

ORDINANCE NO. 2764

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 8.24 OF THE CHULA VISTA MUNICIPAL CODE TO, ELIMINATE SUSPENSION OF SOLID WASTE SERVICE FOR SMALL GENERATORS, CLARIFY MANDATORY PARTICIPATION AND STANDARDS FOR EXEMPTION FROM SOLID WASTE SERVICE, ESTABLISH MAXIMUM PENALTIES AND COLLECTION PROCEDURES FOR FAILURE TO PAY FEES AND MAKE THOSE CHANGES REQUIRED TO CONFORM WITH THE NEW DEFINITIONS ADOPTED WITH GRANTING OF THE FRANCHISE AGREEMENT

WHEREAS, the City of Chula Vista currently has a mandatory participation requirement for solid waste and recycling service and although service is mandatory, the current provision does not contain any enforcement mechanism or penalty for non-participation; and

WHEREAS, Pacific Waste Services and Staff estimate that up to 10 percent or 3,500 of the City's solid waste generators do not pay for weekly solid waste and recycling collection service or comply with the existing Chula Vista Municipal Code (CVMC) requirements regarding an exemption; and

WHEREAS, the failure of more than a few generators to participate in the solid waste program increases costs for the majority of rate payers; and

WHEREAS, staff recommends that Council adopt the proposed Ordinance which amends the Municipal Code as follows: 1) eliminates suspension of service for small generators, 2) clarifies the criteria for an exemption from participation in the City's mandatory waste and recycling services 3) provides the City and franchise agent with penalties sufficient to encourage proper participation and timely payment, 4) provides the City with the authority to place a lien on the property tax roll to collect any unpaid fees for participation under the existing mandatory solid waste program, 5) establishes minimum notification requirements prior to assessing penalties or implementing a lien procedure, and 6) makes certain modifications to the chapter so that it conforms with the adoption of the solid waste franchise agreement.

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

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

Chapter 8.24

SOLID WASTE AND LITTER

Sections:

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|-----------------|---|
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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.
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8.24.180	Payment of Solid Waste and Recycling collection charges.
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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.
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8.24.010 Purpose and intent

The city council finds that the accumulation, storage, collection, transportation, processing and disposal of Solid Waste is a matter of public concern, in that improper control of such matters creates a public nuisance, can lead to air pollution, fire hazards, illegal dumping, insect breeding, rodent infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The city council further finds that the minimum weekly collection of Solid Waste from all residences and places of business in the city benefits all occupants of residences and businesses within the city. Accordingly, the collection of Solid Waste in the city is a mandatory service, shall not be discontinued and all owners and occupants as defined in Section 8.24.060 are made liable for the payment of such fees as may be approved from time to time by the city council. The city council further declares that the regulations provided in this chapter are designated to eliminate or alleviate such public health and safety concerns, and provide minimum standards for the accumulation, storage, transportation and processing of Solid Waste.

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 Solid Waste-Disposal in public places prohibited.

It is unlawful for any person to place, dump, deposit or throw any Solid Waste including but not limited to: plastic, glass, metal, paper, Green Waste, other food waste, automobile parts or other Solid Waste or liquid wastes 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 Solid Waste generated off site-Placement in city trash containers-Prohibited.

City Solid Waste and litter containers are placed in city parks, at bus stops and other public areas for the use of the public to control litter and Solid Waste which is generated at or near the location where the Solid Waste containers are located; they are not to be used as disposal sites for Solid Waste which is generated off site except as defined as Incidental Waste in Chapter 8.25.020 of the Chula Vista Municipal Code. Therefore, it is unlawful for any person to place, dump, deposit or throw away Solid Waste of any kind or character whatsoever other than Incidental Waste in city litter or Solid Waste containers if such was generated at a location other than where the Solid Waste or litter container is located.

8.24.050 Solid Waste-Disposal on private property prohibited-Exception.

It is unlawful for any person to place, dump, deposit or throw away any Solid Waste other waste discards 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 written 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 Solid Waste container owned or used by the owner of such property unless such person first obtains the written permission of the owner so to do. This section is not intended to preclude a person from disposing of waste generated at a business in containers provided for customers of the business such as empty food containers being placed in public waste containers at a fast food restaurant.

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/her care and control in a clean and sanitary condition and no person shall permit any Solid Waste 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 expressly permitted by this Chapter. It shall be the responsibility of such person to provide for weekly

scheduled Solid Waste collection service by means of the city's contract or franchise agent and pay for such services pursuant to this Chapter. However, that any such person subject to the mandatory requirement may remove or convey their own waste to a state permitted landfill or transfer station by applying to for an exemption in writing in advance and receiving such exemption pursuant to section 8.24.180. Any dispute as to such exemption may be appealed to the city manager.

8.24.070 Solid Waste-Collection prohibited when-Burning prohibited.

A. No person shall collect, remove or convey, or cause or permit to be collected, removed or conveyed, any residential, commercial or industrial Solid Waste 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 authorized employees of the city, or to any person or firm or employees thereof, with whom the city or a local school district has entered into a contract or franchise for the collection, removal or disposal of Solid Waste, or to the occupant or owner of any residence from personally removing their own Solid Waste from said residence or commercial establishment or as may otherwise be permitted or required by federal or state laws that legally supersede the provisions of this Chapter. Occupants or owners removing or conveying their own waste shall comply with the provisions of this Chapter and all local state and federal regulation regarding the safe transportation and disposal of wastes.

B. It is unlawful for any person to burn or bury any Solid Waste as a means of disposing of said waste.

8.24.080 Solid Waste-Containers approved for use by Small Generators (single-family residential and small businesses) and Large Generators for Solid Waste, Yard Waste and Recyclables.

A. It is unlawful for any Small Generator in a residential area to keep or store any Solid Waste within containers 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 containers shall be watertight and fly-proof and shall not exceed forty gallons in capacity. Small Generators may also use containers provided by the city, its contract or franchise agent as part of their optional service.

B. Large Generators shall utilize containers provided by the city contract or franchise agent. Compactor containers or other receptacles provided by Large Generators such as commercial and industrial customers must be approved by the city contract or franchise agent for compatibility with collection equipment before use. Use of incompatible compactors or other containers is not allowed and the purchase or lease of such equipment will not be considered grounds for an exemption from mandatory service.

C. Further, every person having the care or control of any place or premises within the city where Solid Waste accumulates or exists shall cause such Solid Waste to be placed and kept in such water tight containers, with lids securely fitted, and in a number adequate to contain the total amount of Solid Waste accumulating during the maximum allowed one week interval between each collection or removal thereof.

8.24.090 Solid Waste-Placement in containers or bundles- Restrictions.

All Solid Waste shall be kept within sturdy containers made of metal or plastic, and no Solid Waste shall be placed in any container so that it protrudes or extends beyond such containers. Containers shall also have tight fitting lids sufficient to keep out the rain and prevent litter. Every owner, tenant, occupant or person having responsibility for premises shall provide and maintain the number of rigid containers and lids sufficient to separately hold their weekly Solid Waste, and Yard Waste. Yard Waste and other Designated Recyclables shall never be placed for collection in plastic bags. The weight of any empty container for a Small Generator shall not exceed fifteen pounds; the weight of any fully loaded container shall not exceed sixty pounds. Cardboard containers shall not be used as Solid Waste containers and should be emptied, broken down and placed at the designated collection location for collection with recyclables.

A. The following actions are approved for Solid Waste by Small Generators (single family residential and small businesses with curbside collection service):

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. Newspapers and/or flattened cardboard boxes should be placed outside containers (for recycling) if they are stacked and securely tied with natural fiber twine into bundles of not more than forty pounds in weight;
3. Brush and limbs of trees may be placed outside of Yard Waste containers tied with natural fiber (compostable) twine into bundles of not more than four feet in length, eighteen inches in diameter and forty pounds in weight;
4. Any person desiring to receive different, additional, or more frequent service may do so through the contract or franchise agent, on mutually agreeable terms and conditions by contacting the contract or franchise agent at least two days before their regular refuse collection service day.
5. Color coded and specially marked containers will be provided upon request by the city contract or franchise agent for used oil, oil filters, and Designated Recyclables at no charge. Color coded and specially marked containers for Yard Waste and Solid Waste will be provided at the residents option and require a monthly rental fee established in the Maximum Rate Schedule.

B. The following actions are prohibited for residential customers:

1. Use of severely damaged containers or containers with jagged or sharp edges (said containers will be appropriately tagged by contract or franchise agent first time noted and will be collected by contract agent if used subsequently to being so tagged).
2. Placement of Hazardous or Toxic Wastes such as solvents, paints, pesticides, fuels, explosives and medical wastes at the Designated Collection Location for

collection by the city or any contract or franchise agent(s). This prohibition is not intended to exclude the door-to-door collection of any Hazardous Waste by appointment, by a contract licensed by the city and permitted by the State Department of Toxic Substances or the County Environmental Health Department.

