

ORDINANCE NO. 3801

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 8.21 OF THE HUNTINGTON BEACH
MUNICIPAL CODE PERTAINING TO REFUSE MANAGEMENT**

WHEREAS, the State of California has adopted the California Integrated Waste Management Act of 1989 (Public Resources Code §40000, et seq.) (the "Act"); and

The Act provides that the City may determine the aspects of solid waste collection and the collection of recyclables which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of service, charges and fees, and nature, locations, and extent of providing solid waste handling and recycling services; and

The Act provides that the City may determine whether such services are to be provided pursuant to a partially exclusive or wholly exclusive franchise; and

The City has approved automated residential collection and recycling methods which have been implemented throughout the City; and

Refuse containers which have not been properly and timely placed for collection in accordance with the automated collection and recycling methods may remain uncollected, leading to possible health hazards, unsanitary conditions, and an accumulation of litter; and

Establishing adequate requirements for containing, placing and collecting refuse in accordance with the automated collection and recycling methods will substantially resolve potential health hazards and visual blight associated with uncollected containers; and

There is an increasing problem of non-franchised haulers repeatedly operating in the City in violation of the wholly exclusive franchise; and

Establishing regulations for the removal of non-franchised containers will substantially resolve the problem with repeat violators,

NOW THEREFORE, the City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. Chapter 8.21 of the Huntington Beach Municipal Code, entitled Refuse Management, is hereby amended to read as follows:

Chapter 8.21

REFUSE MANAGEMENT

APPROVED FOR INTRODUCTION
3/3/08

G-1B

Sections:

- 8.21.010 Definitions
- 8.21.020 Collection of Refuse, Recyclable Waste Material, and Yard Waste
- 8.21.030 Residential Collection service charge
- 8.21.040 Dumping of Refuse prohibited
- 8.21.050 Occupant responsible for premises
- 8.21.060 Owner liable for premises
- 8.21.070 Accumulation prohibited
- 8.21.080 Storage
- 8.21.090 Containers and transportation of Refuse
- 8.21.100 Containers--location
- 8.21.110 Container--interference
- 8.21.120 Container--improper substances
- 8.21.130 Container--removal
- 8.21.140 Collection--manner
- 8.21.150 Residential Refuse Collection
- 8.21.160 Commercial Collection Service
- 8.21.170 Special Collections--excluded Refuse
- 8.21.180 Collection of Recyclable Material
- 8.21.190 Disposal methods
- 8.21.200 Rules and regulations
- 8.21.210 Appeals
- 8.21.220 Unauthorized collection prohibited
- 8.21.230 Violation--penalty

8.21.010 Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations:

- (a) "Adequate Service" means the combination of the number of collections, the number of Containers, and the size of Containers necessary so as not to cause the accumulation of Refuse outside Containers or in excess of Level Full.
- (b) "Automated Residential Collection Service" means the Residential Collection Service by the City Refuse Collector, whereby Refuse, Recyclable Waste Materials, and Yard Waste are generally sorted into separate Residential Carts by the person discarding such items.
- (c) "Basic Level of Service" means, with respect to Residential Collection Service and Automated Residential Collection Service, one collection of each Residential Cart per week, or that level of Collection and disposal service necessary to provide Adequate Service for the collection of Refuse generated by each single family residence, and each dwelling unit within a duplex, a triplex, or a fourplex, as specifically provided in any given contract between the City and any person for collection of such Refuse, or as provided by resolution of the City Council. Basic Level of Service does not include Refuse or substances excluded from collection by regulation of the Director or by contract, as hereinafter provided, Refuse capable thereof which has not been placed in Residential Carts within the weight and size limits hereinafter set forth for

Residential Carts. Basic Level of Service, with respect to Commercial Collection Service, means that level of collection and disposal service necessary to provide Adequate Service.

(d) "City Refuse Collector" means any Person either employed by or under contract with the City to provide removal, transportation, processing, and disposition of Refuse from residents and users of premises within the City.

(e) "Collection" means the pickup, removal, and transportation of Refuse by any Person authorized to do so by the City.

(f) "Commercial Collection Service" means the collection of Refuse from all property within the City excluded from Residential Collection Service, or properties subject to Residential Collection Service which choose to utilize Commercial Collection Service.

(g) "Commercial Container" means any vessel, tank, receptacle, dumpster, box or bin used or intended to be used for the purpose of holding any Refuse, Recyclable Material, and Recyclable Waste Material. Commercial Containers utilized in Commercial Collection Service include all types of Containers, including dumpsters or bins.

(h) "Corporation" means corporations, partnerships, and all business enterprises, associations or organizations, however designed.

(i) "Director" means the Huntington Beach Director of Public Works or his authorized representative.

(j) "Hazardous Waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(k) "Level Full" means the amount of Refuse deposited in a Residential Cart or Commercial Container so that it shall not exceed the lowest top edge thereof and still allow the lid thereof to be completely closed.

(l) "Non-combustible Refuse" means ashes, bottles, broken crockery, glass, tin cans and metallic substances or any other substances that will not incinerate through contact with flames of ordinary temperature.

(m) "Person" means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

(n) "Processing" means reduction, separation, recovery, conversion or recycling of Refuse.

(o) "Recyclable Material" means materials which are segregated at the source from other Refuse for the purpose of Recycling and includes, but is not limited to, paper, glass, metals, wood,

plastics, wastes, bulky goods, waste oil, and construction and demolition materials and which is sold or donated by the owner thereof to a third party.

(p) "Recyclable Material Collection" means the collection, transportation, storage, transfer, or processing of Recyclable Materials.

