

ORDINANCE NO. 2740

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 8.23, 8.24 AND 8.25 OF THE CHULA VISTA MUNICIPAL CODE TO MOVE THE SOLID WASTE AND RECYCLING FRANCHISE TERMS AND CONDITIONS OUT OF THE MUNICIPAL CODE INTO A SEPARATE FRANCHISE AGREEMENT, AND MAKING TECHNICAL CHANGES

WHEREAS, previous City Council actions had approved codification of various Solid Waste Disposal and Recycling Franchise provisions into Chapters 8.23, 8.24 and 8.25 of the Chula Vista Municipal Code; and

WHEREAS, concurrently herewith the City is considering granting a five year Solid Waste Disposal and Recycling Franchise to Pacific Waste Industries; and

WHEREAS, in connection with the grant of the Franchise, City staff recommends that the codified franchise provisions be moved into a Franchise Agreement in order to consolidate such provisions in a single, more appropriate, location; and

WHEREAS, in connection with such action, City staff recommended certain changes to governing definitions, along with additional minor and technical corrections to Chapters 8.23, 8.24 and 8.25 to conform with the negotiated terms of the Franchise Agreement; and

WHEREAS, the City Council has reviewed and approved all such proposed changes.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Chapter 8.23 of the Chula Vista Municipal Code is hereby amended to read, in its entirety, as follows:

Chapter 8.23

SOLID WASTE AND RECYCLING CONTRACT OR FRANCHISE

Sections:

- 8.23.010 Contract or franchise authority.**
- 8.23.020 Prerequisites to authorization.**
- 8.23.030 Bonding of contractor or grantee.**
- 8.23.040 Written Acceptance.**
- 8.23.050 Publication Costs.**
- 8.23.060 Contract or Franchise Terms and Conditions.**
- 8.23.070 Renewal of contract or franchise.**
- 8.23.080 Termination.**
- 8.23.090 Assignment.**

8.23.010 Contract or franchise authority

The city council may, pursuant to state law, or in accordance with Article XII of the Charter of the city, contract or franchise for solid waste and recyclables collection and disposal.

8.23.020 Prerequisites to authorization

- A. Applicants for a contract or franchise pursuant to this chapter and the Charter of the city must file with the city administration the following information:
1. Name and description of the applicant;
 2. Permanent home and business address and full address of the applicant;
 3. Trade and firm name;
 4. If a joint venture or a partnership, the name of all partners, or a corporation, the names of the officers, any controlling shareholders, and, in each case, their percentage of participation and their permanent addresses;
 5. That the applicant has arranged for the disposal area where the same may be legally accepted and disposed;
 6. The location of the disposal area;
 7. Facts showing that the contractor is qualified to render efficient refuse collection service;
 8. That the applicant owns or has under his control in good mechanical condition, sufficient equipment to conduct the business of refuse collection adequately and that the applicant owns or has access to suitable facilities for maintaining his equipment in a clean and sanitary condition;
 9. That the vehicles and equipment conform to all applicable provisions of this chapter;
 10. Such other facts or information as the city manager or the city council may require.
- B. The city manager shall investigate the information required by Section 8.23.020 and verify that the contractor or grantee is capable of complying with the provisions of this chapter, the terms of the proposed contract or franchise and the rules and regulations of the city. The city manager shall notify the city council of his findings prior to approval or denial of the contract or grant of franchise by the council.

8.23.030 Bonding of contractor or grantee

Before entering into a contract or franchise under the provisions of this chapter, the council shall require the contractor or grantee as a condition to the contract or franchise to post with the city clerk, a cash bond or surety bond in an amount determined by the council and furnished by a corporate surety authorized to do business in the state, payable to the city. The bond shall be conditioned upon the full and faithful performance by the collector of his obligations under the applicable provisions of this chapter and shall be kept in full force and effect by the collector throughout the life of the permit and all renewals thereof.

8.23.040 Written Acceptance

Any franchise granted hereby shall not become effective until written acceptance thereof shall have been filed by the grantee with the city clerk.

8.23.050 Publication Costs

The grantee of a franchise hereunder shall pay to the city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting thereof; such payment to be made within thirty (30) days after the city shall have furnished such grantee with a written statement of such expense.

8.23.060 Contract or Franchise Terms and Conditions

A contract or franchise may be let on such terms and conditions as may be required or approved by the City Council in accordance with the terms of this chapter and the City Charter.

8.23.070 Renewal of contract or franchise

Where a contract or franchise has been entered into between the city and an operator and the operator has satisfactorily performed under such contract or franchise, the city council, without inviting bids or proposals therefor, may, either prior to or after the expiration of such contract, extend or renew the same upon the same conditions or such other conditions as the city council may provide. The city council shall, however, whether considering a contract or a franchise follow the procedures established by Article XII of the Charter for notice and hearing.

8.23.080 Termination

A contract or franchise may be terminated at the option of the council in the event there is a change of ownership of any kind or nature of the operating company, unless approval therefor has been obtained in writing from the council. If it is determined by the city manager following an inspection of the contractor's or grantee's place of business, after reasonable notice to the contractor or grantee that the operator or manager has not complied with the provisions of this chapter and all other applicable statutes, ordinances, rules and regulations of the state and city, the city manager shall notify the contractor or grantee in writing of noncompliance and shall order compliance within thirty days. If noncompliance is not corrected, the council, after a hearing, shall be empowered to cancel the contract or franchise with the operator, or take such other action as the council shall determine.

8.23.090 Assignment

No assignment of subcontracting of any contract or franchise or any right occurring under any contract or franchise shall be made in whole or in part by the contractor or grantee without the express written consent of the city. In the event of any assignment, the assignee shall assume the liability and all other obligations of the contractor grantee.