3. Placement of construction and demolition waste at the Designated Collection Location for service by the city contract or franchise agent which may resist compaction or damage equipment such as large metal objects, concrete blocks, dirt or tires. This prohibition is not intended to prevent a resident from making an appointment for free bulky pick-up, free used oil and filter collection or contracting with the city contract or franchise agent for a temporary bin for construction debris, metals, yard waste and source separated recyclable materials.
4. Deposit of Solid Waste or any other material in waste containers intended for use by, or belonging to others.
5. The disposal of Designated Recyclables in Solid Waste containers.

C. Enforcement

1. Generators that fail to place Solid Waste, Recyclables or Yard Waste out for collection in proper containers or fail to properly separate recyclables will be tagged with a notice and provided with proper instructions.
2. Repeated violation of proper set out and/or separation after notification by the city or its contract or franchise agent will subject the violating person to a penalty of up to \$10 per incident. That penalty will be assessed as part of the regular Solid Waste disposal bill and will be subject to the same payment and collection procedure provided in Section 8.24.180 thereof.
3. An additional fee of ten dollars will be added to the bi-monthly or monthly service fee to restart service for any owner/occupant that discontinues service prior to receiving an exemption under 8.24.180.G.

8.24.100 Solid Waste-Placement of containers for collection-Times.

No Solid Waste 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 Solid Waste containers 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 curblane or as close thereto as possible without creating an obstacle on the sidewalk. All Solid Waste placed at such collection points shall be deemed a request for service by the city's contract or franchise 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 Solid Waste collection charges-Penalty for Delinquency.

- A. **Payment Obligation.** The city council finds and determines that the regular collection of Solid Waste, Yard Waste and Designated Recyclables and the disposal or processing thereof by the contract or franchise agent of the city from all places in the city is a part of the integrated solid waste management service to the premises from which it is collected. All owners and occupants of premises within the city shall be responsible for paying the monthly collection service rate charged by the city or its contract or franchise agent, or shall comply with the provisions of this Chapter for an exemption from mandatory service as set forth in Section 8.24.180.H. No person that has not previously applied for and received an exemption shall willfully fail, neglect or refuse, after demand by the city or its contract or franchise agent to pay the service fees.
- B. **Billing and payment.** All Solid Waste service charges shall be billed upon a monthly or bi-monthly basis as determined by the city council, and shall be due and payable by the owner/occupant at the time indicated in the billing statement. The city's solid waste contract or franchise agent will provide solid waste billing services, and subject to the provisions of this Chapter, be primarily responsible for the collection of payments. The due date for each class of generator shall be clearly indicated on the bill/invoice. If the due date falls on a Saturday, Sunday or legal holiday the customer will have until the end of the next regular business day to make payment. Payments made by mail must be post-marked no later than midnight of the due date on the invoice. Payments may be made in person on or before the due date between 8 a.m. and 5 p.m., Monday through Friday excluding holidays at the contract or franchise agents Chula Vista office.
- C. **Billing cycles, classifications and due dates.** All Solid Waste service charges for Small Generators (residential dwellings and businesses with curb service) shall be billed bi-monthly in advance. The due date for Small Generator invoices shall be the last day of the bi-monthly billing cycle. Solid Waste service charges for Large Generators (residences and businesses with bin, compactor or roll-off service) shall be billed monthly in arrears. The due date for Large Generator invoices shall be 15 days after the last day of the monthly billing cycle. The cost of temporary services such as industrial roll-off boxes may be applied to the monthly or bi-monthly billing statements of existing customers, secured by a line of credit or paid for as "Cash On Delivery" (COD) as mutually agreed by the city contract or franchise agent and the customer. The city will direct the contract or franchise agent to deliver invoices to the Postal Service in a manner that will provide customer no less than 15 days for delivery and payment of their invoice without penalty.
- D. **Service Rates.** The contract or franchise agent shall set service rates subject to a Maximum Rate established by the city council. A complete schedule of Maximum Rates, shall be kept on file with the city clerk and the city conservation coordinator 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, 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.