(q) "Recyclable Waste Material" means discarded materials such as, but not limited to, newspapers, glass and metal cans, which are separated from other Refuse for the purpose of Recycling and which are not sold or donated to a third party.

(r) "Recyclable Waste Material Collecting" means the collection, transportation, storage, transfer, or processing of Recyclable Waste Material.

(s) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed of by landfilling or transformation, and returning materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products.

(t) "Refuse" means all putrescible and non-putrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semi-solid wastes, and other discarded solid or semi-solid wastes, but not including Hazardous Waste, radioactive waste regulated pursuant to the State Radiation Control Law, untreated medical waste regulated pursuant to the State Medical Waste Management Act, and liquid waste. Recyclable Waste Material is considered Refuse for purposes of this Chapter. Materials that are sold or donated by the owner thereof to a third party, and thereafter recycled, are not considered Refuse for purposes of this Chapter. The term "Refuse" shall be synonymous with the term "solid waste" as used in the Integrated Waste Management Act, Public Resources Code §40000, et seq.

(u) "Refuse Collection" means the collection, transportation, storage, transfer, disposal, or processing of Refuse.

(v) "Residential Collection Service" means the collection of Refuse from each single-family residence, and each dwelling unit within a duplex, a triplex or a fourplex receiving noncommercial Refuse Collection Service. It shall not include any hotel, motel, lodge, hall, club, tourist camp, trailer camp, mobilehome park, church, guard shack, poolhouse, community room, business or industrial establishment, or any lot containing more than four dwelling units.

(w) "Residential Cart" means a container having a capacity not to exceed ninety-five (95) gallons and furnished or supplied by the City Refuse Collector for use in the Automated Residential Collection Service. Residential Carts shall be colored brown for Refuse, blue for Recyclable Waste Material, and green for Yard Waste.

(x) "Yard Waste" means those constituents of solid waste comprised of non-soil landscape or plant materials such as tree trimmings, grass cuttings, plants, weeds, leaves, branches, trees, or similar materials.

8.21.020 Collection of Refuse, Recyclable Waste Material, and Yard Waste.

(a) The collection of Refuse, Recyclable Waste Material and Yard Waste shall be performed exclusively by the City Refuse Collector. The City Council may regulate, by ordinance or resolution, all aspects of the Residential Refuse Service and the Commercial Refuse Service, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges, fees, and nature, location, and extent of providing such Services.

(b) Any other provision of this Code to the contrary notwithstanding, the City may enter into contracts with responsible persons for the collection of Refuse within the City utilizing such procurement procedures and upon such terms and conditions as are deemed appropriate by the City Council.

(c) In the event of an emergency or other unforeseen or unpreventable circumstances in which the City Refuse Collector is unable to maintain Refuse Collection Services, the City Administrator may issue limited or temporary permits for a period not to exceed thirty (30) days to persons or corporations to perform any of the services covered by this Chapter. Any service beyond thirty (30) days shall be approved by the City Council.

8.21.030 Residential Collection service charge. There shall be a charge for Residential Collection Service which maximum rates shall be established from time to time by resolution of the City Council. Such charge shall be set by the City Refuse Collector and shall apply to persons occupying single-family dwellings, and each dwelling unit within a duplex, a triplex or a fourplex. A dwelling shall be deemed occupied if connected to an active water service. This charge shall not apply to persons occupying residential units such as apartments, mobilehome parks, or other multi-family complexes, who are currently contracting directly with the City Refuse Collector.

Any person receiving Residential Collection Service who is sixty-two years of age or older shall pay 50% of the charge imposed by this section provided the combined adjusted gross income, as used for federal income tax reporting purposes of all members of the household in which such service user resides does not exceed the "HUD Income Guidelines—Very Low Income Category" currently on file in the City's Department of Economic Development, for the calendar year prior to the fiscal year (July 1 through June 30) for which the exemption provided by this chapter is applied.

8.21.040 Dumping of Refuse prohibited. It shall be unlawful for any person to cast, deposit, place, sweep, throw, discard or leave any Refuse or cause such Refuse to be cast, deposited, swept, placed, thrown, discarded or left in any place, public or private, within the City, without the express permission of the owner of the premises.

8.21.050 Occupant responsible for premises. Every person occupying, using or controlling any premises shall keep the premises in a clean and sanitary condition, and no person shall permit any Refuse, sewer effluent, excrement, slop or stagnant water, butcher offal, market refuse, dead animal or any other noxious or offensive matter of any kind, or any other substance that may become offensive, to be deposited or to remain thereon except as otherwise provided by law.

8.21.060 Owner liable for premises. The owner of any premises shall be liable for the costs to the City for the enforcement of any provision of this Chapter.

8.21.070 Accumulation prohibited. No person occupying, using or controlling any premises shall permit any Refuse to accumulate thereon, nor shall any such person maintain any accumulation of Refuse thereon, unless in either event the same is stored in a manner approved by the Director or by law. It shall be unlawful for any person to dump, deposit, place or bury Refuse in or upon any lot, land, street, or alley, whether public or private, nor throw such Refuse in any creek, stream, water or water way within the City. Any unauthorized accumulation of Refuse on any premises is hereby prohibited and declared to be a nuisance.