SECTION II: That Chapter 8.24 of the Chula Vista Municipal Code is hereby amended to read, in its entirety, as follows:

Chapter 8.24

GARBAGE AND LITTER

Sections:

- 8.24.010 Purpose and intent.
- 8.24.020 Definitions.
- 8.24.030 Accumulation of materials constituting a fire hazard prohibited.
- 8.24.040 Refuse-Disposal in public places prohibited.
- 8.24.045 Garbage and refuse generated off site-Placement in City trash receptacles-Prohibited.
- 8.24.050 Refuse-Disposal on private property prohibited-Exception.
- 8.24.060 Owner or occupant responsibility to maintain sanitary premises.
- 8.24.070 Garbage and refuse-Collection prohibited when-Burning prohibited.
- 8.24.080 Garbage and refuse-Receptacles approved for residential use.
- 8.24.090 Garbage and refuse-Placement in receptacles or bundles- Restrictions.
- 8.24.100 Garbage and refuse-Placement of receptacles for collection- Times.
- 8.24.110 Intentionally Omitted.
- 8.24.120 Intentionally Omitted.
- 8.24.130 Intentionally Omitted.
- 8.24.140 Intentionally Omitted.
- 8.24.150 Intentionally Omitted.
- 8.24.160 Intentionally Omitted.
- 8.24.170 Intentionally Omitted.
- 8.24.180 Payment of collection charges.
- 8.24.190 Reduced residential refuse collection charges.
- 8.24.195 Renumbered.
- 8.24.200 Interference with collection and scavenging prohibited when.
- 8.24.210 Littering-By private persons prohibited where.
- 8.24.220 Littering-By corporations or persons prohibited where.
- 8.24.230 Owner or occupant duty to keep sidewalks free of litter.
- 8.24.240 Intentionally Omitted.

8.24.010 Purpose and intent

The purpose of this chapter is to provide standards for and to regulate the accumulation, preparation, storage, transportation and disposal of garbage and rubbish in order to protect the health and safety of Chula Vista citizens by controlling the harboring and breeding of rodents and insects, reducing the pollution of the air caused by burning, putrefaction or fermentation of refuse, preventing the spread of disease, reducing the hazards of fire and enhancing the values and enjoyment of life.

8.24.020 Definitions

For the purpose of this chapter, the definitions contained in Chapter 8.25, Section 8.25.020, shall govern unless the context otherwise requires or indicates.

8.24.030 Accumulation of materials constituting a fire hazard prohibited.

It is unlawful for any person to create or allow to be created, or maintained upon any premises in the city, owned or controlled by such person any accumulation of materials that are dangerous as fire menace or hazard.

8.24.040 Refuse-Disposal in public places prohibited.

It is unlawful for any person to place, dump, deposit or throw any rubbish, bottles, glass, tacks, tin cans, wire, automobile parts or bodies, old wagons or buggies, or other vehicles, in whole or in part; citrus fruit, deciduous fruit, vegetables, junk or other refuse of any kind or character whatsoever upon or along the right-of-way of any public highway, street, lane, alley or other public place within the corporate limits of the city.

8.24.045 Garbage and refuse generated off site-Placement in City trash receptacles-Prohibited.

City trash receptacles are placed in city parks and other public areas for the use of the public to control trash, litter and garbage which is generated at the location where the trash receptacles are; they are not to be used as disposal sites for trash or rubbish which is generated off site. Therefore, it is unlawful for any person to place, dump, deposit or throw away rubbish, trash, garbage, bottles, glass, tacks, tin cans, wire, automobile parts, food, junk or other refuse or debris of any kind or character whatsoever in city trash receptacles if such was generated at a location other than where the trash receptacle is located.

8.24.050 Refuse-Disposal on private property prohibited-Exception.

It is unlawful for any person to place, dump, deposit or throw away any rubbish, bottles, tin cans, wire, automobile parts or bodies, old wagons or buggies, or other vehicles, in whole or in part; citrus fruit, deciduous fruit, vegetables, junk or other refuse of any kind or character whatsoever, upon any private property adjacent or abutting upon any public highway, or public place, or upon any private property whatsoever, within the corporation limits of the city unless such person first obtains the permission of the owner of such property so to do. It is further unlawful for such person to deposit or place such materials in any garbage or refuse receptacle owned or used by the owner of such property unless such person first obtains the permission of the owner so to do.

8.24.060 Owner or occupant responsibility to maintain sanitary premises.

Every owner, tenant, occupant or person owning or having the care and control of any premises in the city shall keep said premises or those under his care and control in a clean and sanitary condition and no person shall permit any garbage, rubbish, or any other substance which may be or will become offensive to be deposited or to remain in or upon any premises owned or occupied by him or under his care and control except as otherwise provided by law. It shall be the responsibility of such person to provide for scheduled garbage, rubbish, or refuse collection by means of the services of the contract or franchise agent or such other acceptable means of services to insure compliance with state law for weekly service. It shall be mandatory for such person in a single-family residential or multiple dwelling unit of four units or less to utilize the services of the contract or franchise agent and to pay the collection

charge established by the city for such service; provided, however, that any such person subject to the mandatory requirement may apply for an exemption therefrom to the contract or franchise agent upon a showing of proof of weekly disposal of trash at an authorized dump. Any dispute as to such exemption may be appealed to the city manager of the city.

8.24.070 Garbage and refuse-Collection prohibited when-Burning prohibited.

No person shall collect, remove or convey, or cause or permit to be collected, removed or conveyed, any residential, commercial or industrial refuse upon or along any public street, alley or any other public place in the city; provided however, the prohibitions of this section shall not apply to self-haul authorized employees of the city, or to any person or firm or employees thereof, with whom the city has entered into a contract for the collection, removal or disposal of garbage or rubbish or refuse, or to the occupant or owner of any residence from personally removing garbage or rubbish from said residence or commercial establishment.

It is unlawful for any person to burn or bury any garbage or refuse as a means of disposing of said garbage.

8.24.080 Garbage and refuse-Receptacles approved for residential use.

It is unlawful for any person in a residential area to keep or store any garbage within receptacles except those which are tapered gradually, decreasing in diameter toward the bottom of the container, made of metal or plastic with metal or plastic covers and handles, and which receptacles shall be watertight and fly-proof and shall not exceed eighteen gallons' capacity. Unless garbage is mixed with rubbish, in which case maximum container capacity shall be forty gallons.

Further, every person having the care or control of any place or premises within the city where refuse accumulates or exists, and such refuse is to be collected by the contract agent of the city, shall cause such refuse to be placed and kept in such receptacles, with lids securely fitted, and in a number adequate to contain the amount of refuse normally accumulating during the interval between collection thereof.

8.24.090 Garbage and refuse-Placement in receptacles or bundles- Restrictions.

All rubbish and trash shall be kept within sturdy receptacles made of metal or plastic, and no rubbish or trash shall be placed in any receptacle so that it protrudes or extends beyond such receptacles. Weight of empty receptacle shall not exceed fifteen pounds; weight of fully loaded container shall not exceed sixty pounds. Cardboard containers securely tied may be used. Said containers shall also be collected.

A. The following are approved for residential customers:

1. Use of plastic or paper bags manufactured expressly for waste storage, securely tied with wire, plastic or string, and of such thickness and bursting strength to resist puncture and tears. Grocery and shopping bags are not permitted;
2. Securely tied cardboard containers may be used on a one-time basis and will be collected by the contract agent;

3. Newspapers and/or flattened cardboard boxes may be placed outside receptacles if they are stacked and securely tied in bundles of not more than sixty pounds in weight;
 4. Brush and limbs of trees may be placed outside of receptacles in tied bundles not more than four feet in length or eighteen inches in diameter;
 5. Any person desiring to receive different, additional, or more frequent service may do so through the contract agent, on mutually agreeable terms and conditions.
- B. The following are disapproved for residential customers;
1. Use of severely damaged containers or containers with jagged or sharp edges (said containers will be appropriately tagged by contract agent first time noted and will be collected by contract agent if used subsequently to being so tagged.)
 2. Put out for contract agent collection any hazardous wastes and materials, such as hypodermic needles, drugs, poisons, caustics, acids, insecticides, explosives or flammables;
 3. Put out for contract agent collection, construction and demolition waste, cement, dirt, sand, lumber, plaster, sod, stones, building blocks, auto or truck parts or tires, trees, crankcase drainings, agricultural industry debris, or any items which resist compaction and may damage equipment;
 4. Deposit garbage, rubbish, or any other material in waste containers intended for use by, or belonging to others.

8.24.100 Garbage and refuse-Placement of receptacles for collection-Times.

No refuse shall be placed for collection in an alley or on the curb or the streets before six p.m. on the day immediately prior to the scheduled collection day. No person shall permit refuse receptacles to remain on the street or alley after eight p.m. of the collection day. Collection point shall be in front of the residential property at the curblineline or as close thereto as possible without creating an obstacle on the sidewalk. All refuse placed at such collection points shall be deemed an acceptance or request for service by the city's contract agent.

8.24.110 [Intentionally Omitted].

8.24.120 [Intentionally Omitted]

8.24.130 [Intentionally Omitted]

8.24.140 [Intentionally Omitted]

8.24.150 [Intentionally Omitted]

8.24.160 [Intentionally Omitted]

8.24.170 [Intentionally Omitted]

8.24.180 Payment of collection charges.

- A. The council finds and determines that the regular collection of garbage and rubbish and the disposal thereof by the contract agent of the city from all places in the city is a service to the premises from which it is collected. Except as provided in Sections 8.24.060 and 8.24.070, all owners or occupants of premises generating Solid Waste or otherwise having the responsibility to keep the premises clean and sanitary, shall pay the monthly collection fee charged by the City's contract or franchise agent, not to exceed the City-approved "Maximum Rates". A schedule of Maximum Rates shall be kept on file with the City Clerk and is available for public review. Maximum Rates may be subject to increase pursuant to the terms of the City's contract or Franchise with the contract or franchise agent(s). Subject to the terms of the then in effect contract or franchise, the council may from time to time establish such rates by resolution, including the establishment of rates for different classifications of generators (residential, commercial, or industrial or industrial or subclassifications thereof) or types of materials generated, including preferential or discounted rates for senior citizens or low income families or other classifications which are deemed to be in the public interest. No person shall willfully fail, neglect or refuse, after demand by contract agent, to pay the fees as provided for herein.
- B. The contractor or grantee will provide the billing and be totally responsible for the collection of payments. Residential customers shall not be billed more than three months in advance. Service shutoff for nonpayment shall not be instituted before thirty days after initial billing and after sufficient notification. Commercial billing shall be monthly in arrears of service.

8.24.190 Reduced residential refuse collection charges.

The city council finds and declares that senior citizens (62 years and older) in single-family homes do not generate as great a volume garbage and refuse and, therefore, a method should be provided which would result in a reduced collection charge for such citizens. The collection charge for senior citizens shall be based upon the cost to be established by resolution of the city council for single container service.

8.24.200 Interference with collection and scavenging prohibited when.

It is unlawful for any person or persons other than the contract agent as defined herein and authorized by the city to collect garbage, rubbish, trash and other refuse, to interfere in any manner with any receptacle whether owned by private persons or by the contract agent, containing garbage, trash, rubbish or the contents thereof or to remove any such receptacle from the location where the same was placed by the owner thereof or to remove the contents of any such receptacle except that any person, firm or corporation producing table refuse or other form of garbage may sell, give or otherwise dispose of the same in such manner as he or it may desire; provided, that any table refuse or garbage handled, conveyed or otherwise treated by any person other than an employee of the contract agent of the city, shall be

handled, conveyed or otherwise disposed of in a manner strictly in accordance with the rules and regulations of the county health department. Any person, firm or corporation may also sell, give or otherwise dispose of solid waste in such containers in such manner as it may desire provided that all federal, state and local laws are followed.

8.24.210 Littering-By private persons prohibited where.

No person or persons shall leave, discard, deposit, throw away or cause to be left, discarded, deposited or thrown away, any container of any type material waste, food, paper, wood, trash or any refuse upon any street, alley, gutter, sidewalk, parkway, park or recreational area in the city.

8.24.220 Littering-By corporations or persons prohibited where.

It is unlawful for any person, firm, company or corporation to deposit upon any sidewalk, or street within the city any sweepings from any sidewalk, stairway or other opening leading to the street or sidewalk. All such sweepings or material from any sidewalk or any other opening leading to the street or sidewalk within the city shall be removed in a pan, shovel or other container and placed in a receptacle for rubbish.

8.24.230 Owner or occupant duty to keep sidewalks free of litter.

It shall be the duty of all owners and occupants of buildings in the city and the duty of all owners of vacant lots in the city to keep the sidewalks adjacent to such premises clean and free of any container of any type of material, waste, food, paper, wood, trash or any refuse and all noxious weeds and vegetation.

8.24.240 [Intentionally Omitted]

SECTION III: That Chapter 8.25 of the Chula Vista Municipal Code is hereby amended to read, in its entirety, as follows:

Chapter 8.25

RECYCLING

Sections:

8.25.010	Purpose and Intent.
8.25.020	Definitions.
8.25.030	Mandatory Fees for Recycling.
8.25.035	Reduced Residential Curbside Recycling Collection Rates.
8.25.040	Separation of Recyclable Materials, Storage and Containers.
8.25.050	Mandatory Recycling.
8.25.060	Recyclable Programs.
8.25.070	Reports.
8.25.080	Scavenging.
8.25.090	Composting.
8.25.100	Enforcement.

8.25.110 Severability.

8.25.010 Purpose and Intent.

The purpose of this chapter is to provide standards for integrated solid waste management to include source reduction, recycling and composting of solid wastes, in order to provide for the long term health, safety and welfare of Chula Vista residents through extending current landfill capacity, preserving resources, and providing for the general protection of the environment. The chapter provides for regulation of the storage, collection, transportation and recovery of marketable and recyclable materials.

8.25.020 Definitions.

For purposes of this chapter, and other municipal code provisions referring hereto, the following words shall have the meanings ascribed thereto unless the context in which they are used clearly indicates another meaning.

- A. "Aluminum" means recoverable materials made from aluminum such as used aluminum food or beverage containers, aluminum foil, siding, screening, and other items manufactured from aluminum.
- B. "Bin" shall mean those plastic or metal containers of one cubic yard (202 gallons) to eight cubic yards that have plastic lids on the top (unless metal lids are designated by the City Manager). Bins are used for weekly or more frequent collection of waste, yard waste or designated recyclables by the City or its Franchise agent.
- C. "Bulky Waste" means discarded items whose large size or shape precludes or complicates their handling by standard residential or commercial solid waste, recycling and green waste collection methods. Bulky items include white goods, furniture, large auto parts, trees, stumps, carpet and other potentially oversize wastes. Bulky waste does not include hazardous or infectious waste unless specifically exempt such as Freon containing refrigerators.
- D. "Buy-back Center" means a facility licensed and permitted by the Department of Conservation and/or local jurisdiction which pays a fee for the delivery transfer of ownership to the facility of source separated materials for the purpose of recycling or composting.
- E. "Cardboard" means post-consumer waste paper grade corrugated cardboard (grade #11), kraft (brown) paper bags, or solid fiber boxes which have served their packaging purposes and are discarded and can later be reclaimed for collection and recovery for recycling.
- F. "Carts" shall mean those plastic containers with a capacity of less than 202 gallons (one cubic yard). Carts shall have a fixed lid and are designed for automated and/or semi-automated collection of solid waste, yard waste and/or designated recyclables by the City or its Franchise agent.
- G. "City" shall mean the City of Chula Vista, a municipal corporation of the State of California in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

- H. "Collection" means the act of removing and conveying non-hazardous and non-infectious solid waste, commingled or source separated materials, from residential, commercial, industrial, or institutional (governmental) generators, to a facility for processing, composting, transfer, disposal or transformation.
- I. "Commercial" means a site and/or business zoned or permitted for any use other than residential including but not limited to commercial, light industrial, industrial and agricultural. Commercial generators that generated three (3) or more cubic yards of waste per week are serviced by a bin or compactor collection vehicle.
- J. "Commercial Recyclables" means Designated recyclable materials from the two commercial subcategories of office and hospitality. Materials include, but are not limited to: office paper, cardboard, newspaper, and aluminum from offices; and cardboard, glass bottles and jars, plastic bottles, aluminum, tin and bi-metal cans, and white goods from hospitality establishments.
- K. "Compactor containers" means those fully enclosed metal containers of two to forty cubic yards provided by the City's hauler or customer. Compactors typically serve very large generators.
- L. "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream.
- M. "Composting" shall mean the controlled and monitored process of converting organic wastes into compost.
- N. "Construction Waste" means the demolition, dredging, grubbing, building, and rubble resulting from construction, remodeling, repair, and/or demolition activities on housing, commercial, governmental building, and other structures and pavement.
- O. "Contract or Franchise agent(s)" means any person, private or public entity designated by the City council pursuant to Article XII of the City charter and Chula Vista Municipal Code, Chapter 8.23, as being responsible for administering, the collection, processing and/or disposal of solid waste or Designated Recyclables.
- P. "Recycling Box" shall mean those containers with a capacity of 18 gallon to 32 gallons which are supplied by the City or its Franchise agent for manual collection of designated recyclables.
- Q. "Curbside collection" means the service of removing and conveying of non-hazardous and non-infectious solid waste, source separated recyclables and/or green waste from the public thoroughfare at the curb or alley. (The City shall make the final determination regarding eligibility for curbside collection which shall generally apply to small quantity generators.)
- R. "Designated containers" ("Containers") shall mean those containers designated by the City Manager for temporary storage and collection of waste or designated recyclables including but not limited to "Curbside bins, Carts, Bins, Roll-off Boxes, and or Compactor Containers.
- S. "Designated solid waste and recycling collection or storage location" means a place designated by the City Manager for storage and/or collection of waste, green waste and/or recyclables pursuant to Section 8.24.100 of the Chula Vista Municipal Code.

Designated locations include, but are not limited to, the curb, alley, waste/recycling enclosure, a loading dock, or basement of a commercial enterprise or multi-family complex where waste and recyclables are placed for collection or temporary storage prior to collection by the City's Franchise agent.

- T. "Franchised Recyclables" means any residential, commercial or industrial Recyclables, as defined herein, to be collected by the City's contract agent or franchisee, placed in designated recycling containers or at designated recycling collection or storage location(s).
- U. "Garbage" means all non-hazardous, non-infectious organic waste including: kitchen and table waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking, or handling of food stuffs, except organic wastes separated therefrom and used in composting in accordance with Chula Vista Municipal Code Chapter 8.25, Section 8.35.090.
- V. "Generator" means every owner, tenant, occupant or person owning or having the care and control of any premises in the City including the temporary use of parks, open space or a public thoroughfare.
- W. "Glass bottles and jars" means food and beverage containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling, including container glass designated redeemable under the California Beverage Container Recycling and Litter Reduction Law, Division 12.1 (commencing with Section 14500) of the California Public Resources Code, as well as glass jars and bottles without redeemable value ("scrap"), but excluding household, kitchen, and other sources of non-container glass such as drinking glasses, ceramics, light bulbs, window pane glass, and similar glass products that are not bottles or jars.
- X. "Grantee" shall mean the City's Franchise agent(s).
- Y. "Green wastes" means the leaves, grass, weeds, shrubs, tree branches, tree trunk and other wood materials from trees. Green waste may also include pre-consumer food waste, incidental amounts of waxed or plastic coated corrugated cardboard, unpainted and untreated lumber. Green waste does not include, tree stumps in excess of 100 pounds, more than incidental dirt or rock, plastic, glass, metal, painted or treated lumber, plywood, particle board or other manufactured products that contain glue, formaldehyde, non-organic or non-biodegradable materials.
- Z. "Green Waste Processing" means the accumulation and storage of green waste in a manner that leads to the intentional or un-intentional thermophilic decomposition of green waste. The acceptance of payment for green waste, the accumulation of more than 15 yards or three (3) tons per year of unprocessed, shredded, ground or composted material shall constitute green waste processing and is subject to the City, County and State requirements regulating compost and/or solid waste facilities (site codes). Residential, commercial and agricultural sites that generate, stockpile or process green waste material generated on site and used on-site without sale of finished or unfinished material that are otherwise compliant with all conditions of the municipal code for nuisance may apply for an annual exemption.
- AA. "Hazardous or Toxic Waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, explosive, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of

wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of wastes as defined in Section 25117 of the California Health and Safety Code which is not legally disposable at a Class III Landfill.

- BB. "Hospitality" means any establishment that offers dining services, food or beverage sales. This includes, taverns, bars, cafeterias, and restaurants, as well as, motels and hotels (temporary housing of less than one month duration), hospitals, schools, colleges, and other such establishments that have dining services, or a restaurant or bar on their premises.
- CC. "Industrial Recyclables" means recyclables from industrial, construction, and demolition operations, including, but not limited to, asphalt, concrete, dirt, land clearing brush, sand and rock.
- DD. "Industrial Solid Waste" means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, and/or publicly operated treatment works, excluding recyclables and compostables, if properly handled and treated excluding Hazardous or Toxic Waste.
- EE. "Inert" means materials such as concrete, soil, asphalt, ceramics, earthen cooking ware, automotive safety glass, and mirrors.
- FF. "Improper Disposal" means the discarding of any item or items upon public or private premises that were not generated on the premises as a part of its authorized use unless written consent of the property owner is first obtained.
- GG. "Improper Disposal Site" means any premises that have intentionally or unintentionally accumulated solid waste or recyclables and/or charged a fee for accepting material without a solid waste or composting permit from the County Local Enforcement Agency (site code). This does not include businesses licensed and permitted in the City to purchase source separated recyclables.
- HH. "Incidental Waste" less than one pound of waste deposited in a public litter bin or designated waste container to prevent litter. Such as waste from a fast food meal deposited in a designated waste container or public litter bin by a pedestrian or vehicle operator.
- II. "Industrial Generator" means any property or generator that is engaged in the manufacture of products including but not limited to construction and demolition. Industrial generators are typically serviced by roll-off box containers of 10-40 yard capacities and typically generate inert materials such as asphalt, concrete, building debris and some wood and dry green waste.
- JJ. "Industrial" means any form of mechanized manufacturing facilities, factories, refineries, and construction and demolition operations, excluding hazardous waste operations.
- KK. "Institutional" shall mean any premise owned and/or occupied by local, state and federal agencies. Typically office or education facilities with a common waste stream.
- LL. "Integrated Solid Waste Management" means a planned program for effectively controlling the storage, collection, transportation, processing and reuse, conversion or

disposal of solid waste, recyclables and/or compostables in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal, litter control and resource recovery systems necessary to achieve established objectives.

- MM. "Landfill" means a disposal system by which solid waste is deposited in a specially prepared area which provides for environmental monitoring and treatment pursuant to the California Code or Regulations, California Public Resources Code and the Federal Resource Conservation and Recovery Act.
- NN. "Large Generator" means those residential, commercial industrial and institutional entities that generate more than 300 gallons of waste per week excluding source separated recyclables diverted from disposal or transformation.
- OO. "Mixed waste processing" means a system of recovering recyclables from the mixed waste stream through separation at a processing facility, transfer station, landfill, or other such facility instead of separation at the primary waste generation source.
- PP. "Multi-family" means a structure or structures containing a total of 4 or more dwelling units in any vertical or horizontal arrangement on a single lot or building site.
- QQ. "Newspaper" means newsprint-grade paper including any inserts that come in the paper, and excluding soiled paper, all magazines, and other periodicals, telephone books, as well as all other paper products of any nature.
- RR. "Nuisance" means anything which is injurious to human health, or is indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood, or any number of persons, although the extent of annoyance or damage inflicted upon the individual may be unequal, and which occurs as a result of the storage, removal, transport, processing, or disposal of solid Waste, compost, and/or designated recyclables.
- SS. "Office or Offices" for purposes of this chapter shall mean any office, combination of offices or connected building or office space in which the combined, total area is more than 20,000 square feet, regardless of office affiliation, ownership, or occupancy. This includes, but is not limited to, businesses used for retail, wholesale, professional services, legal services, financial services (to include banks), medical services, shipping and receiving areas, churches, schools, colleges, and libraries.
- TT. "Office Paper" means waste paper grades of white and colored ledgers and computer paper. Examples include forms, copy paper, stationery, and other papers that are generally associated with desk and employee work area activity, and any additional materials to be added by ordinance.
- UU. "Plastic bottle" means a plastic container with narrow neck or mouth opening smaller than the diameter of the container body, used for containing milk, juice, soft drinks, water, detergent, shampoo or other such substances intended for household or hospitality use; to distinguish from non-bottle containers (e.g., deli or margarine tub containers) and from non-household plastic bottles such as those for containing motor oil, solvents, and other non-household substances.

- VV. "Pollution" means the condition caused by the presence in or on a body of water, soil, or air of any solid waste or substance or derived therefrom in such quantity, or such nature and duration, or under such condition that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.
- WW. "Processing" means the reduction, separation, recovery, conversion, or recycling of any component(s) of solid waste.
- XX. "Putrescible Wastes" means the waste in organic material with the potential decomposition capacity to emit noticeable quantities of odor and gas by-products. Material in this category includes, but is not limited to kitchen waste, dead animals, food from containers, etc., except organic wastes separated therefrom and used in composting.
- YY. "Recyclables" means any materials that are recyclable, reclaimable, and/or reusable within the following generating categories: small generator and large generator. Any material having an economic value on the secondary materials market or that is otherwise salvageable shall be included and/or other materials that have been separated from other small or large generators for the purposes of being recycled for resale and/or reuse, and placed at a designated recycling or waste collection or storage location or in a designated recycling or waste container for the purpose of collection and processing, or any such designated recyclables materials collected under a mixed waste processing program.
- ZZ. "Recycling" shall mean any process by which materials which would otherwise be discarded, deposited in a landfill or transformation facility and become Solid Waste are collected (source separated, commingled, or as "mixed waste"), separated and/or processed and returned to the economic mainstream in the form of raw materials or products or materials which are otherwise salvaged or recovered for reuse.
- AAA. "Refuse" means garbage and rubbish.
- BBB. "Removal" means the act of taking solid wastes or designated recyclables from the place of generation either by the contractor or Franchise agent(s), or by a person in control of the premises.
- CCC. "Removal frequency" means frequency of removal of solid wastes or recyclables from the place of generation.
- DDD. "Residential" for purposes of this Franchise, means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including single and multiple family dwellings, apartment-hotels, boarding and lodging houses. Residential does not include short-term residential uses, such as motels, tourist cabins, or hostels which are regulated as hospitality establishments.
- EEE. "Residential Recyclables" means those specific recyclable materials from residential solid waste (single family and multi-family) including, but not limited to, aluminum, glass bottles and jars, newspaper, plastic bottles, tin and bi-metal cans, white goods, and yard waste.
- FFF. "Roll-Off Service" means service provided for the collection, removal and disposal of industrial waste such as construction, demolition and other primarily inert non-

putrescible wastes and green wastes. Roll-off Service is usually provided using metal containers of ten to forty cubic yards that are open on the top with doors on one end.

GGG. "Rubbish" means non-putrescible solid wastes such as ashes, paper, glass, bedding, crockery, plastics, rubber by-products or litter. Such materials that are designated as recyclable or compost may be exempt from categorizing as rubbish provided such materials are handled, processed and maintained in a properly regulated manner.

HHH. "Salvaging or salvageable" means the controlled and/or authorized storage and removal of solid waste, designated recyclables or recoverable materials.

III. "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste, designated recyclables or recoverable materials. Such activity is unlawful and is a misdemeanor punishable by up to six months in jail and \$1,000 in civil penalties under section 8.24.200, 8.25.080 of the Chula Vista Municipal Code and Chapter 9 Section 41950 of the California Integrated Waste Management Act of 1989.

JJJ. "To segregate waste material" means any of the following: the placement of designated recyclables in separate containers; the binding or bagging of designated recyclables separately from other waste material and placing in a separate container from refuse, or the same container as refuse; the physical separation of designated recyclables from other waste material (either at the generating source, solid waste transfer station, or processing facility).

KKK. "Small Generator" means those residential, commercial industrial and institutional entities that generate less than 300 gallons of waste per week excluding source separated recyclables diverted from disposal or transformation.

LLL. "Solid Waste" means all putrescible and non-putrescible solid, semi-solid and liquid wastes, such as refuse, garbage, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and includes liquid wastes disposed of in conjunction with solid wastes at solid waste transfer/processing stations or disposal sites, which are generated by Residential, Commercial or Industrial sites within the City. Solid waste shall not include: hazardous and infectious waste, sewage collected and treated in a municipal or regional sewage system or materials or substances having commercial value or other importance which can be salvaged for reuse, recycling, composting or resale.

MMM. "State" shall mean the State of California.

NNN. "Storage" means the interim containment of solid wastes, yard wastes, or recyclables in an approved manner after generation and prior to disposal, collection or processing. (Interim means for one week or less, roll-off containers may store non-putrescible waste for up to thirty days.)

OOO. "Streets and Byways" shall mean the public streets, ways, alleys and places as the same now or may hereafter exist within said City, including state highways now or hereafter established within said City.

PPP. "Tin and bi-metal cans" means any steel food and beverage containers with a tin or aluminum plating.

- QQQ. "Transfer or processing station" means those facilities utilized to receive solid wastes and to temporarily store, separate, convert, or otherwise process the solid waste and/or recyclables.
- RRR. "Unit" means an individual residence contained in a residential multi-family complex.
- SSS. "White goods" means kitchen or other large enameled appliances which includes, but is not limited to, refrigerators, washers, and dryers.
- TTT. "Wood Waste" means lumber and wood products but excludes tree stumps in excess of 100 pounds, more than incidental dirt or rock, plastic, glass, metal, painted or treated wood, plywood, particle board or other manufactured products that contain glue, formaldehyde, non-organic or non-biodegradable materials.
- UUU. "Vector" means any nuisance such as odor, unsightliness sound or, a carrier, usually insects or rodents, that is capable of transmitting a disease.
- VVV. "Yard waste" means the leaves, grass, weeds, and wood materials from trees and shrubs from the single family and multi-family residential sources of the City's Green waste (to include landscape haulings from residential sources). Acceptable materials for collection include all yard waste as herein defined, excluding palm fronds, treated or processed wood or lumber, bulky waste or any other materials as shall be determined by the City as to not be salvageable. All acceptable yard waste shall be void of nails, wire, rocks, dirt or any other material that is not considered yard waste.

8.25.030 Mandatory Fees for Recycling.

- A. The city council finds and determines that the regular collection of recyclables by the contract or franchise agent(s) of the city from all places in the city is a service to the premises from which it is collected. All owners or occupants of premises generating recyclables shall pay the monthly collection fee charged by the City's contract or franchise agent, not to exceed the City-approved "Maximum Rates". A schedule of "Maximum Rates" shall be kept on file with the City Clerk and is available for public review. Maximum Rates may be subject to increase pursuant to the terms of the City's contract or franchise with the contract or franchise agent(s). Subject to the terms of the then in effect contract or franchise, the council may from time to time establish such rates by resolution, including the establishment of rates for different classifications of generators (residential, commercial, or industrial, or subclassifications thereof) or types of materials generated, including preferential or discounted rates for senior citizens or low income families or other classifications which are deemed to be in the public interest.
- B. Pursuant to California Public Resources Code, Sections 41900 et seq., City may, by resolution of the city council, impose fees on City generators to pay the actual costs incurred by the city in preparing, adopting or implementing an integrated waste management plan in accordance with state mandates.
- C. The contract or franchise agent shall provide billing service and be totally responsible for the collection of such fees, at the same time and in the same manner, as the collection of charges for refuse collection pursuant to Section 8.24.180. No person shall wilfully fail, neglect or refuse, after demand by the contract or franchise agent(s), to pay the fees provided for herein.

8.25.035 Reduced Residential Curbside Recycling Collection Rates.

The city council considers that recycling is a community responsibility critical to effective waste management and overall environmental sensitivity, and that a residential curbside recycling program meets the established city policy of designing recycling programs with attention to public convenience. The city council also finds and declares that senior citizens and low income households may be financially burdened households which have difficulties securing the basic necessities of life. Therefore, it is the intent that a method be provided which would result in a reduced collection charge for such citizens, thereby assisting the household and providing a participation incentive. This reduced rate shall apply to a senior citizen (62 years and over) or a low income household which meets the total annual gross income criteria used by the city for determining reduced sewer service charges.

Senior citizens who apply for reduced residential refuse collection charges and self-regulate their own trash collection costs through the City's single bag or container program. Occupants of premises subject to a curbside recycling charge may request a reduction due to low income by filing a completed city application form at any time. Upon certification of eligibility by the director of finance, the sanitary service will be notified to reduce the recycling charge in time for the next regularly scheduled billing cycle.

8.25.040 Separation of Recyclable Materials, Storage, and Containers.

- A. The owner, operator, and/or occupant of any premise, business establishment, industry, or other property, vacant or occupied, shall be rebuttably presumed to be the generators of, and be responsible for, the safe and sanitary storage of all solid waste, designated recyclables, and compost accumulated on the property. The designated recyclables and compost shall be stored separately from refuse. The property owner, operator, or occupant shall store such solid waste, designated recyclables, and compost on the premises or property in such a manner so as not to constitute a fire, health, or safety hazard, and shall require it to be handled in such a manner so as not to promote the propagation, harborage, or attraction of vectors, or the creation of litter or other nuisances.
- B. A container or containers for designated recyclables shall be provided by the contract or franchise agent(s) for any premises generating residential or commercial recyclables, for the exterior collection of designated recyclables. Containers for industrial recyclables shall be provided by the generator of the designated recyclables, unless otherwise arranged through the city manager. The containers shall effectively segregate the designated recyclables from refuse.
- C. All such containers to be used in the city's recycling programs shall be approved by the city manager, in conjunction with the contract or franchise agent(s) (or, in the case of Industrial Recyclables, the generators of the industrial recyclables).
- D. Designated recyclables shall be sorted according to type and/or as established by program guidelines and placed in separate containers, containers with segregated compartments, or commingled (in one recycling container), as agreed upon by the city manager and the contract or franchise agent(s). containers, if more than one, shall be grouped together and placed for collection at the same time as when regular refuse collection occurs or at designated recycling collection times (if different from refuse collection) and at designated recycling collection locations.