E. Penalties for Delinquency - Notification

1. A bill shall be considered delinquent if payment in full is not received by the close of business or, postmarked before midnight, of the due date as shown on the bill, however when the final day falls on a Saturday, Sunday or legal holiday payment may be made without penalty on the next regular business day. If payments for Small Generator invoices have not been received by the city contract or franchise agent ten days before the due date, the city contract or franchise agent shall send notification (First Warning) outlining potential late fees and penalties to the resident or business.
2. Late Notice - In the event the owner or occupant of any premises or business shall be delinquent in payment of any part or all of the Solid Waste fees and delinquency continues for a period of ten days after the due date shown on the bill, the city's contract or franchise agent shall send notification (Late Notice) to the owner and occupant informing both of the amount owed, the schedule of penalties and costs accrued at each stage of delinquency as defined below. The notification to the owner shall be mailed to the name and address listed on the last available property tax assessment roll and shall include the potential for delinquency amount to be assessed as a lien and collected on the owner's property tax bill. If payment in full is not received by the due date on the bill/invoice, the city or its contract or franchise agent may impose a one time late/processing fee equal to 10 percent of the charges owed or ten dollars. In addition, for each 30 days the delinquent bill remains unpaid the city, its contract or franchise agent may impose additional late /processing fees equal to 1 ½ percent of the outstanding debt. If the bill is not paid within 15 days of the invoice due date the city contract or franchise agent may charge an additional restart fee of ten dollars. (the penalties and restart fee are designated for administrative convenience only in the master fee schedule). The city, its contract or franchise agent must at minimum send one bill/invoice at least ten days before the due date and one notification letter by first class mail to the owner or occupant prior to assessing a penalty.
3. Final Late Notice - In the event that the owner or occupant of any premises or business is delinquent in payment of all or any part of the Solid Waste bill, other than for which they have applied for and received an exemption from the city, for a period of 90 days after the due date, of the invoice the city or franchise agent shall assign the delinquent account to the city for collection. Upon mutual agreement the city contract or franchise agent may assign delinquent accounts to the city before ninety days. At least ten days prior to assigning an account to the city for collection the city contract or franchise agent shall send a second notification (Final Late Notice) to the owner. The notification shall

include the total current amount due, a description of the potential penalties for delinquent amounts and a description of the potential lien process (penalties and fees are designated for administrative convenience only in the master fee schedule), the location where the bill may be paid in person during regular business hours and a self addressed return envelope for payment by mail.

4. Final Notice of Delinquency - Upon assignment of the delinquent account to the city for collection, the delinquent charges, penalties and fees may be collected by the city:
 - i. pursuant to a lien imposition and property tax bill process provided, below;
 - ii. by suit in any court of competent jurisdiction, or
 - iii. any other manner permitted by law or equity at the city's discretion.

Prior to setting a hearing to consider a lien the city will send notification (Final Notice of Delinquency) to the property owner with a detailed description of the amount owed, penalty schedule, lien procedure and associated costs and administration fees (the penalties and fees are designated for administrative convenience only in the master fee schedule).

F. Lien process for Solid Waste Services.

1. Hearing and lien - Notice. When the full amount for said Solid Waste service charge is not paid within fifteen days after the Final Notice of Delinquency, the city clerk may set said delinquent account for hearing by the city council at a regular or adjourned regular meeting which will be held at least seven calendar days after such fifteen-day period has expired. The owner of the property shall be mailed notice of the time and place of the hearing. The notice shall also inform the property owner that failure to pay said delinquent account will result in a lien upon the property, and the amount owed will be charged to the property owner on the next regular tax bill. Notice of the public hearing shall also be published once at least ten days in advance thereof in a newspaper of general circulation published in the city of Chula Vista. The city clerk shall post a copy of such notice of the time and place of hearing, in a conspicuous place at or near the entrance of the council chambers in the city hall.
2. Delinquent Accounts - Hearing and assessment. The city council shall consider said delinquent accounts at the time set for hearing together with any objections or protests by interested parties. Any owner of land or person affected by the charges may present a written or oral protest or objection to the delinquency of said account or the amount owed thereon. At the conclusion of the hearing, the city council shall either approve the delinquency and amount owed on the account as submitted or as modified or corrected by the city council. The decision of the city council on the charges and on all protests or objections shall be final and conclusive. The amounts so approved shall reflect the entire amount due, including all penalties, interest and administrative fees that have accrued against the account as of the date of the hearing plus any county fees (for processing and collecting the lien). The amount shall be

charged to the property owner on the next regular tax bill and shall be a lien upon the property involved. The city council shall confirm such assessment and cause the same to be recorded on the assessment roll and, thereafter, such assessment shall constitute a special assessment and lien upon the property. The city council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

3. Delinquent Accounts - Administrative Fee. All delinquent accounts that are not paid within ten days after the Final Delinquency Notice has been posted may be charged an administrative processing fee to offset the costs incurred by the city in administering the provisions of this chapter. The administrative processing fee (designated for administrative convenience only in the Master Fee Schedule) shall be added to the amount due as collected by the city under Section E.4, above.