8.21.080 Storage.

(a) Refuse shall be stored in a container of a type approved by the Director. Every such container shall be constructed of metal, plastic, or equally durable material, in such manner as to be strong, watertight, not easily corrodible, insect and rodent resistant, and shall be kept covered at all times, except when Refuse is being deposited or removed from such container. Persons in charge of residential properties served by the City Refuse Collector's Automated Residential Collection Service shall separate all Refuse, Recyclable Waste Material, and Yard Waste into the appropriate Residential Cart prior to collection by the City Refuse Collector. Residential Carts shall be kept in a Level Full condition. The cover shall completely close the Residential Cart so that no Refuse may be visible. Commercial Containers shall be kept in a Level Full condition. The cover shall completely and tightly close the container so as to render it fly and rodent proof and so that no Refuse may be visible. A sufficient number of containers shall be provided for the Basic Level of Service, in order to insure that all Refuse is contained within completely covered containers until such time as the Refuse is collected.

(b) Refuse shall be stored in such a manner that it will not provide harborage to rats, nor cause a fire hazard.

8.21.090 Containers and transportation of Refuse. No Person other than the City Refuse Collector shall transport Refuse or Recyclable Waste Material in the City of Huntington Beach on behalf of another person in exchange for compensation. All vehicles and containers used in collecting and transporting Refuse or Recyclable Material shall be provided with metal or plastic bodies so constructed as to be leakproof and to prevent the escape of offensive odors and loss, spillage or blowing away of any contents collected or transported within the City. Such vehicles and containers shall be thoroughly cleaned to eliminate odors and decayed materials.

8.21.100 Containers--location. Property owners and tenants are each responsible for the placement of Residential Carts and any accumulation of Refuse which is for collection, and which shall be kept or placed in such a manner as not to be visible from any street or alley, whether public or private, except from noon on the day preceding collection to 10 p.m. on the day of collection. During the period of collection, Residential Carts and any accumulation of Refuse shall be placed, outside of any enclosures, no later than 6:30 a.m., as follows, unless otherwise directed by the Director:

- (a) On alley. On the premises, at the rear property line, where there is a through alley in the rear of the premises;
- (b) Access from side entrance. On the premises at an accessible point adjacent to any side entrance thereto where no through alley exists;
- (c) At curb. At the curb in front of the premises, where no through alley or side entrance exists.
- (d) Unless otherwise directed, each Residential Cart shall be placed for collection in the roadway portion of the street with such minimum clearance area as to provide clear and safe lifting for collection.

8.21.110 Container--interference. No person except the owner thereof, his agent or employee, a duly authorized City employee, or any employee of the City Refuse Collector, shall interfere in any manner with any Residential Cart, or any accumulation of Refuse which is placed for Collection, nor shall any person remove such Residential Cart, or accumulation from the location where it shall have been placed by the owner, his agent or his employee.

8.21.120 Container--improper substances. No person shall place or cause or permit to be placed in any refuse container or Residential Cart any substance or material other than Refuse as defined in this Chapter. Furniture, appliances, construction and demolition wastes, or any other waste which is of sufficient size or weight that, when placed in a refuse container or Residential Cart, prevent the lid from closing completely or cause the weight of the refuse container or Residential Cart to exceed the posted weight capacity, shall not be placed in refuse containers or Residential Carts. Persons wishing to dispose of such items shall inform the City Refuse Collector and make special arrangements to have the items removed. The City Refuse Collector may levy a charge for removal of such items under a schedule and formula to be uniformly applied, which formula and schedule shall have been approved by the Director. The City Refuse Collector shall not be required to collect Hazardous Waste.

8.21.130 Container—removal.

- (a) The Director may cause to be posted a notice on any container illegally placed on public or private property. The notice shall specify the nature of the violation and shall state that the container must be removed within twenty-four (24) hours or it may be removed and stored by the City, and the contents disposed of, at the expense of the owner thereof. The posting of a notice to remove shall constitute constructive notice to the owner and user of the requirement to remove the container.

(b) If the container is not removed within twenty-four (24) hours after the notice to remove is posted, the Director may order the removal and storage of the container and the disposal of its contents. The owner of the container shall be responsible to the City for the actual cost of removal, storage, and disposal. All amounts due to the City for the cost of removal, storage and disposal shall be paid before the container is returned to the owner. Such amounts shall constitute a debt owed by the owner to the City, and the owner shall be liable to the City in an action brought by the City for the recovery of such amounts.

(c) If the identity of the owner of a container that has been removed by the City is known to the Director, the Director shall promptly cause notice to be mailed to the owner to claim the stored property. If the container is not claimed within ninety (90) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the Director, the container and its contents shall be deemed abandoned property and may be disposed of accordingly.

(d) After a container has once been removed by the City pursuant to this article, the owner thereof shall be deemed to have actual notice of the provisions of this article, including the prohibition against the placement of unauthorized containers. In the event of a subsequent placement of a container by the same owner, or an affiliate of the owner, that is in violation of the Chapter, the Director may immediately, without the posting of a notice to remove pursuant to subsection (a) of this section, direct the removal and storage of the unauthorized container and shall, in such case, give notice to the owner to claim the container pursuant to subsections (b) and (c) of this section.

8.21.140 Collection--manner. The owner, occupant, tenant or lessee of any premises shall provide or cause to be provided, Basic Level of Service for the removal of Refuse from said premises. Properties utilizing Commercial Collection Service shall provide Adequate Service. The City Refuse Collector shall remove from the premises all Refuse which has been properly placed for collection, whenever such Refuse is of a type and in an amount provided by contract with the City. Any removal of Refuse by the City Refuse Collector, or any person shall be performed in a neat, orderly and quiet fashion, without causing damage to the container or the lid. Any spilled matter shall be picked up by the person responsible for the spillage, and the premises shall be left in a clean and orderly condition. Overfilled containers of Refuse creating accumulations of Refuse in or at the pickup site, shall be the responsibility of the premises owner for clean up. The security and proper Level Full container shall be the responsibility of the premises owner. All additional collection of any type of Refuse that does not fit into a container or causes an overfull container shall be the responsibility of the premises owner along with any additional costs for removal or extra collection services. Refuse lawfully placed for collection shall be the property of the City of Huntington Beach from the time of placement until the time of collection and shall become the property of the City Refuse Collector from the time of collection to the time of disposal.

8.21.150 Residential Refuse Collection. The City Refuse Collector shall operate and maintain Residential Refuse Collection in the City by providing the Basic Level of Service on a regularly scheduled basis, approved by resolution of the City Council, not less frequently than once each

week. The Director may by regulation exclude from such service any item or substance deemed hazardous, obnoxious or otherwise inappropriate for such service.

8.21.160 Commercial Collection Service. Persons owning or operating premises utilizing Commercial Collection Service shall contract with the City Refuse Collector for the provision of the Basic Level of Service. The Director may, by written order, require the owner and/or manager of any premises subject to Commercial Collection Service to provide Adequate Service to the premises in question.

8.21.170 Special Collections--excluded Refuse.

(a) Refuse exceeding the limitation set forth in this Chapter may be scheduled for special Collection either at regular special Collection dates or by arrangement with the City Refuse Collector.

(b) The City Refuse Collector shall make available containers and drop-off bodies, provide additional collections not required by this Chapter, pick up Refuse at points other than as required in this Chapter or provide for the collection of greater volumes of Refuse per collection than required in this Chapter, any or all of these additional services at the request of the person or business being served. The City Refuse Collector may make a direct charge in each instance for such additional service under a written agreement which shall be subject to the approval of the Director and at such rates as are reasonable, just and uniform for all persons or businesses being served. All such direct charges shall be collected by the City Refuse Collector.

(c) The removal of wearing apparel, bedding or other refuse from homes, hospitals, or other places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the County Health Officer, and such Refuse shall neither be placed in containers nor left for regular Collection and disposal.

(d) Highly flammable or explosive or radioactive Refuse shall not be placed in containers for regular Collection and disposal, but shall be removed under the supervision of the Fire Chief at the expense of the owner or possessor of the material.

(e) The Director may, by written permit, authorize provision of bins and drop-off bodies if the City Refuse Collector fails to provide such service within five (5) calendar days after a customer order and such service is not thereafter provided within forty-eight (48) hours after notice to the City Refuse Collector of such failure by the Director.

8.21.180 Collection of Recyclable Material. Persons collecting Recyclable Material within the City shall, in addition to obtaining a business license, obtain a Recyclable Material Collection and Disposal Permit from the Director prior to commencing such collection and annually thereafter. Persons operating under such a Permit shall, on a quarterly basis or at such times as determined by the Director, submit a report to the Director specifying the amount of Recyclable Material collected within the City, the location(s) from which the Recyclable Material was collected, and the location(s) to which the Recyclable Material was brought. Such report shall be kept confidential unless otherwise provided by law. Failure to submit timely reports shall be a

basis for revocation of the Recyclable Material Collection and Disposal Permit. The Director shall have the right to audit the records of Persons who have received a Permit pursuant to this Section.

8.21.190 Disposal methods. The City Refuse Collector shall dispose of Refuse in a manner approved by the Director and consistent with the provisions of this Chapter.

8.21.200 Rules and regulations. The Director shall make such rules and regulations as may be necessary, reasonable, and proper to enforce the provisions of this Chapter. A copy of any rule or regulation promulgated by the Director shall be provided to the City Council.

8.21.210 Appeals. Any person adversely impacted by a ruling of the Director may appeal such ruling to the City Administrator. The appeal shall be in writing to the City Administrator and shall set forth the basis of the appeal. The City Administrator, or his designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the written appeal. The City Administrator, or his designee, shall render a written decision within thirty (30) days after the close of the hearing on the appeal by providing it to the appellant by first class mail. The decision of the City Administrator shall be final.

8.21.220 Unauthorized collection prohibited.

(a) No person other than the City Refuse Collector shall scavenge or otherwise remove Refuse, Yard Waste or Recyclable Waste Material that has been lawfully placed for collection.

(b) It shall be unlawful for any person to provide Refuse service within the City without the permission of the Director.

(c) It shall be unlawful for any person to utilize Refuse collection service by a Person not permitted to provide such service by the Director.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

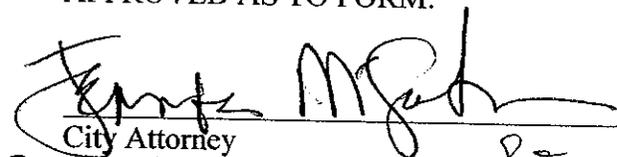
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held thereof on the _____ day of _____, 2008.

Mayor

ATTEST:

APPROVED AS TO FORM:

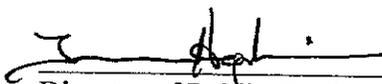
City Clerk



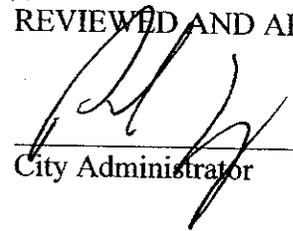
City Attorney
2-11-08 Pg 2/11/08

INITATED AND APPROVED:

REVIEWED AND APPROVED:



Director of Public Works



City Administrator

**INTENTIONALLY
LEFT
BLANK**

Chapter 8.21

REFUSE MANAGEMENT

Sections:

- 8.21.010 Definitions
- 8.21.020 Collection of Refuse, Recyclable Waste Material, and Yard Waste
- 8.21.030 Residential Collection service charge
- 8.21.040 Dumping of Refuse prohibited
- 8.21.050 Occupant responsible for premises
- 8.21.060 Owner liable for premises
- 8.21.070 Accumulation prohibited
- 8.21.080 Storage
- 8.21.090 Containers and transportation of Refuse
- 8.21.100 Containers--location
- 8.21.110 Container--interference
- 8.21.120 Container--improper substances
- 8.21.130 Container--removal
- 8.21.140 Collection--manner
- 8.21.150 Residential Refuse Collection
- 8.21.160 Commercial Collection Service
- 8.21.170 Special Collections--excluded Refuse
- 8.21.180 Collection of Recyclable Material
- 8.21.190 Disposal methods
- 8.21.200 Rules and regulations
- 8.21.210 Appeals
- 8.21.220 Unauthorized collection prohibited

~~8.21.010 Definitions~~

~~8.21.020 Collection of Refuse and Recyclable Waste Material~~

~~8.21.030 Residential Collection Service Charge~~

~~8.21.040 Dumping of Refuse prohibited~~

~~8.21.050 Occupant responsible for premises~~

~~8.21.060 Owner liable for premises~~

~~8.21.070 Accumulation prohibited~~

~~8.21.080 Storage~~

~~8.21.090 Containers and transportation of Refuse~~

8.21.100 Containers—location

8.21.110 Container—interference

8.21.120 Container—improper substances

8.21.130 Container—removal

8.21.140 Collection—manner

8.21.150 Residential Refuse Collection

8.21.160 Commercial Collection Service

8.21.170 Special Collections—excluded Refuse

8.21.180 Collection of Recyclable Material

8.21.190 Disposal methods

8.21.200 Rules and regulations

8.21.210 Appeals

8.21.220 Unauthorized collection prohibited

8.21.230 Violation—penalty.

8.21.010 Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations:

(a) "Adequate Service" means the combination of the number of collections, the number of Containers, and the size of Containers necessary so as not to cause the accumulation of Refuse outside Containers or in excess of Level Full.

(b) "Automated Residential Collection Service" means the Residential Collection Service by the City Refuse Collector, whereby Refuse, Recyclable Waste Materials, and Yard Waste are generally sorted into separate Residential Carts by the person discarding such items.

(c) "Basic Level of Service" means, with respect to Residential Collection Service and Automated Residential Collection Service, one collection of each Residential Cart per week, or that level of Collection and disposal service necessary to provide Adequate Service for the collection of Refuse generated by each single family residence, and each dwelling unit within a duplex, a triplex, or a fourplex, as specifically provided in any given contract between the City and any person for collection of such Refuse, or as provided by resolution of the City Council.

Basic Level of Service does not include, ~~excluding~~ Refuse or substances excluded from collection by regulation of the Director or by contract, as hereinafter provided, Refuse capable thereof which has not been placed in Residential Carts Containers ~~or bundles~~ within the weight and size limits hereinafter set forth for Residential Carts Containers ~~or bundles~~, and any unit of Refuse which exceeds four feet in length or which exceeds forty pounds in weight. Basic Level of Service, with respect to Commercial Collection Service, means that level of collection and disposal service necessary to provide Adequate Service.

(de) "City Refuse Collector" means any Person either employed by or under contract with the City to provide removal, transportation, processing, and disposition of Refuse from residents and users of premises within the City.

(ed) "Collection" means the pickup, removal, and transportation of Refuse by any Person authorized to do so by the City.

(fe) "Commercial Collection Service" means the collection of Refuse from all property within the City excluded from Residential Collection Service, or properties subject to Residential Collection Service which choose to utilize Commercial Collection Service.

(gf) "Commercial Container" means any vessel, tank, receptacle, dumpster, box or bin used or intended to be used for the purpose of holding any Refuse, Recyclable Material, and Recyclable Waste Material. Commercial Containers utilized in Commercial Collection Service include all types of Containers, including ~~whereas Residential Containers utilized in Residential Collection Service shall not include~~ dumpsters or bins.

(hg) "Corporation" means corporations, partnerships, and all business enterprises, associations or organizations, however designed.

(ih) "Director" means the Huntington Beach Director of Public Works or his authorized representative.

(ji) "Hazardous Waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(kj) "Level Full" means the amount of Refuse deposited in a Residential Cart or Commercial Container so that it shall not exceed the lowest top edge thereof ~~of the Container~~ and still allow the lid thereof ~~of the Container~~ to be completely closed.

(lk) "Non-combustible Refuse" means ashes, bottles, broken crockery, glass, tin cans and metallic substances or any other substances that will not incinerate through contact with flames of ordinary temperature.

(ml) "Person" means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

(nm) "Processing" means reduction, separation, recovery, conversion or recycling of Refuse.

(on) "Recyclable Material" means materials which are segregated at the source from other Refuse for the purpose of Recycling and includes, but is not limited to, paper, glass, metals, wood, plastics, wastes, bulky goods, waste oil, and construction and demolition materials and which is sold or donated by the owner thereof to a third party.

(po) "Recyclable Material Collection" means the collection, transportation, storage, transfer, or processing of Recyclable Materials.

(qp) "Recyclable Waste Material" means discarded materials such as, but not limited to, newspapers, glass and metal cans, which are separated from other Refuse for the purpose of Recycling and which are not sold or donated to a third party.

(rq) "Recyclable Waste Material Collecting" means the collection, transportation, storage, transfer, or processing of Recyclable Waste Material.

(sf) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed of by landfilling or transformation, and returning materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products.

(ts) "Refuse" means all putrescible and non-putrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, ~~abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not Hazardous Waste, manure,~~ vegetable or animal solid or semi-solid wastes, and other discarded solid or semi-solid wastes, but not including Hazardous Waste, radioactive waste regulated pursuant to the State Radiation Control Law, untreated medical waste regulated pursuant to the State Medical Waste Management Act, and liquid waste. Recyclable Waste Material is considered Refuse for purposes of this Chapter. Materials that are sold or donated by the owner thereof to a third party, and thereafter recycled, are not considered Refuse for purposes of this Chapter. The term "Refuse" shall be synonymous with the term "solid waste" as used in the Integrated Waste Management Act, Public Resources Code §40000, et seq.

(ut) "Refuse Collection" means the collection, transportation, storage, transfer, disposal, or processing of Refuse.

(vu) "Residential Collection Service" means the collection of Refuse from each single-family residence, and each dwelling unit within a duplex, a triplex or a fourplex receiving noncommercial Refuse Collection Service. It shall not include any hotel, motel, lodge, hall, club, tourist camp, trailer camp, mobilehome park, church, guard shack, poolhouse, community room, business or industrial establishment, or any lot containing more than four dwelling units.

(w) “Residential Cart” means a container having a capacity not to exceed ninety-five (95) gallons and furnished or supplied by the City Refuse Collector for use in the Automated Residential Collection Service. Residential Carts shall be colored brown for Refuse, blue for Recyclable Waste Material, and green for Yard Waste.

(x) “Yard Waste” means those constituents of solid waste comprised of non-soil landscape or plant materials such as tree trimmings, grass cuttings, plants, weeds, leaves, branches, trees, or similar materials.

8.21.020 Collection of Refuse, ~~and~~ Recyclable Waste Material, and Yard Waste.

(a) The collection of Refuse, ~~and~~ Recyclable Waste Material and Yard Waste shall be performed exclusively by the City Refuse Collector. The City Council may regulate, by ordinance or resolution, all aspects of the Residential Refuse Service and the Commercial Refuse Service, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges, fees, and nature, location, and extent of providing such Services.

(b) Any other provision of this Code to the contrary notwithstanding, the City may enter into contracts with responsible persons for the collection of Refuse within the City utilizing such procurement procedures and upon such terms and conditions as are deemed appropriate by the City Council.

(c) In the event of an emergency or other unforeseen or unpreventable circumstances in which the City Refuse Collector is unable to maintain Refuse Collection Services, the City Administrator may issue limited or temporary permits for a period not to exceed thirty (30) days to persons or corporations to perform any of the services covered by this Chapter. Any service beyond thirty (30) days shall be approved by the City Council.

8.21.030 Residential Collection service charge. There shall be a charge for Residential Collection Service which maximum rates shall be established from time to time by resolution of the City Council. Such charge shall be set by the City Refuse Collector and shall apply to persons occupying single-family dwellings, and each dwelling unit within a duplex, a triplex or a fourplex. A dwelling shall be deemed occupied if connected to an active water service. This charge shall not apply to persons occupying residential units such as apartments, mobilehome parks, or other multi-family complexes, who are currently contracting directly with the City Refuse Collector.

Any person receiving Residential Collection Service who is sixty-two years of age or older shall pay 50% of the charge imposed by this section provided the combined adjusted gross income, as used for federal income tax reporting purposes of all members of the household in which such service user resides does not exceed the “HUD Income Guidelines—Very Low Income Category” currently on file in the City’s Department of Economic Development, for the calendar year prior to the fiscal year (July 1 through June 30) for which the exemption provided by this chapter is applied.

8.21.040 Dumping of Refuse prohibited. It shall be unlawful for any person to cast, deposit, place, sweep, throw, discard or leave any Refuse or cause such Refuse to be cast, deposited, swept, placed, thrown, discarded or left in any place, public or private, within the City, without the express permission of the owner of the premises.

8.21.050 Occupant responsible for premises. Every person occupying, using or controlling any premises shall keep the premises in a clean and sanitary condition, and no person shall permit any Refuse, sewer effluent, excrement, slop or stagnant water, butcher offal, market refuse, dead animal or any other noxious or offensive matter of any kind, or any other substance that may become offensive, to be deposited or to remain thereon except as otherwise provided by law.

8.21.060 Owner liable for premises. The owner of any premises shall be liable for the costs to the City for the enforcement of any provision of this Chapter.

8.21.070 Accumulation prohibited. No person occupying, using or controlling any premises shall permit any Refuse to accumulate thereon, nor shall any such person maintain any accumulation of Refuse thereon, unless in either event the same is stored in a manner approved by the Director or by law. It shall be unlawful for any person to dump, deposit, place or bury Refuse in or upon any lot, land, street, or alley, whether public or private, nor throw such Refuse in any creek, stream, water or water way within the City. Any unauthorized accumulation of Refuse on any premises is hereby prohibited and declared to be a nuisance.

8.21.080 Storage.

(a) Refuse shall be stored in a container of a type approved by the Director. Every such container shall be constructed of metal, plastic, or equally durable material, in such manner as to be strong, watertight, not easily corrodible, insect and rodent resistant, fly proof, and rodent proof. ~~Residential containers must not exceed thirty two (32) gallons in capacity and may not weigh more than sixty (60) pounds when filled. Cans should not be modified by the owner and lids are to remain removable—no tethered or attached lids. Such Container shall have handles or other attachments designed for and capable of lifting, and shall be kept covered at all times, except when Refuse is being deposited or removed from such container. Persons in charge of residential properties served by the City Refuse Collector's Automated Residential Collection Service shall separate all Refuse, Recyclable Waste Material, and Yard Waste into the appropriate Residential Cart prior to collection by the City Refuse Collector. Residential Carts shall be kept in a Level Full condition. The cover shall completely and tightly close the Residential Cart so as to render it fly and rodent proof and so that no Refuse may be visible.~~ Commercial Containers shall be kept in a Level Full condition. The cover shall completely and tightly close the container so as to render it fly and rodent proof and so that no Refuse may be visible. A sufficient number of containers shall be provided for the Basic Level of Service, in order to insure that all Refuse is contained within completely covered containers until such time as the Refuse is collected.

