other Solid Waste and Recyclable Materials. The City may enter into exclusive and non-exclusive contracts or franchise agreements, or issue permits for collection services of non-Designated Recyclable Materials, including but not limited to collection of such items as Green Waste, Bulky Goods, and Food Waste, in which case the applicable provisions of this Chapter shall apply.
- 11.2 Grading, Demolition, and Construction Waste. Grading, demolition and construction wastes shall be confined to the property on which grading, demolition or construction occurs, and shall be removed by the owner or his agents immediately after such demolition or construction is completed.
- 11.3 Special Waste. Special wastes shall be confined to the property upon which they originate in such a manner that does not create a health or safety hazard. No items of special wastes shall be stored on or in front of any premises in an unsightly manner. The collection and/or transportation of special wastes to a disposal or processing facility shall be the responsibility of the Generator of said special wastes, and such collection and/or transportation shall occur in a timely fashion.
- 11.4 Green Waste. Tree limbs, brush, and other yard waste which cannot be composted, shall be

confined to the property upon which it originates in such a manner that does not create a health or safety hazard. The Generator of such green waste shall be responsible for making prompt arrangements to have such green waste collected and transported to a disposal or processing facility in a timely fashion.

- 11.5 Abandoned Solid Waste. When the Generator of Solid Waste cannot be located or identified, the owner of the premises or property on which such Solid Waste is found shall be responsible for the storage, collection, and/or processing of such Solid Waste materials in accordance with this Chapter.

SECTION 12. Additional Prohibited Acts.

- 12.1 Unauthorized Collection Prohibited. It shall be unlawful for any person other than the Generator or an Authorized Solid Waste or Recycling Collection Contractor to remove Solid Waste or Designated Recyclable Materials which have been placed on a curb or alley for collection.
- 12.2 Placement of Unauthorized Materials. It shall be unlawful for any person to place any object or item of any kind or character except the authorized Solid Waste or Recyclable Materials on a curb or alley for collection by an Authorized Solid Waste or Recycling Collection Contractor.
- 12.3 Interference. It shall be unlawful for any person to interfere in any manner with Solid Waste collection equipment or Solid Waste Collection Contractors in the lawful performance of their duties as such, whether such equipment or collectors are those of the City or of an Authorized Solid Waste Collection Contractor.
- 12.4 Burning. It shall be unlawful for any person to burn Solid Waste except in accordance with all applicable federal, state and local laws.
- 12.5 Accumulation of Materials Constituting a Hazard. It shall be unlawful for any person to create or allow to be created or maintained upon any premises owned, occupied or managed by such person any accumulation of materials that are dangerous as a fire menace or hazard to the public health, safety and welfare.

SECTION 13. Rates and Charges.

- 13.1 Rate Determination. Customer rates for collection services shall be established by the City Council.
- 13.2 Billing For Services. The Authorized Solid Waste and Recycling Collection Contractor shall be responsible for billing the collection subscribers in accordance with provisions set forth in a franchise agreement awarded by the City to the Authorized Solid Waste and Recycling Collection Contractor.

SECTION 14. Enforcement and Penalties.

- 14.1 Inspection. In order to ensure compliance with this ordinance and the California Integrated Solid Waste Management Act, the City is authorized to inspect any and all phases of Solid Waste management within the City. No inspection shall be made in any dwelling unit unless authorized by the occupant, or in accordance with due process of law. In all cases where such inspections reveal a violation of the provisions of this ordinance, the Manager shall issue a notice for each such violation stating therein the violation or violations found, the applicable law and regulations, and the time period within which corrective action shall be taken.
- 14.2 Penalties. Any person violating the provisions of this ordinance shall be guilty of an infraction

for each offense unless otherwise specified herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues and for each activity in violation of this Chapter. The fact that Solid Waste remains on an occupant's premises in violation of this ordinance shall be "prima facie" evidence that the occupant of the premises is responsible for the violation hereof.

SECTION 15. Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

SECTION 16. This ordinance will take effect thirty (30) days after the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on Wednesday, July 31, 2013, by the following vote:

AYES: West, Miller, Fulkerson, Baker, Davies
NOES: None
ABSTAIN: None
ABSENT: None

First Reading: Wednesday, July 31, 2013

Second Reading: Wednesday, August 14, 2013

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor