



DATE: April 14, 2014

AGENDA ITEM # 2

TO: Environmental Commission

FROM: J. Logan, Staff Liaison

SUBJECT: Solid Waste Draft Ordinance

RECOMMENDATION:

Review and make recommendations to Council

BACKGROUND

City Council considered a draft ordinance concerning solid waste at its March 25, 2014 meeting. Council members provided individual feedback on the draft ordinance and directed the Environmental Commission to review the revised ordinance.

DISCUSSION

Public Works Director Jim Gustafson will attend the Environmental Commission meeting and will provide an overview of the draft ordinance, lead discussion, respond to questions and assist the Environmental Commission in its review and response to Council

Attachment: March 25, 2014 Staff Report #7 and Attachments



DATE: March 25, 2014

AGENDA ITEM # 7

TO: City Council

FROM: Jim Gustafson, Public Works Director

SUBJECT: Solid Waste Collection, Removal, Disposal, Processing and Recycling

RECOMMENDATION:

Consider a draft ordinance concerning solid waste and direct staff accordingly

SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: Not applicable

Previous Council Consideration: Not applicable

CEQA Status: Exempt under CEQA Guideline Section 15308- Action taken to protect the environment

Attachments:

1. Draft Ordinance No. 2014-xx
2. Los Altos Municipal Code Chapter 6.12
3. Los Altos Ordinance No. 12 adopted January 27, 1953

ATTACHMENT 1

BACKGROUND

Over time, the City's solid waste ordinance has become outdated and not reflective of state law concerning mandatory recycling, organic waste processing, diversion of waste from landfills, and processing of construction and demolition debris. A new ordinance that conforms with today's best management practices for handling, processing and disposing of solid waste generated in the City of Los Altos is overdue and necessary.

DISCUSSION

The waste handling business has changed substantially since the original ordinance was enacted in 1953; most significantly the enactment of Assembly Bill 939 (AB 939) signed into law in 1989 that established a 50% landfill diversion requirement applied individually to all jurisdictions in California compared to the baseline year 1990.

Although the City was marginally attaining the 50% diversion mandate in the three years prior to 2009, the City issued a Request for Proposals in 2009 that was intended to use latest industry methods that would substantially exceed the State-mandated diversion goal by making recycling and yard waste collection more convenient for residents and businesses, and to incentivize the franchise hauler in this regard. Since the Collection Services Agreement with Mission Trail Waste Systems was executed in 2010, diversion has substantially increased and the City is well positioned to comply with the Global Warming Solutions Act of 2006 (AB 32) that requires reduction of greenhouse gas emissions, and AB 341 that resets the Statewide diversion target to 75% by the year 2020.

The draft ordinance provided as Attachment 1 was developed with the assistance of R3 Consulting, is based on a survey of codes established recently in other California cities, and is tailored for Los Altos.

Adoption of the ordinance proposed will result in the following findings: 1) reductions of greenhouse gas emissions will result from aerobic composting of organic waste; 2) reductions of greenhouse gas emissions will result from recovering traditional recyclable materials; 3) additional effort to divert commercial and special event recyclables is necessary; 4) that mandatory commercial recycling is necessary to meet desired levels of diversion; and 5) adoption is intended to promulgate rules and regulations to implement the requirements of the Collection Services Agreement and State requirements of AB 939, SB 1016, AB 32, AB 341 and various other State mandates.

If adopted, it is estimated that about one-half of a full-time equivalent position will be needed to adequately administer the enforcement, reporting, and approval process associated with enhanced regulation of the recycling program described in the ordinance. This part-time position would be included in an authorization request to be submitted at a later date and would be funded from the Solid Waste Fund. The total cost estimated for the position would be approximately \$55,000 annually. No appropriation for this position is requested at this time.

The draft ordinance was discussed with the City's contact at Mission Trail Waste Systems (MTWS). Mission Trail's primary concern with the existing ordinance is the absence of sufficient penalties for the City to enforce the exclusive rights granted MTWS in the Collection Services Agreement. Specifically, MTWS was provided exclusive rights in that agreement to provide roll-on/roll-off construction debris boxes and quoted program prices accordingly. This issue affects reportable diversion because a non-franchised provider of debris boxes does not report generation and disposal data and there is no mechanism in place to confirm the ultimate disposition of the debris unless it is collected and processed under the control of MTWS. Language in the draft ordinance is intended to address MTWS' primary concern. MTWS was also concerned with the draft ordinance with respect to the City having adequate staff to enforce the proposed regulations applicable to the non-franchised authorized recyclers. MTWS' input was considered in this version of the draft ordinance to address management of non-franchised authorized recyclers, acknowledging that additional City staffing would be needed to regulate such recyclers.

The draft ordinance provided as Attachment 1 would replace the current code chapter in its entirety. Attachment 2 is the existing code that is proposed to be replaced. Since the new code proposes sweeping changes to the existing code, Council is offered the first draft of a new ordinance to allow for comment and Council direction, with the intent that an ordinance may be introduced as soon as April 8, 2014. Ordinance No. 12 (Attachment 3) is provided for historical perspective.

FISCAL IMPACT

None

PUBLIC CONTACT

Posting of the agenda provided notice of the meeting to the public.

ORDINANCE NO. 2014-_____

**AN ORDINANCE OF THE CITY COUNCIL OF LOS ALTOS
AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6, HEALTH
AND SAFETY, ARTICLE 12, ENTITLED “SOLID WASTE COLLECTION,
REMOVAL, DISPOSAL, PROCESSING AND RECYCLING”**

WHEREAS, the City Council of Los Altos (“City”) finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, the City Council finds that every city and county in California, including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal; and

WHEREAS, the City Council finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32 signed into law in 2006), requires that commercial generators state-wide participate in recycling programs; and

WHEREAS, the City Council finds that the State of California through the passage of AB 341 (signed into law in 2011) adopted a goal that seventy-five percent of solid waste generated state-wide be diverted from landfill by the year 2020. Further, AB 341 requires that each commercial solid waste generator, including multi-family dwellings of five or more units, provide for recycling programs, and each City or County implement recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units; and

WHEREAS, the City continues to make progress in maintaining the disposal reduction requirements of the state recycling law, but additional efforts, particularly in the recycling of paper, cardboard, glass, and other recyclable materials generated by businesses, will assist the City in maintaining and exceeding the goal of diverting waste from landfill disposal. The City desires to implement a program to encourage the diversion of materials from landfill and transformation facilities, to ensure that resources are used to their highest potential and to reduce upstream waste and the City’s ecological footprint; and

WHEREAS, the City Council finds that organic or compostable waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may

impact air and water quality. Reductions or capture of methane is critical as methane gas from the decomposition of waste is a source of renewable energy, but if not collected and controlled is at least twenty-one (21) times as potent as carbon dioxide in contributing to climate change; and

WHEREAS, the City Council finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering traditional recyclable materials from the waste stream to use in the manufacturing of products from these materials. Traditional recyclable materials have significant intrinsic energy value that displaces fossil fuel energy requirements when introduced back into the manufacturing cycle. Additionally, by remanufacturing products using recycled materials, additional reductions in greenhouse gas emissions are realized through reduced fossil fuel demands in transportation and avoided methane emissions at landfills; and

WHEREAS, the City Council finds that efforts by the City and the private sector to encourage voluntary diversion of commercial and special event recyclables materials have not fully achieved desired levels of diversion; and

WHEREAS, the City Council finds that mandatory commercial recycling programs in other cities and counties in California, similar to the one implemented by this Chapter 6.12, have proven successful; and

WHEREAS, on March 23, 2010, the City of Los Altos entered into an exclusive franchise agreement with Mission Trail Waste Systems Inc., entitled “Collection Service Agreement” for the collection of solid waste and recyclable materials; and

WHEREAS, this Ordinance is intended to promulgate rules and regulations to implement the requirements of the Collection Services Agreement, the State requirements of AB 939, SB 1016, AB 32, AB 341 and various other State mandates; and

WHEREAS, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Los Altos Municipal Code, Title 6, Health and Safety, Chapter 6.12, entitled “Garbage Collection and Disposal”

is hereby repealed in its entirety and to be replaced by a new Chapter 6.12 to read as follows:

**“Chapter 6.12 – SOLID WASTE COLLECTION, REMOVAL, DISPOSAL,
PROCESSING AND RECYCLING**

Sections:

- 6.12.010 – Definitions.
- 6.12.020 – Solid waste and recyclable materials storage generally.
- 6.12.030 – Littering.
- 6.12.040 – Burning solid waste or recyclable materials.
- 6.12.050 – Containment of solid waste during transport.
- 6.12.060 – Transporting solid waste.
- 6.12.070 – Award of agreement to franchised hauler.
- 6.12.080 – Owner responsibility of solid waste collection service.
- 6.12.090 – Commencement of solid waste collection service.
- 6.12.100 – Charges for solid waste collection service.
- 6.12.110 - Failure to pay for solid waste collection service.
- 6.12.120 – Notification of delinquency.
- 6.12.130 – Construction and demolition requirements.
- 6.12.140 – Requirements for non-franchised authorized recyclers.
- 6.12.150 – Source separation requirements.
- 6.12.160 – Franchised haulers and non-franchised authorized recyclers.
- 6.12.170 – Recycling services.
- 6.12.180 – Recycling exemptions.
- 6.12.190 – Self-haul of recyclable materials.
- 6.12.200 – Special event recycling.
- 6.12.210 – Ownership/scavenging of recyclable materials.
- 6.12.220 – Reporting.
- 6.12.230 – Implementation and enforcement.

- 6.12.240 – Other actions and remedies.
- 6.12.250 – Forms, regulations and guidelines.
- 6.12.260 – Agreement for Solid Waste controlling.

6.12.010 – **Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. “Applicant” means any individual, firm, limited liability company, association, partnership, government agency, industry, public or private corporation, or any other person or entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation for a covered project within the city.
- B. “Biohazardous or Biomedical Waste” means animal waste such as animal body parts, carcasses, excreta, and waste generated at veterinary hospitals; human anatomical waste such as body parts, tissues and organs; microbiology and biotechnology waste such as live or attenuated vaccines, human and animal cell culture, wastes from biological toxins; waste sharps such as needles, syringes, blades and scalpels; solid waste such as cloth containing blood stains, blood coated cotton balls discarded medicines; chemicals used for disinfection; ash from incineration of biomedical waste; and liquids generated from laboratory housekeeping activities.
- C. “City manager” means the city manager of the City of Los Altos, or his/her designee.
- D. “City council” means the city council of the City of Los Altos.
- E. “Commercial facility” means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and multi-family dwelling units located within the boundaries of the city.
- F. “Construction and demolition debris” means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to,

dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures. Construction and demolition debris does not include exempt waste.

- G. “Container” means any heavy plastic or galvanized metal box, can, cart, barrel, bin or similar type container used for the accumulation of solid waste, recyclable materials, organic waste, or construction and demolition debris.
- H. “Covered project” means any construction, demolition, and/or renovation project within the city which requires an application for a building or demolition permit or any similar permit from the city, or the total costs of the project are, or are projected to be, greater than or equal to twenty-five thousand (\$25,000) dollars. In addition, any reroofing of residential and commercial structures with wood shake, asphalt shingles, built-up bituminous layers, foam, metal, slate tile, or concrete are also covered projects.
- I. “Deconstruction” means the soft demolition of any facility, structure, or building through a planned dismantling and salvaging of reusable materials and parts.
- J. “Delinquent” means a failure of the recipient of solid waste collection service, or of the property owner, to pay when due all charges owed to the franchised hauler for solid waste collection service rendered or to be rendered.
- K. “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior and/or the removal of landscaping materials, including green waste.
- L. “E-Waste” means discarded electronics equipment such as cell phones, PDA, computers, monitors, televisions, and other items containing cathode ray tubes (CRTS), LCD, LED or plasma screens and monitors.
- M. “Exempt waste” means (except Sharps), hazardous waste, sludge, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.

- N. “Franchised hauler” means a hauler holding a franchise, contract, license or permit issued by the city which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the city.
- O. “Garbage” means all non-recyclable packaging, and putrescible waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic waste, construction and demolition debris, large items, E-waste, universal waste, or exempt waste.
- P. “Generator” means an owner or responsible party for a commercial facility or business, including non-residential property, which generates solid waste, or recyclable materials as a result of its business, commercial facility or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of generator, as well as a responsible party for special events. Generator also includes the city, its facilities, its non-residential properties and special events, its sponsors or co-sponsors.
- Q. “Hazardous waste” means any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such as local, state or federal law or regulations may be amended from time to time.
- R. “Household hazardous waste” means dry cell household batteries, cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, stripes, and adhesives, auto batteries; and universal waste.
- S. “Large Items” means furniture, carpets, mattresses, white and brown goods (household appliances), E-waste, clothing, tires without rims, and green waste attributed to the normal activities of a service unit.
- T. “Non-franchised authorized recycler” means any person or business entity which lawfully collects, accepts, transports or otherwise processes recyclable materials from generators for a profit through a proper permit, business license or other regulatory structure or authorization issued by the city.

- U. “Occupied premises” are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when solid waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.
- V. “Organic waste” means food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, stable matter, and acceptable food packaging such items as pizza boxes, paper towels, waxed cardboard, food contaminated paper products, plant debris, such as palm, yucca and cactus, ivy, grass clippings, leaves, pruning, weeds, branches, brush, and holiday trees.
- W. “Recyclable materials” means those materials separated from solid waste by the generator which are capable of being recycled and which would otherwise be processed or disposed of as garbage.
- X. “Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meeting the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.
- Y. “Responsible party” means the individual or entity responsible for the generator’s management of solid waste and/or recycling at the generator’s commercial facility, business, non-residential property, or special event.
- Z. “Salvage” means the controlled removal of designated recyclable and reusable materials from construction and demolition debris, from a covered project, for the purpose of recycling, reuse or storage for later recycling or reuse
- AA. “Service Unit” means any city facility or city property, any single-family or multi-family dwelling unit, or any retail, professional, office, wholesale or industrial facility located within in the incorporated boundaries of the City of Los Altos that utilizes a solid waste cart, bin, compactor, debris box for the accumulation and set-out of solid waste.
- BB. “Sharps” means needles, scalpels, blades, broken medical glass, broken capillary tubes, and ends of dental wires.

- CC. “Solid waste” means garbage, organic waste, construction and demolition debris, large items, E-waste, universal waste or exempt waste.
- DD. “Source separate” means the process of removing recyclable materials from garbage at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclable materials, organic materials, or garbage for the purposes of recycling.
- EE. “Special event” means a community, public, commercial, recreational or social event which may serve food or drink and which may require a permit from the city. Special events may include the temporary or periodic use of a public street, publicly owned site or facility, or public park.
- FF. “Sludge” means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.
- GG. “Tenant” means any person or persons, other than the owner, occupying or in possession of a premises.
- HH. “Universal Waste” means E Waste, fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments and switch’s that contain mercury, and dry cell batteries containing cadmium copper or mercury.

6.12.020 – Solid waste and recyclable materials storage generally.

- A. All persons occupying or maintaining any premises within the city where solid waste or recyclable materials are created, produced or accumulated shall maintain sufficient standard containers for receiving and holding all solid waste or recyclable materials which is produced, created or accumulated on such premises. No containers or roll-off bins shall be allowed to be stored in the public streets, alleys or right-of ways.
- B. No person shall accumulate solid waste or recyclable materials are in any amount that creates a nuisance. Solid waste or recyclable materials shall not be allowed to remain on the premises for more than seven (7) days. If the solid waste or recyclable materials create a nuisance, then the city manager may require a more frequent collection schedule.

- C. The occupants of any property may not dispose of solid waste or recyclable materials on their property.
- D. Design Review. The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage or handling which will accommodate the solid waste or recyclable materials loading anticipated and which will allow for efficient and safe waste removal or collection. The design shall be submitted for approval to the city manager and shall meet all applicable regulations.
- E. Container Area Design. If required pursuant to Section D above, solid waste or recyclable materials containers areas shall be adequate to be serviced by commercial mechanical loading trucks, and shall incorporate the following considerations:
- i. The container areas shall be large enough to accommodate collection containers for solid waste and recyclables. Commercial buildings within fifteen thousand (15,000) square feet of floor space or greater, and multiple housing units with seven (7) or more bedrooms, or any facility generating or anticipated to generate one (1) cubic yard of more of solid waste per week, shall provide sufficient container area(s) to house the number and size of containers required. In any case a container area shall not be less than ten (10') feet wide, ten (10) feet deep and six (6') feet high. Gates, if installed on the container area shall be double doors, opening at the center and level with the access road. The container layout plan and container area design shall be approved by the franchised hauler prior to issuance of a building permit.
 - ii. Access roads shall provide all weather access and be capable of supporting solid waste collection vehicles.
 - iii. A turn around for the collection vehicle shall be provided in the immediate vicinity of the container area. The turn-around area shall not be less than a thirty-two (32') foot radius.
 - iv. Overhangs, wiring or other obstructions on the approach to the container area must be at least thirteen feet six (13'6") inches high and at least sixteen (16') feet high directly over the container area.

6.12.030 – Littering.

No person shall throw or deposit, or cause to be thrown or deposited, any solid waste or recyclable materials upon any premises whatsoever except at a disposal area and in the appropriate container.

6.12.040 – Burning solid waste or recyclable materials.

- A. It is unlawful for any person to burn, or cause to be burned, any solid waste or recyclable materials within the city.
- B. It is unlawful for any person to dispose of any burning ash or embers in in solid waste or recyclable materials containers.

6.12.050 – Containment of solid waste during transport.

No person shall transport solid waste, over any public street, alley, right-of-way or parking plaza unless such solid waste is contained in watertight metal tanks, containers or other containers, which in all instances shall be equipped with close-fitting metal covers, except as otherwise permitted by the city, and such covers shall be affixed to the tanks, containers or other containers in such a manner as to prevent the dropping or spilling of any solid waste upon the public street, alley, right-of-way or parking plaza.

6.12.060 – Transporting solid waste.

- A. No person shall collect, haul or transport solid waste on or from any public highway, street, alley, right-of-way or parking plaza within the city, or transport any solid waste collected within the city over any public highway public street, alley, right-of-way or parking plaza within the city, other than a franchised hauler.
- B. The provisions of this section shall not apply to persons or entities collecting undiscarded materials, or to farming or agricultural operations, or to public agencies, or to any person transporting solid waste from a transfer station pursuant to a contract between that person and the city. The provisions of this section shall also not apply and a permit, franchise, or license shall not be required for: (1) persons receiving solid waste collection services by the franchised hauler but periodically self-haul less than one-half ($\frac{1}{2}$) cubic yard or

ninety-six (96) gallons per week of solid waste from their own residences or businesses, (2) persons receiving solid waste collection services by the franchised hauler but periodically self-haul less than two (2) cubic yards of organic waste from their own residences or businesses, (3) persons who have received a construction and demolition debris self-haul exemption, or (4) vehicles traveling through the city without collecting, delivering, depositing or disposing of solid waste in the city. All persons hauling solid waste under this Section 6.12.060 shall use collection containers with a tight fitting lid, or tarp all loose materials.

6.12.070 – Award of agreement to franchised hauler.

The council, by resolution, may award a franchise agreement or contract for the collection and disposal of solid waste and recyclable materials to any person whom the city council determines is best qualified and equipped to perform collection services. The franchise agreement or contract shall require the franchise hauler to collect, remove and dispose of solid waste and recyclable materials in the city in accordance with the provisions of the franchise agreement and this chapter.

6.12.080 – Owner responsibility of solid waste collection service.

The property owner or tenant of each occupied premises shall subscribe to and pay for at least the minimum level of solid waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the city and the franchised hauler. The charges for solid waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any solid waste to be collected on any particular collection date during such occupancy. Nothing in this section is intended to prevent an arrangement, or the continuance of an arrangement, under which payments for solid waste collection service are made by a tenant or tenants, or any agent or other person, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to pay for solid waste collection service as provided herein.

6.12.090 – Commencement of solid waste collection service.

The property owner or tenant shall commence solid waste collection service within ten (10) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the city manager may give written notice to

the owner or tenant that solid waste collection service is required. If service is not initiated by the property owner or tenant within ten (10) days after the date of mailing the notice, the city manager shall authorize the franchised hauler to begin and continue providing the minimum level of solid waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

6.12.100 – Charges for solid waste collection service.

Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the Collection Service Agreement between the city and its franchisee.

6.12.110 - Failure to pay for solid waste collection service.

The franchised hauler shall be entitled to payment from the property owner, tenant or any other subscribing person on behalf of the property owner for any services rendered or to be rendered. Upon failure to make such payment, the means of collecting delinquent charges shall be in accordance with the procedures set forth in this chapter. Solid waste collection service shall not be discontinued by reason of any failure to pay the charges for such service.

6.12.120 – Notification of delinquency.

- A. If a bill for solid waste collection service remains delinquent for sixty (60) days, the franchised hauler shall send or deliver notice of any delinquency to the city, property owner, tenant or any other subscribing person on behalf of the property owner indicating the amount owed for solid waste collection service.
- B. The city is not obligated to use its police power to collect delinquent, overdue or unpaid bills for solid waste collection service.

6.12.130 – Construction and demolition requirements.

- A. Each generator of construction and demolition debris for a covered project shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter. Each generator shall:
 - i. Enter into a written service agreement with the franchised hauler for the collection and processing of the construction and demolition debris; and

- ii. Provide proof of contract with the city's franchised hauler for the collection and processing of construction and demolition debris prior to the issuance of a building permit by the city. Proof may be provided to the city in the form of a purchase order, contract, cancelled check, or invoice; or
 - iii. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be available to the city manager upon request.
- B. Every covered project shall be made available for construction, deconstruction, salvage, and recovery prior to demolition or during construction. It shall be the responsibility of the applicant to recover the maximum feasible amount of salvageable, recyclable and reusable materials prior to demolition or during construction.

In order to provide sufficient time for deconstruction and salvage and recovery to be undertaken, no demolition may commence until a period of at least five (5) working days has elapsed from the date of issuance of the demolition permit. Recovered and salvaged designated recyclable and reusable material from the covered project shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged designated recyclable and reusable materials may be given away or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale. Title to designated recyclable and reusable materials forwarded to the operator of recycling facilities will transfer to the service provider upon removal of designated recyclable and reusable materials from the covered project site.

- C. On-site practices. During the term of the covered project, the applicant shall recycle or reuse the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the city manager that can be converted to tonnage. The city manager will evaluate and monitor each covered project to assist in evaluating the percentage and types of materials recycled, salvaged and recycled or reused from the covered project and to provide technical assistance where appropriate. The required diversion of a minimum of the required percentages of the designated recyclable and reusable materials shall be measured separately with respect to the demolition segment and the construction segment of a covered project where both construction and demolition are involved. To the maximum extent feasible, on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery,

metal and other materials which cannot be chipped or ground shall not be placed in such boxes. On-site separation shall be undertaken for wallboard, dimensional lumber, and cardboard to the extent feasible on new construction

- D. Reporting. Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the applicant shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the city manager which proves compliance with the requirements of Section 6.12.130. The documentation shall consist of written documentation acceptable to the city manager showing actual data of tonnage of materials salvaged for recycling and reuse, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and/or landfill and disposal companies. The city manager will use the, receipts and weight tags to assist in verifying whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. Applicant shall make reasonable efforts to ensure that all designated recyclable and reuse materials salvaged or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size, lack of scales at facility, or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use standardized conversion rates approved by the city for this purpose.
- E. If a covered project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the city manager before issuance of a building permit for the construction phase of a covered project. In the alternative, the applicant may submit a letter stating that no waste or recyclable materials were generated from the covered project, in which case this statement shall be subject to verification by the city manager. Any deposit posted pursuant to Section 6.12.130.D shall be forfeited if the applicant does not meet the timely reporting requirements of this section.
- F. Self-haul of construction and demolition debris. Nothing in this ordinance shall preclude any person from self-hauling construction and demolition debris generated by that person to a construction and demolition debris processing facility. A generator may transport construction and demolition debris

generated at its business or property to a construction and demolition debris processing facility (rather than hiring a franchised hauler) only if the generator completes its activity by utilizing a vehicle owned by either the generator or generator's employee and is not in the business of collecting, transporting or disposing of solid waste or recyclable materials. This self-haul exemption does not include contracting for or hiring a third party to transport the construction and demolition debris. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The self-hauling form shall be made available to the city manager or designee upon request. At a minimum, the generator shall provide the following information on the self-hauling form:

- i. The name, address and telephone number of the generator's representative that will be signing the self-hauling form.
- ii. A list of the types of construction and demolition debris that are being transported.
- iii. For each type of construction and demolition debris, the amount that is being taken from the generator's business or property to a construction and demolition debris processing facility on a quarterly basis.
- iv. The name and address of the construction and demolition debris processing facility.
- v. A written statement, signed by the generator or representative, certifying that the generator is in compliance with the requirements of Section 6.12.130.
- vi. The city manager may restrict or prohibit self-hauling by a generator if the city manager determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

G. Diversion requirements. It is required that at least the following specified percentages of the waste tonnage of construction and demolition debris generated from every covered project shall be diverted from going to landfill by using recycling, reuse and diversion programs except where the city manager determines that the percentages are not feasible for an individual project and waives or modifies the percentage required. The percentages required are as follows:

- i. Covered projects generating waste comprised of at least ninety-five (95%) percent inert materials, including dirt, concrete asphalt, brick, and/or cinderblock, shall be required to divert at least eighty percent (80%) of all generated tonnage.
 - ii. Covered projects generating waste comprised of mixed debris, both structural debris (e.g., wood, metal, wallboard) and inert materials (dirt, concrete, asphalt, brick, and/or cinderblock) shall be required to divert at least seventy-five percent (75%) of all generated tonnage.
 - iii. Covered projects generating waste that does not include inert materials (dirt, concrete, asphalt, brick, cinderblock) shall be required to achieve at least seventy-five percent (75%) diversion of total generated waste.
 - iv. Reroofing of homes that replace wood shakes, asphalt shingles, tiles, or concrete, also defined as a separate covered project, shall require diversion of at least seventy-five percent (75%) of total generated waste.
- H. Sale or Donation. Nothing in this chapter shall preclude any generator from selling or exchanging at fair market value, for reuse or recycling, construction and demolition debris generated from that business, commercial facility or property; or from donating to another entity for reuse or recycling; construction and demolition debris generated from that business, commercial facility or property.

6.12.140 – Requirements for non-franchised authorized recyclers.

- A. Non-franchised recyclers, as may be authorized by the city, may only collect recyclable materials within the city as long as no charges or fees are associated with the service (including rental fees charged for any container) and the non-franchised authorized recycler maintains a valid business license to operate within the city.
- B. Non-franchised authorized recyclers are required to pay to the city a recycling fee on all recyclable materials collected within the city monthly. The recycling fee shall be fifteen percent (15%) of the gross sale of recyclable materials collected, and shall be due to the city on the 15th of every month following the month for which the recycling fee is being paid. Failure to pay this fee will result in the following: Non-franchised authorized recyclers are prohibited from collecting, transporting, or disposing of solid waste, including organic

waste and construction and demolition debris, from generators located within the city.

- C. Non-franchised authorized recyclers are prohibited from collecting, transporting, or disposing of solid waste within the city.
- D. Failure by non-franchised authorized recyclers to comply with 6.12.140 A through D above will result in the following:
 - i. The city may issue of an administrative fine of five hundred dollars (\$500) for each occurrence of failure to pay the recycling fee;
 - ii. The city may issue an administrative fine of one thousand dollars (\$1,000) for each occurrence of collecting, transporting, or disposing of solid waste, including organic waste and construction and demolition debris
 - iii. The city may revoke the non-franchised authorized recycler’s business license; and
 - iv. The city may issue notice to authorize the franchised hauler, on behalf of the city, to confiscate the non-franchised authorized recycler’s containers located within the city, at the non-franchised authorized recycler’s expense.

6.12.150 – Source separation requirements.

- A. Each generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter. Each generator shall:
 - i. Source separate recyclable materials from garbage; and
 - ii. Subscribe to a basic level of recycling service that includes, at a minimum, the collection of recyclable materials; and
 - iii. Utilize the recycling services of the franchised hauler or enter into a written service agreement with a non-franchised authorized recycler. Should the generator chose to enter into an agreement with a non-franchised authorized recycler, the generator shall be responsible for verifying that the non-franchised authorized recycler holds a valid business license with the city; or
 - iv. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this ordinance or

any other applicable law or regulation. A copy of such form shall be available to the city manager upon request.

- B. Each generator shall use containers to collect and store recyclable materials and shall designate areas to collect and/or store recyclable materials.
- C. Each generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials are collected and/or stored that specify the materials to be source separated in addition to collection procedures for such materials.
- D. Each generator shall notify and instruct employees in writing of applicable source separation requirements, including outreach and training on what materials are required to be source separate and how to source separate such material. A copy of such instruction or training materials shall be provided to the city manager or designee upon request.
- E. All recyclable materials shall be placed for collection in covered collection containers conforming to the following requirements. No container shall be loaded beyond its capacity. It shall be the generator's responsibility to keep the containers used for the storage and collection of recyclable material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No solid waste shall be commingled with recyclable materials. No recyclable material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The city manager is specifically authorized to promulgate rules and regulations regarding any and all recyclable material containers including as related to the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection and the proper use of containers.
- F. Each generator shall ensure that recyclable materials generated at the generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Generators shall not dispose of, or arrange for disposal of recyclable materials by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the city manager. Further, all generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the city manager.

- G. The recycling service agreement and other recycling documents shall be available for inspection by the city manager at the principal location of the generator's business, commercial facility, special event, or non-residential property during normal business hours.
- H. No franchised hauler or non-franchised authorized recycler shall be held liable for the failure of its customers to comply with such regulations, unless specified in the franchise, contract or permit issued by the city.

6.12.160 – Franchised haulers and non-franchised authorized recyclers.

- A. No person shall provide services as a hauler of recyclable materials within the boundaries of the city without either being: (1) a franchised hauler with the city, or (2) a non-franchised authorized recycler.
- B. Franchised haulers and non-franchised authorized recyclers shall offer containers for recyclable materials sufficient to accommodate the quantity and types of recyclable materials to all of its customers and shall provide recycling services as described in Section 6.12.170.
- C. Franchised haulers and non-franchised authorized recyclers shall identify its containers for recyclable materials with its name, recognizable corporate or company logo, and phone number of the franchised hauler or non-franchised authorized recycler that is legible from a distance of fifty (50) feet.
- D. Franchised haulers and non-franchised authorized recyclers shall equip and provide automatic lift containers, bins and roll-off bins for recyclable materials, with locks and/or other suitable features, where feasible, to prevent scavenging. They shall conduct all activities in accordance with applicable laws, city codes and regulations and best management practices. Vehicles and equipment and containers shall be kept in a clean and well-maintained condition.
- E. Franchised haulers and non-franchised authorized recyclers shall not take a customer's recyclable materials to a landfill or other site for disposal. Such materials shall be taken to a recycling facility, or franchised haulers and non-franchised authorized recyclers shall make other arrangements for recycling the materials instead of disposal. The franchised haulers and non-franchised authorized recyclers shall maintain a copy of a service agreement and/or receipts documenting that the generator's recyclable materials have been properly delivered, as well as any documentation evidencing an event of force

majeure which prevented the proper delivery of recyclable materials. Such documents shall be available for inspection by the city manager at the place of business during normal business hours and maintained for not less than three years.

6.12.170 – Recycling services.

- A. The recycling services provided by franchised haulers and non-franchised authorized recyclers shall include, at a minimum, all of the following:
- i. Collection of recyclable materials at a minimum of two (2) times per month, or more as specified by contract, license or permit;
 - ii. Collection of recyclable materials as identified by the city manager;
 - iii. Utilization of recycling containers which comply with city standards;
 - iv. Appropriate signage on all recycling receptacles, containers, chutes and/or enclosures which allows users to clearly and easily identify which containers to use for recyclable materials, organic materials, or garbage and be color-coded.
 - v. For all service units, the responsible party shall provide information about recycling services as follows:
 1. Types of recyclable materials accepted, the location of recycling containers, and the occupant's responsibility to recycle pursuant to this section. This information shall be distributed to all occupants annually;
 2. All new occupants shall be given information and instructions upon occupancy; and
 3. All occupants shall be given new information and instructions upon any change in recycling service.

6.12.180 – Recycling exemptions.

- A. The following shall be exempt from the requirements of this section:
- i. The State of California, a special district or other local public agency other than the city, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.

- ii. Municipal corporations and governmental agencies other than city using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the city.
- B. Generator shall be exempt from the requirements in this section if the business, commercial facility or non-residential property generates one cubic yards or less of solid waste per week. This exemption does not apply to special events unless the generator demonstrates to the city manager that the event will produce less than the threshold amount.
- C. Generator may not be required to source separate recyclable materials if the generator demonstrates to the city manager that there is no collection service or other system available for such materials.
- D. Generator may be exempt from the requirement of this section if the generator demonstrates to the city manager that there are no recyclable materials being generated by any activities in the generator's business, commercial facility, or non-residential property.
- E. Space and Zone.
 - i. Generator may be exempted from the requirements of this section by the city manager, if it is determined, through a site visit required by the generator, that either:
 - ii. There is inadequate storage space for automatic lift containers, bins or roll-off bins for recyclable materials on site and that it is infeasible for the generator to share automatic lift containers, bins or roll-off bins for recyclable materials with a generator or an adjoining property; or
 - iii. Compliance with this section will result in a violation of zoning codes or city regulations for minimum parking spaces.
 - iv. If, after reviewing the site, the city manager determines that it is feasible for recycling containers to be placed either on-site or shared with an adjoining business or property, then the generator will not be exempted from these requirements and will be responsible for full compliance with this section.
- F. Generators may be exempted from the requirements of this section when no viable markets or recycling facilities are available, as determined by the city manager.

- G. If the generator seeks an exemption, an application for such exemption shall be submitted on a form prescribed by the city manager. After reviewing the exemption request, and after an on-site review, if applicable, the city manager may either approve or disapprove the exemption request.

6.12.190 – Self-haul of recyclable materials.

- A. Nothing in this chapter shall preclude any person from self-hauling recyclable materials generated by that person to a recycling facility. A generator may transport recyclable materials generated at its business or property to a recycling facility (rather than hiring a franchised hauler or non-franchised authorized recycler) only if the generator completes its activity by utilizing a vehicle owned by either the generator or generator's employee. This self-haul exemption does not include contracting for or hiring a third party to transport the recyclable materials. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The self-hauling form shall be made available to the city manager or designee upon request. At a minimum, the generator shall provide the following information on the self-hauling form:
- i. The name, address and telephone number of the generator's representative that will be signing the self-hauling form.
 - ii. A list of the types of recyclable materials that are being transported.
 - iii. For each type of recyclable material, the amount that is being taken from the generator's business or property to a recycling facility on a quarterly basis.
 - iv. The name and address of the recycling facility.
 - v. A written statement, signed by the generator or representative, certifying that the generator is in compliance with the requirements of Section 6.12.190.
- B. The city manager may restrict or prohibit self-hauling by a generator if the city manager determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

- c. Sale or Donation. Nothing in this ordinance shall preclude any generator from selling or exchanging at fair market value, for reuse or recycling, source separated recyclable materials generated from that business, commercial facility or property; or from donating to another entity for reuse or recycling; source separated recyclable materials generated from that business, commercial facility or property.

6.12.200 – Special event recycling.

- A. For a special event, in addition to any other conditions the city requires as part of the special event permit, the responsible party shall provide recycling containers throughout the event location to make source separation of recyclable materials, organic materials and solid waste convenient for the employees, volunteers, contractors, and customers of the food vendors and attendees of the event.
- B. The minimum number of recycling containers shall equal or exceed the number of solid waste containers. The solid waste and recycling containers shall be placed as close together as possible throughout the event location in order to provide equally convenient access to users.
- C. All of the containers must have appropriate signage and be color coded to identify the type of materials to be deposited and meet any additional design criteria established by the city by regulation.
- D. Food vendors must have at least one separate container each for recyclable materials, organic materials and solid waste for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclable materials, organic materials and solid waste for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.
- E. The types of recyclable materials suitable for deposit into each container shall include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling container shall be clearly identified as a recycling container and shall display a list of types of recyclable materials, which may be deposited into the recycling container.

- F. The responsible person shall ensure that the recyclable materials deposited into the recycling containers are delivered to a recycling facility. The recycling facility may be located at a landfill, but recyclable materials shall not be delivered to a landfill for disposal.

6.12.210 – Ownership/scavenging of recyclable materials.

- A. All recyclable materials placed in automatic lift containers, bins or roll-off bins for recyclable materials provided by any franchised hauler or non-franchised authorized recycler sufficient to accommodate the quantity and types of materials generated by businesses, or non-residential properties, shall be considered owned by and be the responsibility of either the franchised hauler or non-franchised authorized recycler. Without permission of either the franchised hauler or non-franchised authorized recycler, no person shall remove recyclable materials placed in such automatic lift containers, bins or roll-off bins by customers or generators.
- B. All recyclable materials placed in recyclable materials containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a franchised hauler's or non-franchised authorized recycler's designated point of collection or in containers described in paragraph A.
- C. No person other than the person or business under contract with the generator of the recyclable materials to collect the recyclable materials, shall remove or otherwise interfere with recyclable materials which have been placed at a designated recycling or recyclable materials collection location. Except as authorized under Section 6.12.180, it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of recyclable materials without being a franchised hauler or non-franchised authorized recycler.

6.12.220 – Reporting.

- A. The franchised hauler shall provide reports to the city as specified in the executed franchise agreement, contract or the Collection Service Agreement. Non-franchised authorized recyclers shall provide quarterly reports on the

dates described below to the city manager identifying, at a minimum, the following information, including special events:

- i. The total number of customers or commercial accounts they have in the city, the name and address of the facility serviced, and the name of the responsible party for garbage and recyclable materials management;
- ii. The frequency of recyclable materials collection service provided to the business, commercial facility or property;
- iii. The recyclable materials collected per week by volume in cubic yards and/or tons, measured by the size of applicable containers of and removed by them within the city during the previous year;
- iv. The location of the recycling facility to which the recyclable materials were taken during the previous quarter; and
- v. Information about non-compliance by generators.

B. The quarterly reporting periods shall be as follows:

Reporting Period	Due Date
January 1 – March 31	May 1
April 1 – June 30	August 1
July 1 – September 30	November 1
October 1 – December 31	February 1

- C. If the quarterly report is not filed by the due dates above, the report shall be deemed delinquent, and non-franchised authorized recycler shall pay to the city a delinquent report charge in the amount of fifty dollars (\$50). If the report remains delinquent for more than fifteen (15) days, the amount shall be increased to one hundred (\$100).
- D. The non-franchised authorized recycler’s failure to file the reports required by this section shall, at the option of the city, constitute cause for termination or suspension of permit status.

6.12.230 – Implementation and enforcement.

- A. The city manager is authorized to administer and enforce the provisions of this chapter. The city manager or anyone designated by the city manager to be an enforcement officer may exercise such enforcement powers. To the extent permitted by law, the city manager may inspect any collection container,

collection vehicle load, or receiving facility for collected garbage or recyclable materials.

B. Unless otherwise expressly provided by the Los Altos Municipal Code, any person adversely and directly affected by any determination made or action taken by the city manager pursuant to the provisions of this section may file an administrative appeal pursuant to Los Altos Municipal Code Chapter 1.12. If no appeal is filed within the time prescribed, then the determination or action of the city manager shall be final.

C. Enforcement

- i. If the franchised hauler or non-franchised authorized recycler first finds incorrect materials in a collection container, they shall notify the generator by written notice attached to the recycling container and shall provide a copy of the notice to the city manager.
- ii. If the franchise hauler or non-franchised authorized recycler finds incorrect materials in a collection container a second time, they shall notify the generator by a written “second notice” attached to the recycling container and shall provide a copy of this second notice to the city manager for possible follow up and enforcement.
- iii. After the franchised hauler or non-franchised authorized recycler has already left two or more tags for that customer and that type of container, the franchised hauler or non-franchised authorized recycler may refuse to empty the container if contamination occurs a third time, subject to California Code of Regulations Title 14, Section 17331, or as determined by the city manager. If the container is not emptied, the franchised hauler or non-franchised authorized recycler must leave a tag and send a written notice to the generator, identifying the incorrect materials and describing what action must be taken for the materials to be collected; provided, however, that a franchised hauler or non-franchised authorized recycler may not refuse on this basis to empty containers from multi-family or commercial properties with multiple tenants and joint account collection service due to excessive contamination, but any manage contaminated loads as garbage and charge the generators accordingly.
- iv. The franchised hauler or non-franchised authorized recycler shall, in addition to the above, upon request, provide to the city manager a list of

the names and addresses of those customers or responsible parties who have received tags or notices or whose containers have not been emptied due to non-compliance with this section, or copies of the tags or notices. The franchised hauler or non-franchised authorized recycler shall also provide to the city manager, upon request, a list of the names, addresses, and service levels of the customers and any additional information required by the city manager.

- v. For the fourth notice of contamination issued by the franchised hauler or authorized recycling and confirmed by the city manager, the city manager may issue administrative citations for violations of this section or of any rule or regulation adopted pursuant to this section, except as otherwise provided in this section. City's procedures on imposition of administrative fines are hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this section and any rule or regulation adopted pursuant to this section; provided, however, that the city manager may adopt regulations providing for lesser penalty amounts.
 - i. A notice of violation may be issued and served upon the generator, franchised hauler or non-franchised authorized recycler for any violations of this section. Upon curing a violation, the generator or responsible party may request special service of the containers at an additional expense, or may opt to wait until their next scheduled service day for the container to be serviced.
 - ii. For the second notice of violation and any subsequent violations, public nuisance proceedings and/or code enforcement proceedings under the city's code shall apply, in addition to the administrative penalties approved by resolution of the city council, as modified from time to time. The city manager has the authority to impose administrative penalties for the notices of violations. The amount of the administrative penalty shall not be more than one thousand (\$1,000) for each day of each violation, provided that in no event shall administrative penalties assessed under this subsection exceed ten thousand dollars (\$10,000) during any calendar year period.
 - iii. Additional Remedies

1. The city attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties.
2. All administrative civil penalties collected from actions brought from actions brought pursuant to this section shall be paid to the director and shall be deposited into a solid waste administrative account that is available to fund activities to implement the applicable provisions of this section.

6.12.240 – Other actions and remedies.

- A. This chapter does not do any of the following:
 - i. Otherwise affect the authority of the city manager, or designee to take any other action authorized by any other provision of law.
 - ii. Restrict the power of a city attorney, district attorney or the attorney general to bring in the name of the people of California, any criminal proceeding otherwise authorized by law.
 - iii. Prevent the city manager or designee from cooperating with, or participating in, a proceeding specified in Section 6.12.230(B) above.
 - iv. Affect in any way existing contractual arrangements including franchises permits or licenses previously granted or entered into between the franchised hauler or non-franchised authorized recycler and city.
- B. Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this chapter shall be deemed to limit the right of the city or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the city or its authorized collection agent(s). The fees and penalties imposed under this chapter shall constitute a civil debt and liability owing to the city from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.
- C. Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6.12.250 – Forms, regulations and guidelines.

The city manager may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this chapter, including all necessary policies and procedures for the issuance of the permits, administration of this chapter, collection of fees and bonds and/or indemnities, or proof(s) of insurance. The city may provide information on its website regarding what materials are accepted as recyclable materials, organic materials, and garbage under this chapter.

6.12.260 – Agreement for Solid Waste controlling.

In the case of any conflict between any terms or provisions of this Ordinance and any terms or provisions of the Agreement for Solid Waste Collection related to solid waste collection services provided by the franchised hauler, the terms or provisions of the Agreement for Solid Waste Collection shall govern.”

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4 EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2014 and was thereafter, at a regular meeting held on _____, 2014 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Megan Satterlee, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

4831-3819-2408, v. 5

- SUPPLEMENT HISTORY TABLE
Title 6 - HEALTH AND SAFETY

Chapter 6.12 GARBAGE COLLECTION AND DISPOSAL

Chapter 6.12 GARBAGE COLLECTION AND DISPOSAL

Sections:

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- [6.12.020 Definitions.](#)
- [6.12.030 Receptacles.](#)
- [6.12.040 Scavenger defined.](#)
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- [6.12.480 Interfering with garbage collection service.](#)
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6.12.010 Littering of streets prohibited.

It shall be unlawful for any person to cause the accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street of the city by the tracking of motor or horse drawn vehicles or in any other way.

(Prior code § 3-5.01)

6.12.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Collection station" means any location at which containers of garbage, waste, refuse, or recyclables are placed for collection by the authorized garbage collector.

"Delinquent" means a failure of the recipient of garbage collection service, or of the property owner, to pay when due all charges owed to the garbage collector for garbage collection service rendered or to be rendered.

"Director" means the director of public works and his/her duly authorized agents and representatives.

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Chapter 6.12 GARBAGE COLLECTION AND DISPOSAL

"Dwelling" means a residence, flat, duplex, apartment, townhouse, condominium or other facility used for housing one or more persons.

"Finance director" means the finance director and his/her duly authorized agents and representatives.

"Garbage" means all classes of putrefactive and decomposable animal or vegetable matter, except as herein otherwise classified.

"Garbage" also means all materials, substances or objects that are discarded, including but not restricted to, materials, substances or objects commonly referred to as "trash," "garbage," "refuse" and "rubbish" that are produced, generated or accumulated by all residential, commercial, industrial, institutional, municipal, agricultural and other inhabitants, premises and activities within the city, the collection of which is regulated through the franchise agreement existing between the city and the authorized garbage collector, provided, however, that "garbage" does not include (A) hazardous waste, (B) biomedical waste, (C) ash, (D) sewage and/or other highly diluted water-carried materials or substances and those in gaseous form, (E) compostible yardwaste recyclables, (F) flammable liquids, and (G) motor fuels and lubricants.

"Garbage collection service" means the collection, transportation and disposal of garbage by an authorized garbage collector.

"Garbage collector" means any person who is authorized by the franchise agreement existing between he/she and the city, in accordance with this chapter, to collect, receive, carry, transport, and dispose of any garbage produced, kept or accumulated within the city.

"Hazardous waste" means any and all toxic, radioactive, biologically infectious, explosives or flammable waste materials, for which a hazardous materials storage permit is required by any governmental agency.

"Multiple-unit dwelling" means any premises, excluding a hotel, motel, or lodginghouse, used for residential purposes containing more than one dwelling unit, irrespective of whether the residency is transient, temporary or permanent.

"Nonresidential premises" means all premises except residential premises, including but not restricted to premises used for industrial, commercial, administrative and professional offices, public and quasi-public buildings, utility and transportation.

Occupancy — Occupied. Premises are "occupied" when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when garbage collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.

"Owner" means the holder or holders of legal title to the real property constituting the premises to which garbage collection service is provided.

"Person" includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company, and includes the United States, the state of California, the county of Santa Clara, special purpose districts, and any officer or agency thereof.

"Premises" means any land, building or structure, or portion thereof, within the city where any garbage is produced, kept, deposited, placed or accumulated.

"Recyclable materials" means domestic, commercial, or industrial by-products of some potential economic value, separated, handled, packaged, or offered for collection in a manner different from garbage, waste, or refuse.

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"Refuse" means and includes any and all matter and materials which are rejected, abandoned, or discarded by the owner or producer thereof as offensive or useless and which, by their presence or accumulation, may injuriously affect the health, comfort, or safety of the community in any manner whatsoever.

"Residential premises" means any single-unit dwelling or multiple-unit dwelling.

"Single-unit dwelling" means one or more rooms and a single kitchen, designed for occupancy by one family for residential purposes. Each dwelling unit within a condominium project, duplex, townhouse project or apartment, and each second unit located within a single-family residential zoning district, shall constitute a separate single-unit dwelling to which garbage collection service is provided, unless the owner or occupants thereof arrange for garbage collection service to be provided to all dwelling units upon the premises at commercial rates.

"Swill" means and includes all putrefactive or easily decomposable animal or vegetable matter having a property value and attractive to flies and rodents.

"Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.

"Waste matter" means and includes any and all matter and materials which cannot be defined as refuse but which are rejected, abandoned, or discarded by the owner or producer thereof as useless or no longer desired by such owner or producer.

(Prior code § 5-2.01)

6.12.030 Receptacles.

All garbage, swill, refuse, and waste matter, except as provided in Section 6.12.060 of this chapter, shall be placed by the person upon whose premises the same shall have been produced or accumulated in a watertight galvanized metal container of not less than ten (10) nor more than thirty (30) gallons, net capacity, of a design approved by the health officer or such other person designated by the council. The container shall be kept clean, continuously closed by a tight-fitting galvanized metal cover, except when garbage, swill, refuse, or waste matter is being dumped within or removed therefrom, and proofed against the access of flies and rodents. The contents of the container shall be delivered not less than once each week to the scavenger authorized by the city to collect the contents in accordance with the provisions of this chapter. Swill may be placed in separate containers of the type and size indicated in this section, or as may be approved by the health officer, or such other person designated by the council, to be delivered to swill collectors pursuant to the rules and regulations for the collection of swill as provided in this chapter.

(Prior code § 5-2.02)

6.12.040 Scavenger defined.

The term "scavenger" shall be construed to mean an agent or employee of the city or any person with whom the city shall have duly contracted as provided in this chapter to collect, receive, carry, and transport garbage, swill, refuse, and waste matter in accordance with the provisions of this chapter.

(Prior code § 5-2.03)

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6.12.050 Collection of garbage.

Collections of garbage, swill, refuse, and waste matter shall be made at least once each week. The contents of all containers shall be transferred by the scavenger into a vehicle provided by the scavenger and approved by the health officer, or other designated official, as being a satisfactory vehicle for such purpose. The scavenger shall avoid spilling any of the contents of containers on stairs, yards, streets, and alleys.

(Prior code § 5-2.04)

6.12.060 Segregation.

The producer or owner of garbage, swill, refuse, and waste matter may elect to segregate nonputrefactive material from other garbage, swill, refuse, and waste matter, and the same may be placed in a box or barrel located near the galvanized container, but the material so segregated shall be kept in a dry condition and in such a manner as not to be offensive or attractive to flies and rodents and so as not to create a fire hazard. All cardboard and wooden boxes, except containers of refuse or waste matter under this section, shall be broken up so as to facilitate their collection by the scavenger. The refuse shall be delivered to the scavenger in the same manner as the contents of the galvanized container.