(b) Refuse shall be stored in such a manner that it will not provide harborage to rats, nor cause a fire hazard.

~~(e) Sturdy, grease resistant, water proof, nonreturnable, plastic bags which are specifically designed for garbage and Refuse may be used for Residential Collection Service provided that each bag shall not weigh more than forty (40) pounds when filled and the opening is secured so that contents cannot be removed, spilled or seen, and the weight does not cause the bag to tear when handled. Such bags shall comply with all of the requirements of subsections (a) and (b) except for the requirements of handles and covers. Residential Collection Service may include tree trimmings and other similar matter which shall be tied in bundles measuring not more than four feet long and weighing not more than forty pounds.~~

8.21.090 Containers and transportation of Refuse. No Person other than the City Refuse Collector shall transport Refuse or Recyclable Waste Material in the City of Huntington Beach on behalf of another person in exchange for compensation something of value. All vehicles and containers used in collecting and transporting Refuse or Recyclable Material shall be provided with metal or plastic bodies so constructed as to be leakproof and to prevent the escape of offensive odors and loss, spillage or blowing away of any contents collected or transported within the City. Such vehicles and containers shall be thoroughly cleaned to eliminate odors and decayed materials.

8.21.100 Containers--location. Property owners and tenants are each responsible for the placement of Residential Cartsontainers and any accumulation of Refuse which is for collection, and which shall be kept or placed in such a manner as not to be visible from any street or alley, whether public or private, except from noon on the day preceding collection to 10 p.m. on the day of collection. During the period of collection, Residential CartsContainers and any accumulation of Refuse shall be placed, outside of any enclosures, no later than 6:30 a.m., as follows, unless otherwise directed by the Director:

(a) On alley. On the premises, at the rear property line, where there is a through alley in the rear of the premises;

(b) Access from side entrance. On the premises at an accessible point adjacent to any side entrance thereto where no through alley exists;

(c) At curb. At the curb in front of the premises, where no through alley or side entrance exists.

(d) Unless otherwise directed, each Residential Cart shall be placed for collection in the roadway portion of the street with such minimum clearance area as to provide clear and safe lifting for collection.

8.21.110 Container--interference. No person except the owner thereof, his agent or employee, a duly authorized City employee, or any employee of the City Refuse Collector, shall interfere in any manner with any Container,Residential Cart, or any accumulation of Refuse which is placed for Collection, nor shall any person remove such ContainerResidential Cart, -or accumulation from the location where it shall have been placed by the owner, his agent or his employee.

8.21.120 Container--improper substances. No person shall place or cause or permit to be placed in any refuse container or Container Residential Cart any substance or material other than Refuse as defined in this Chapter. Large items included in the definition of Rrefuse, exceeding four feet (4') in length or forty (40) pounds in weight Furniture, appliances, construction and demolition wastes, or any other waste which is of sufficient size or weight that, when placed in a refuse container or Residential Cart, prevent the lid from closing completely or cause the weight of the refuse container or Residential Cart to exceed the posted weight capacity, shall not be placed in refuse containers or Residential Carts. Persons wishing to dispose of such large items shall inform the City Refuse Collector and make special arrangements to have the items removed. The City Refuse Collector may levy a charge for removal of such items under a schedule and formula to be uniformly applied, based on weight and size of the items, which formula and schedule shall have been approved by the Director. The City Refuse Collector shall not be required to collect Hazardous Waste.

8.21.130 Container—removal.

(a) The Director may cause to be posted a notice on any cContainer illegally placed on public or private property. The notice shall specify the nature of the violation and shall state that the cContainer must be removed within twenty-four (24) hours or it may be removed and stored by the City, and the contents disposed of, at the expense of the owner thereof. The posting of a notice to remove shall constitute constructive notice to the owner and user of the requirement to remove the cContainer.

(b) If the cContainer is not removed within twenty-four (24) hours after the notice to remove is posted, the Director may order the removal and storage of the cContainer and the disposal of its contents. The owner of the cContainer shall be responsible to the City for the actual cost of removal, storage, and disposal. All amounts due to the City for the cost of removal, storage and disposal shall be paid before the cContainer is returned to the owner. Such amounts shall constitute a debt owed by the owner to the City, and the owner shall be liable to the City in an action brought by the City for the recovery of such amounts.

(c) If the identity of the owner of a cContainer that has been removed by the City is known to the Director, the Director shall promptly cause notice to be mailed to the owner to claim the stored property. If the cContainer is not claimed within ninety (90) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the Director, the cContainer and its contents shall be deemed abandoned property and may be disposed of accordingly.

(d) After a container has once been removed by the City pursuant to this article, the owner thereof shall be deemed to have actual notice of the provisions of this article, including the prohibition against the placement of unauthorized containers. In the event of a subsequent placement of a container by the same owner, or an affiliate of the owner, that is in violation of the Chapter, the Director may immediately, without the posting of a notice to remove pursuant to subsection (a) of this section, direct the removal and storage of the unauthorized container and shall, in such case, give notice to the owner to claim the container pursuant to subsections (b) and (c) of this section.