- G. Solid Waste Service Deposits Required When-Amount. The city its contract or franchise agent have the right to require deposits from the owner or occupant of any premises who has allowed his/her bill for Solid Waste service charge to become delinquent or who does not have an acceptable credit rating. Deposits shall be equal to the estimated amount of the Solid Waste service charges for two billing cycles, but in no event shall the deposit be less than twenty-five dollars.

- H. Request for Exemption from fees - city approved exception

Terms for an exemption - all exemptions and extensions will be granted for a period of not more than 180 days and shall be at the discretion of the director of public works or his/her designee. Applicants which have been sited with a notice of violation or administrative citation and those that are late on sewer or Solid Waste fee payment within the past six months will not be qualified for an exemption.

Process for request - requests for an exemption for mandatory solid waste services and payment shall be made on a form provided by the director of public works. Requests on the required form shall be completed by the applicant and submitted to the city as outlined on the form at least five working days before the next applicable solid waste billing cycle. An extension of an approved exemption may be requested by submitting the request in writing at least ten days before the end of the current extension period.

Conditions of an approved application - applicants shall agree to an inspection of their premises to verify compliance with solid waste diversion and pay an inspection fee to the director of public works or his designee per exemption period of fifteen dollars. The inspection fee shall be waived if the premises are in compliance. If the premises are found to not be in compliance subsequent re-inspection fees shall also be charged. Failure to notify the city conservation coordinator or the city's contract or franchise agent in writing prior to re-occupying the premises or otherwise altering compliance with the exemption conditions, shall constitute delinquency of payment for collection charges and charges and penalties shall be retroactive to the first day of the exemption period. In all cases, property owners and or their agents will be expected to maintain sanitary premises pursuant to Section 8.24.060 including but not limited to litter abatement, clean side walks and gutters, and yard waste recycling (as appropriate) throughout the exemption period.

Special terms - Exemptions will not apply retroactively except as stated in a Class 1, vacancy exemption below. All exemptions requested by tenants shall also be signed by the property owner.

1. Vacancy Exemption for Unoccupied Premises: In the event that the premises are un-occupied and all water, sewer, electricity and gas are also disconnected, an owner or occupant of a residence or business may request a Vacancy Exemption. Should the premises be unoccupied due to a death or similar hardship the executor, beneficiary or county probate administrator may request a retro-active exemption. It is the responsibility of the occupant and/or the property owner to cancel an exemption for vacancy and restart service if the property is to be occupied before the end of the exemption period. The request for service shall be made to the city contract or franchise agent at least two regular business days before the next regular collection service day.
2. Self-haul: Occupant or tenants of premises may apply for an exemption from fees for all or part of the solid waste, yard waste and recycling services and remove or convey waste and/or recyclables for processing and disposal which they generate themselves. Such persons must provide weekly receipts for disposal at a state permitted landfill or transfer station and/or appropriate recycling facility at the end of each billing cycle or upon demand by the city or its contract or franchise agent. Persons provided an exemption are still subject to state mandated waste diversion goals and may not: a) dispose of their waste in the waste receptacle of another generator in Chula Vista or another jurisdiction, in a park or street litter bin, b) contract with a third party to remove and convey their waste, c) burn their waste in their fireplace or other means, d) dispose of designated recyclables, or otherwise improperly dispose of waste or recyclables as established in section 8.24.040, 045 and 050. A self-hauler exemption is not a permit to haul waste generated by a second party.
3. Source Reduction, Recycling and Composting Exemption: The occupant/owner of any premises may apply for an exemption from all or part of the Solid Waste, Yard Waste and Recycling fees for 100 percent diversion (no disposal of any kind, anywhere). Such persons must provide a written description of their solid waste management plans to comply with the state mandated landfill diversion goal and the city's integrated solid waste management plan.
4. Property owners and occupants within an area newly annexed to the city, that was not currently using the city's contract or franchise agent may use the service of a private refuse collection service other than the city's franchise agent for a period not to exceed one billing cycle. If the owner or occupant was under a pre-existing franchise agreement with a private refuse collection service other than the city's contract or franchise agent they may remain with that service to the extent required by law until the end of the agreement period less any extensions in that agreement for a period not to exceed 180 days.
5. The city contractor or franchise agent may suspend collection service and/or charges from a Large Generator for:
 - i. vacancy,
 - ii delinquency of payment subsequent to implementation of Section 8.24.180.E, or
 - iii mutual agreement by the city and contract or franchise agent.