- E. All containers used for recycling purposes, storage or collection, including commercial and industrial recycling containers used in city recycling programs as well as all other containers used for recycling purposes whether owned or operated by a commercial entity, nonprofit organization, or any other persons or entity shall be identified with the name and current telephone number of the owner or the responsible agency or person. Commercial recycling containers shall remain locked at all times in order to discourage scavenging and prevent dumping of refuse in the container, unless exempted by the city manager in conjunction with the contract or franchise agent(s).
- F. Containers which do not comply with the requirements of this section shall be presumed to be refuse and taken by the contract or franchise agent(s) for disposal or potential use as salvaging or recycling containers.
- G. It shall be unlawful for any person to dispose, dump, or otherwise place material other than designated recyclables, in a designated recycling container or at a designated recycling collection or storage location.
- H. Exemption. Designated recyclables which are source sorted by their generator for the purpose of recycling by selling them to a Buy-back Center or donating them to a city licensed nonprofit or community group conducting recycling programs for the purpose of raising funds do not have to be placed in the designated recycling container required by this section, nor placed in a designated recycling collection location in accordance with this Section. When designated recyclables are received by a city licensed nonprofit or community group conducting recycling programs for the purpose of raising funds they shall be stored and sorted in accordance with this section and transported to a Buy-back Center for the purpose of recycling.

8.25.050 Mandatory Recycling.

It shall be mandatory for all generators of residential, commercial, and industrial recyclables in the city to separate from refuse, for recycling purposes, all Designated Recyclables and otherwise participate in recycling as described by this chapter.

8.25.060 Recycling Programs.

- A. The city manager shall establish and promulgate reasonable regulations, guidelines and other program related specifics as to the implementation of recycling programs for residential, commercial, and industrial recycling, including the method for collection of designated recyclables.
- B. Commercial and industrial establishments shall develop their respective "in-house" recycling plans that provide for the collection of designated recyclables in conjunction with the city's established recycling programs. The city and the contract or franchise agent(s) shall assist in program development, provide technical expertise, and training materials.
- C. Collection of recyclables from single-family residential units shall minimally occur once weekly. For commercial and industrial entities, collection shall be provided as needed to meet demand.

- D. The city encourages use of Buy-back Centers, Donation Centers (for used furniture and other reusable bulky items, and nonprofit agents), scrap dealers, home and commercial composting, source reduction, and other creative, lawful and environmentally sound efforts to reduce waste in accordance with this chapter that do not conflict with any established or planned city sponsored recycling, composting or source reduction programs.

8.25.070 Reports.

All commercial and industrial establishments shall submit recycling tonnage documentation on an annual basis to the city's conservation coordinator, due on or before January 31, for the previous year. Annual reporting shall be on the form promulgated by the city manager, and commence on the first anniversary of the date set forth in the mandatory recycling implementation schedule as established in this chapter as July 1, 1993. Voluntary reporting prior to the required mandatory recycling is encouraged.

8.25.080 Scavenging.

- A. It shall be unlawful for any person other than authorized city personnel or contract or franchise agent(s) to remove any separated designated recyclable(s) or salvageable commodity from any designated recycling collection or storage location, or designated recycling container. However, the original generator of the designated recyclables, may for any reason, remove the designated recyclables placed by said generator from the designated recycling container or designated recycling collection or storage location in which said generator had originally placed them.
- B. It shall be unlawful for any person to disturb, modify, harm, or otherwise tamper with any container or designated recycling collection or storage location containing designated recyclables, or the contents thereof, or to remove any such container from the location where the same was placed by the generator thereof, or to remove the contents of any such container, unless authorized by the generator of such designated recyclables or a duly authorized city personnel or contract or franchise agent(s).

8.25.090 Composting.

- A. Every establisher of a composting pile, bin, holding area or other such composting system shall first obtain a permit from the city, if the total volume used within the boundaries of the premises for composting is 15 cubic yards or greater.
- B. Every composting pile, bin, holding area or other such composting system shall be maintained so as to not create a public or private nuisance through visual, odor, safety and/or other means, or as prescribed in Chapter 19.66 of the Chula Vista Municipal Code. Without constituting a limitation on the foregoing, no such composting pile, bin, holding area or other such composting system shall be maintained within six (6) feet from an exterior window, exterior door or other exterior entrance to an inhabited residential structure other than one owned by the owner of such composting system.
- C. The owner, operator, or occupier of property containing a composting pile, bin, holding area or other such composting system that is greater than 5 feet high, 5 feet wide and

5 feet in length shall weekly monitor temperature, through utilization of a thermometer designed for such purposes.

- D. No single compost pile, bin, holding area or other such composting system on a Residential Single-Family (as defined in Ordinance No. 2443) premises shall be more than 5 feet in height and/or greater than 6 feet in width or length.

8.25.100 Enforcement.

- A. The city manager or designee is responsible for enforcing the provisions of this chapter.
- B. Types of materials included in designated recyclables may be administratively deleted by the city manager under emergency conditions (to include market failures), subject to formal ordinance amendment approved by the city council, if such conditions persist.
- C. Nothing in this ordinance or its implementing regulations shall prevent the city or its contract or franchise agent(s) from efforts to obtain voluntary compliance by way of warning, notice of violation, educational or other means.

8.25.110 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

SECTION IV: This ordinance shall become effective thirty days after its final passage unless suspended by a referendum petition filed as provided by law.

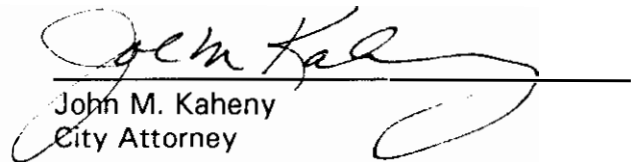
SECTION V: The city clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation published and circulated in said city.

Presented by

Approved as to form by




Michael Meacham
Conservation Coordinator



John M. Kaheny
City Attorney


PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 11th day of August, 1998, by the following vote:

AYES:	Councilmembers:	Moot, Padilla, Rindone, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Shirley Horton, Mayor

ATTEST:



Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2740 had its first reading at a regular meeting held on the 4th day of August, 1998 and its second reading and adoption at a regular meeting of said City Council held on the 11th day of August, 1998.

Executed this 11th day of August, 1998.



Beverly A. Authelet, City Clerk