8.21.140 Collection--manner. The owner, occupant, tenant or lessee of any premises shall provide or cause to be provided, Basic Level of Service for the removal of Refuse from said premises. Properties utilizing Commercial Collection Service shall provide Adequate Service. The City Refuse Collector shall remove from the premises all Refuse which has been properly placed for collection, whenever such Refuse is of a type and in an amount provided by contract with the City. Any removal of Refuse by the City Refuse Collector, or any person shall be performed in a neat, orderly and quiet fashion, without causing damage to the cContainer or the lid. Any spilled matter shall be picked up by the person responsible for the spillage, and the premises shall be left in a clean and orderly condition. Overfilled cContainers of Refuse creating accumulations of Refuse in or at the pickup site, shall be the responsibility of the premises owner for clean up. The security and proper Level Full cContainer shall be the responsibility of the premises owner. All additional collection of any type of Refuse that does not fit into a cContainer or causes an overfull cContainer shall be the responsibility of the premises owner along with any additional costs for removal or extra collection services. Refuse lawfully placed for collection shall be the property of the City of Huntington Beach from the time of placement until the time of collection and shall become the property of the City Refuse Collector from the time of collection to the time of disposal.

8.21.150 Residential Refuse Collection. The City Refuse Collector shall operate and maintain Residential Refuse Collection in the City by providing the Basic Level of Service on a regularly scheduled basis, approved by resolution of the City Council, not less frequently than once each week. The Director may by regulation exclude from such service any item or substance deemed hazardous, obnoxious or otherwise inappropriate for such service.

8.21.160 Commercial Collection Service. Persons owning or operating premises utilizing Commercial Collection Service shall contract with the City Refuse Collector for the provision of the Basic Level of Service. The Director may, by written order, require the owner and/or manager of any premises subject to Commercial Collection Service to provide Adequate Service to the premises in question.

8.21.170 Special Collections--excluded Refuse.

(a) Refuse exceeding the limitation set forth in this Chapter may be scheduled for special Collection either at regular special Collection dates or by arrangement with the City Refuse Collector.

(b) The City Refuse Collector shall make available cContainers and drop-off bodies, provide additional collections not required by this Chapter, pick up Refuse at points other than as required in this Chapter or provide for the collection of greater volumes of Refuse per collection than required in this Chapter, any or all of these additional services at the request of the person or business being served. The City Refuse Collector may make a direct charge in each instance for such additional service under a written agreement which shall be subject to the approval of the Director and at such rates as are reasonable, just and uniform for all persons or businesses being served. All such direct charges shall be collected by the City Refuse Collector.

(c) The removal of wearing apparel, bedding or other refuse from homes, hospitals, or other places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the County Health Officer, and such Refuse shall neither be placed in cContainers nor left for regular Collection and disposal.

(d) Highly inflammable or explosive or radioactive Refuse shall not be placed in cContainers for regular Collection and disposal, but shall be removed under the supervision of the Fire Chief at the expense of the owner or possessor of the material.

(e) The Director may, by written permit, authorize provision of bins and drop-off bodies if the City Refuse Collector fails to provide such service within five (5) calendar days after a customer order and such service is not thereafter provided within forty-eight (48) hours after notice to the City Refuse Collector of such failure by the Director.

8.21.180 Collection of Recyclable Material. Persons collecting Recyclable Material within the City shall, in addition to obtaining a business license, obtain a Recyclable Material Collection and Disposal Permit from the Director prior to commencing such collection and annually thereafter. Persons operating under such a Permit shall, on a quarterly basis or at such times as determined by the Director, submit a report to the Director specifying the amount of Recyclable Material collected within the City, the location(s) from which the Recyclable Material was collected, and the location(s) to which the Recyclable Material was brought. Such report shall be kept confidential unless otherwise provided by law. Failure to submit timely reports shall be a basis for revocation of the Recyclable Material Collection and Disposal Permit. The Director shall have the right to audit the records of Persons who have received a Permit pursuant to this Section.

8.21.190 Disposal methods. The City Refuse Collector shall dispose of Refuse in a manner approved by the Director and consistent with the provisions of this Chapter.

8.21.200 Rules and regulations. The Director shall make such rules and regulations as may be necessary, reasonable, and proper to enforce the provisions of this Chapter. A copy of any rule or regulation promulgated by the Director shall be provided to the City Council.

8.21.210 Appeals. Any person adversely impacted by a ruling of the Director may appeal such ruling to the City Administrator. The appeal shall be in writing to the City Administrator and shall set forth the basis of the appeal. The City Administrator, or his designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the written appeal. The City Administrator, or his designee, shall render a written decision within thirty (30) days after the close of the hearing on the appeal by providing it to the appellant by first class mail. The decision of the City Administrator shall be final.

8.21.220 Unauthorized collection prohibited.

(a) No person other than the City Refuse Collector shall scavenge or otherwise remove Refuse, Yard Waste -or Recyclable Waste Material that has been lawfully placed at the designated for collection location.

8.21.230 Violation—penalty:

(a**b**) It shall be unlawful for any person to provide Refuse service within the City without the permission of the Director.

(b**c**) It shall be unlawful for any person to utilize Refuse collection service by a Person not permitted to provide such service by the Director.

(c) ~~Any person who violates any provision of this chapter shall be subject to the provisions of Chapters 1.16 and 1.18 of this Code.~~

(d) ~~The provisions of this chapter shall be enforced by City Police, Code Enforcement Officers, or by any City department authorized to do so by the City Administrator.~~

**INTENTIONALLY
LEFT
BLANK**