The contractor shall notify the City quarterly of all suspended accounts that did not result in payment.

8.24.190 Reduced residential Solid Waste collection charges for senior citizens

The city council finds and declares that single family households consisting exclusively of one or more senior citizens (62 years and older) do not generate as great a volume Solid Waste and, therefor, a method should be provided which would result in a reduced collection charge for such senior citizens that are billed directly as part of the Small Generator category. The collection charge for single family households consisting of one or more senior citizens (and no none senior wage earners) that generate no more than one 32 gallon container of non-recyclable waste per week shall be based upon the cost established by resolution of the city council for single container service for seniors, 62 years of age or older.

8.25.195 Mandatory Recycling for exemptions and reduced rate customers

Where a Solid Waste rate reduction or exemption is granted hereunder, the affected party shall not be exempted from and shall remain subject to the Mandatory Recycling Ordinance. Each person receiving a rate reduction or exemption shall be responsible for doing there equitable share to assist the city with the 50 percent landfill diversion goal mandated by the California Integrated Waste Management Act of 1989 (AB 939) including but not limited to participation in source reduction, reuse, recycling and composting of the Designated Recyclables and Household Hazardous Waste as applicable. Failure to comply with the Mandatory Recycling Ordinance, or disposal of Solid Waste at a site other than the premises where the waste was generated shall be cause for termination of the exemption or reduced rate and shall subject the rate payer to paying the full cost of service for the full period of the exemption or reduced rate plus any applicable penalty for violation of Section 8.24.040, 8.24.045 and 8.24.050 of the Chula Vista Municipal Code.

8.24.200 Interference with collection and scavenging prohibited when.

It is unlawful for any person or persons other than the city contract or franchise agent as defined herein and authorized by the city to collect Solid Waste or Household Hazardous Waste to interfere in any manner with any Solid Waste, Household Hazardous Waste, Designated Recyclables or Yard Waste container or the contents thereof, whether owned by private persons, the city, or by its contract or franchise agent, or to remove any such container or its contents from the location where the same was placed by the owner thereof. This provision is not intended to prohibit any person, firm or corporation generating a reusable or recyclable commodity from selling or giving the same as he/she or it may desire; provided, that the commodity(ies) shall be removed and conveyed in a manner strictly in accordance with the rules and regulations of the county department of environmental health and Section 8.23, 8.24, and 8.25 of the Chula Vista Municipal Code, and that such commodities shall be diverted from a landfill, transformation facility, use as alternative daily cover at a landfill or other land application or other use not expressly recognized as diversion by the city or the California Integrated Waste Management Act of 1989.

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 Solid Waste, hazardous Waste or Medical Waste of any type including but not limited to paper, wood, glass, plastic, metals, Green Waste or other organic matter 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 container for Solid Waste, or Green Waste recycling or other recycling container as appropriate.

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 Solid Waste of any type including but not limited to paper, wood, glass, plastic, metals, Green Waste, noxious weeds and vegetation or other organic matter.

8.24.240 [Intentionally Omitted]

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

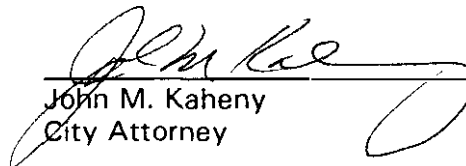
SECTION III: The City Clerk is hereby directed to publish a summary of this ordinance in a newspaper of general circulation circulated in the City of Chula Vista.

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 17th day of November, 1998, by the following vote:

AYES:	Councilmembers:	Padilla, Rindone, and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Moot and Salas
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. 2764 had its first reading at a regular meeting held on the 10th day of November, 1998 and its second reading and adoption at a regular meeting of said City Council held on the 17th day of November, 1998.

Executed this 17th day of November, 1998.



Beverly A. Authelet, City Clerk