(Prior code § 5-2.05)

6.12.070 Unlawful deposits—Burning prohibited.

It shall be unlawful to deposit, place, or burn garbage, swill, refuse, or waste matter of any kind upon the public streets or alleys. It shall be unlawful for any person to deposit, place, or burn garbage, swill, refuse, or waste matter upon any public or private lot or park, except as provided in this section, or in any refuse receptacle, except those provided in public places for the deposit of litter, unless such person has permission from the owner or customer of the city's refuse contractor having the use of such receptacle to so deposit, place, or burn. Dry refuse and waste matter may be burned by owners or producers of such refuse or waste matter only with the joint permission of the health officer, and chief or acting chief of the fire department, and the Bay Area Air Quality Management District in compliance with such conditions as they may impose.

(Prior code § 5-2.06)

6.12.080 Permit to collect and transport.

It shall be unlawful for any person to collect, transport or carry garbage, swill, refuse and waste matter through any streets or public places in the city without a permit from the Health Officer, or other designated official, unless such person is an employee of the city or agent of the city and is acting within the scope of his employment or has been awarded a contract by the city as scavenger, or has been granted a permit to collect swill in the city.

(Prior code § 5-2.07)

6.12.090 Permit for dump use.

No person, other than employees or agents of the city acting within the scope of their employment, shall carry, transport, deliver or deposit garbage, swill, refuse and waste matter in any garbage dump

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which the city may hereafter maintain without the express permission of the Health Officer or other designated official. Those depositing such materials at the city dump pursuant to permission must deposit the same in accordance with instructions from the supervisor in charge of the dump or from the Health Officer or other designated official. Dumping of garbage, swill, refuse and waste matter in the dump, contrary to instructions given for the same, and dumping of garbage, swill, refuse and waste matter on the roadways and ramps leading to or from the dump is prohibited.

(Prior code § 5-2.08)

6.12.100 Supervision.

The council may on motion appoint a person qualified to act as dump supervisor and may receive financial aid from industries using the dump for the payment of a salary for the supervisor and maintaining the dump without obligation, contractual or otherwise, on the part of the city to the industries or persons providing such assistance.

(Prior code § 5-2.09)

6.12.110 Fee schedule.

The council, by resolution, may fix and adopt a schedule of fees to be charged for using the city dump, which schedule, when adopted, may be changed from time to time as circumstances may warrant.

(Prior code § 5-2.10)

6.12.120 Establishment of dump.

The council is authorized to acquire and establish a city dump, and to establish, by resolution, rules and regulations for its operation and a schedule of charges for the use of the same.

(Prior code § 5-2.11)

6.12.130 Rules—Hours.

The health officer, or such other person hereafter designated by the council, is hereby authorized to establish such rules, standards, and hours consistent with the provisions of this chapter as in his discretion may be reasonable and necessary for the maintenance, management and operation of the city dump.

(Prior code § 5-2.12)

6.12.140 Enforcement.

The health officer, chief of police (or such other officials of the city or county who are acting therefor under authorization by the council) and the chief or acting chief of the Los Altos county fire protection district shall be the enforcement officers under this chapter. They shall have the right to enter upon any and all premises for the purposes of determining the sanitary conditions thereof and ascertaining whether the terms of this chapter are being complied with. Any person denying or obstructing such entry shall be guilty of a misdemeanor.

(Prior code § 5-2.13)

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6.12.150 Award of contract.

The council, by resolution, may award a contract for the collection and disposal of garbage, swill, refuse and waste matter to any person whom the council believes best qualified and equipped to perform the work of scavenger. The contract shall require the scavenger to collect, remove and dispose of garbage, swill, refuse and waste matter in the city in accordance with the provisions of this chapter and in conformance with such regulations as may be prescribed by the health officer, or such other officer as may be hereafter designated, chief of police, and the chief or acting chief of the Los Altos county fire protection district, and shall fix the compensation to be paid the scavenger therefor. The contract shall require the scavenger to furnish a surety bond in the amount of five thousand dollars (\$5,000.00), conditioned upon the faithful performance of his contract, and shall require the scavenger to carry Workman's Compensation insurance and property damage and public liability insurance. The contract shall be subject to renewal by resolution every ten (10) years or oftener if, in the discretion of the council, time, circumstances and conditions warrant such renewal.

(Prior code § 5-12.14)

6.12.160 Collection of fees.

The scavenger shall have authority to collect such fees as may be determined by the council to be reasonable.

(Prior code § 5-2.15)

6.12.170 Interference unlawful.

It shall be unlawful for any person to interfere in any manner with the collection or disposal of garbage, swill, refuse and waste matter by any person authorized by license or contract to collect or dispose of the same.

(Prior code § 5-2.16)

6.12.180 Disputes.

Disputes over charges made or as to the character of the services performed shall be decided by the health officer, and his decision shall be final.

(Prior code § 5-2.17)

6.12.190 Dump charges.

All fees and charges for the collection and disposal of garbage, swill, refuse and waste matter herein provided shall be paid monthly. Such fees and charges as may be fixed for depositing at the city dump must be paid at the time that the deposit is sought to be made, and the facilities of the dump may be refused for the failure to pay the same. The fees and charges for this purpose are to be collected by the dump supervisor and turned over to the city clerk.

(Prior code § 5-2.18)

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6.12.200 License for hauling swill.

It shall be unlawful for any person to engage in the business of collecting swill in the city or to haul the same through any street or public place of the city unless such person is an agent or employee of the city or is the regular scavenger with whom the city has a contract, or has been duly licensed as in this section provided. The council, by resolution, may fix the fees to be charged for the business of collecting swill and for transporting the same through the streets, alleys or public ways of the city. All such fees shall be paid to the city clerk upon the issuance of the license. Application for said license shall be made to the health officer, or such other official as may be hereafter designated, who shall have authority to issue the same. Vehicles used for the transportation of swill, and the manner in which the same is handled, collected and transported, shall be approved by the health officer, or such other designated official. The license may be revoked by the council after a notice and hearing for failure to collect and transport swill in the manner and with the vehicles approved by the health officer, or such other designated official.

(Prior code § 5-2.19)

6.12.210 Duplicate scavenger license prohibited.

No license shall be issued other than as provided to the scavenger named in the contract granted by the City while the contract is in effect as to a service provided for thereby.

(Prior code § 5-2.20)

6.12.220 Individual transporting permitted.

Nothing in this chapter shall prohibit an individual from transporting, without spilling, his own trash or refuse or waste matter, except garbage or swill, in City Streets without obtaining a permit.

(Prior code § 5-2.21)

6.12.230 Destroying, scattering, or collecting recyclables without the consent of the owner unlawful.

It shall be unlawful for any person to burn, break, destroy, scatter, collect, or take any recyclable material without the consent of the owner of such material. Consent to the collection of such material may be either oral or written or may be manifested by a practice or arrangement between the owner and a donee whereby recyclable materials are placed in a particular place, area, or distinctive container for regular collection by the donee. A violation of this section shall be a misdemeanor, punishable as set forth in Chapter 1.20 of this code.

(Prior code § 5-2.22)

6.12.240 Garbage collection service—Owner responsibility.

The owner of each occupied residential or nonresidential premises shall subscribe to and pay for at least the minimum level of garbage collection service made available to that premises by the garbage collector, as specified in the franchise agreement between the city and the garbage collector. The charges for garbage collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any garbage to be collected on any particular collection date during such occupancy. Nothing in this section is

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intended to prevent an arrangement, or the continuance of an arrangement, under which payments for garbage collection service are made by a tenant or tenants, or any agent or other person, on behalf of the owner. However, any such arrangement will not affect the owner's obligation to pay for garbage collection service as provided herein.

(Prior code § 5-2.23)

6.12.250 Commencement of garbage collection service.

The owner or tenant shall commence garbage collection service within ten (10) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the director may give written notice to the owner or tenant that garbage collection service is required. If service is not initiated by the owner or tenant within ten (10) days after the date of mailing the notice, the director shall authorize the garbage collector to begin and continue providing the minimum level of garbage collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

(Prior code § 5-2.24)

6.12.260 Frequency of disposal.

No more than one week's accumulation of garbage shall be kept or permitted to remain upon any premises in the city. At least once a week, all garbage produced, kept, deposited, placed or accumulated within any premises in the city shall be disposed of in accordance with this chapter.

(Prior code § 5-2.25)

6.12.270 Method of garbage disposal.

All garbage shall be disposed of by delivery of each garbage container to an authorized collection station, located as to be readily accessible for the removal and emptying of its contents by the garbage collector.

(Prior code § 5-2.26)

6.12.280 Garbage containers.

- A. All garbage containers shall be kept in a sanitary condition continuously closed with a tightfitting cover.
- B. Garbage containers for residential premises shall have handle and side rails and shall not exceed thirty-two (32) gallons capacity and shall not have a filled weight in excess of seventy (70) pounds gross weight except for those containers furnished by the garbage collector. Garbage containers for commercial premises shall be provided by or approved by the garbage collector.
- C. Garbage and recyclable containers shall be collected by the garbage collector when the containers are placed outside of the premises; provided, however, that said collection may be made at such other location upon approval by the director.
- D. Garbage and recyclable containers shall be placed at the authorized collection station not more than twenty-four (24) hours preceding the scheduled collection time. Such containers shall be removed from the collection station within twenty-four (24) hours after collection. Containers having a capacity

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of one cubic yard and larger provided by the garbage collector shall not be moved or removed by any person other than the garbage collector.

(Prior code § 5-2.27)

6.12.290 Inappropriate containers.

The use of garbage containers which do not meet the standards set forth in this chapter shall be subject to regulations prescribed by the director, including appropriate additional charges to be paid the garbage collector for the collecting and transporting of the inappropriate containers or waste contained therein.

(Prior code § 5-2.28)

6.12.300 Burning solid waste restrictions.

It is unlawful for any person to burn, or cause to be burned, any refuse or garbage within the city or to burn, or cause to be burned, any waste upon public streets, ways or alleys.

(Prior code § 5-2.29)

6.12.310 Disposal of explosive or hazardous material restrictions.

No person shall deposit in any garbage container any explosive, inflammable or hazardous material, without having first made special arrangements with the garbage collector.

(Prior code § 5-2.30)

6.12.320 Disposal on public property prohibited.

It is unlawful for any person in the city to throw or deposit refuse, garbage or waste, or to cause the same to be thrown or deposited, upon any street, alley, gutter, park, or other public place, or to throw or deposit the same in or upon any vacant lot, or back yard, or to store or keep the same otherwise than in containers required by this chapter.

(Prior code § 5-2.31)

6.12.330 Charges for garbage collection service.

The city council may establish a schedule of rates and charges for all levels of garbage collection service to be rendered by the garbage collector, who shall then have authority to collect such rates and charges. The schedule may be changed from time to time in the manner prescribed by the franchise agreement between the city and the garbage collector.

(Prior code § 5-2.32)

6.12.340 Failure to pay for garbage collection service.

The garbage collector shall be entitled to payment from either the owner or the recipient of garbage collection service for any services rendered or to be rendered. Upon failure to make such payment, the

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means of collecting delinquent charges shall be in accordance with the procedures set forth in this chapter. Garbage collection service shall not be discontinued by reason of any failure to pay the charges for such service.

(Prior code § 5-2.33)

6.12.350 Notification of delinquency.

If a bill for garbage collection service remains delinquent for thirty (30) days, the garbage collector shall be entitled to collect a late charge in such amount as approved by the city council. The garbage collector may, at any time after such thirty (30) day period, send or deliver notice of delinquency to the owner indicating the amount owed for garbage collection service, the amount of late charge thereon, and advising the owner that failure to pay the same will result in the placement of a lien upon the premises. The form of delinquency notice shall be approved by the Finance director.

(Prior code § 5-2.34)

6.12.360 Assignment of delinquent account.

In the event the bill for garbage collection service, together with any late charge thereon, is not paid within thirty (30) days after the date of mailing the notice of delinquency to the owner, the garbage collector may assign such bill to the city for collection through the initiation of lien and special assessment proceedings in accordance with this chapter. The assignment shall include the name and address of the owner, the assessor's parcel number of the premises, the period of garbage collection service covered by the bill, the amount owed for such service, the amount of any late charge and such other information as requested by the finance director together with a copy of the notice of delinquency mailed or otherwise delivered to the owner.

(Prior code § 5-2.35)

6.12.370 Lien initiation.

Upon the city's receipt of the assignment from the garbage collector, the director shall prepare a report of delinquency and initiate proceedings to create a lien on the premises to which the garbage collection service was or will be rendered. The director shall fix a time, date and place for an administrative hearing by the director to consider any objections or protests to his/her report.

(Prior code § 5-2.36)

6.12.380 Notice of hearings on liens.

The director shall send written notice of the administrative hearing to the owner of the premises against which the lien will be imposed at least ten (10) days prior to the hearing date. The notice shall be mailed to each person to whom such premises is assessed in the latest equalized assessment roll available on the date the notice is mailed, at the address shown on said assessment roll or as known to the director. A copy of the notice shall also be mailed to the garbage collector. The notice shall set forth the amount of delinquent garbage collection service charges, the amount of any late charge thereon, and the possible lien and administrative charges as provided in this chapter. The notice shall also inform the owner of the time, date and place of the administrative hearing and the subsequent public hearing to be conducted by the city council, and advise the owner of his right to appear at both the administrative hearing and the public hearing to state his objections to the report or the proposed lien.

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(Prior code § 5-2.37)

6.12.390 Administrative hearing on liens.

At the time and place fixed for the administrative hearing, the director shall hear and consider any objections or protests to his/her report. The director may correct or modify the report as he/she deems appropriate, based upon the evidence presented at the hearing, and shall notify the affected persons of his decision. The director shall thereupon submit a final report to the city council for confirmation and shall furnish a copy of such report to the garbage collector.

(Prior code § 5-2.38)

6.12.400 Public hearing on liens.

The city council shall conduct a public hearing to consider the director's final report at the time and place set forth in the notice described in this chapter. At such hearing, any interested person shall be afforded the opportunity to appear and present evidence as to why the report, or any portion thereof, should not be confirmed. The city council may adopt, revise, reduce or modify any charge shown on the report or overrule any or all objections as it deems appropriate, based upon the evidence presented at the hearing. If the city council is satisfied with the final report as rendered or modified, the council shall confirm such report by resolution. The decision by the city council on the report and any objections or protests thereto, shall be final and conclusive.

(Prior code § 5-2.39)

6.12.410 Recording of lien.

Upon confirmation by the city council of the final report, the director shall cause to be recorded in the office of the recorder for Santa Clara County, a lien against each premises described in the report for the amount of delinquent garbage collection service charges and late charges as confirmed by the city council. The lien shall also include such additional administrative charges as established by resolution of the city council. All persons to whom notice was sent pursuant to Section 6.12.380 of this chapter shall be notified by the director that the service charges, charges and administrative charges are due and payable to the city and that said lien has been recorded.

(Prior code § 5-2.40)

6.12.420 Collection of delinquent charges as special assessment.

The director shall initiate proceedings to levy as a special assessment against the premises described in the lien recorded pursuant to this chapter, the sum of delinquent garbage collection service charges, late charges and administrative charges, plus an assessment charge as established by resolution of the city council.

(Prior code § 5-2.41)

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6.12.430 Report of delinquent charges for special assessment.

A report of delinquent charges shall be prepared by the director and submitted to the city council for confirmation. The report shall indicate all charges for which a lien has been recorded pursuant to this chapter, which remain unpaid as of the date of the report.

(Prior code § 5-2.42)

6.12.440 Levy of special assessments.

Upon confirmation by the city council of the director's report as rendered or modified, the delinquent charges contained therein shall constitute a special assessment levied upon the premises against which such charges have been imposed. The director shall file a copy of the report, together with a certified copy of the resolution of the city council confirming the same, with the Tax Collector for Santa Clara County with instructions to enter the delinquent charges as special assessments against the respective premises described in the director's report. The tax collector shall include such special assessment on the next regular bill for secured property taxes sent to the owner.

(Prior code § 5-2.43)

6.12.450 Collection of special assessment.

The special assessment shall be collected at the same time together with and in the same manner and frequency and by the same persons as ordinary municipal taxes, and shall be subject to the same interest and penalties and the same procedure of sale as provided for delinquent ordinary municipal taxes. The special assessment shall be subordinate to all existing special assessment liens previously imposed upon the premises and paramount to all other liens except those for state, county and municipal taxes, with which it shall be upon parity. Each special assessment shall continue until all delinquent charges due and payable thereon are paid in full. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

(Prior code § 5-2.44)

6.12.460 Unauthorized garbage collection.

No person shall collect any garbage or recyclables produced, kept or accumulated within the city, unless such person is an agent or employee of the city acting within the court and scope of his employment, or has been awarded a franchise by the city to act as garbage collector.

(Prior code § 5-2.45)

6.12.470 Containers stored in trash enclosures.

Any person owning, controlling or maintaining any premises within the city which is required to have and maintain trash enclosures as a condition of development or use shall keep all garbage, refuse and waste containers within the confines of the trash enclosures at all times except when the containers are being emptied by the disposal service operator.

(Prior code § 5-2.46)

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6.12.480 Interfering with garbage collection service.

No person shall, in any manner, interfere with the performance of garbage collection services being rendered by an agent or employee of the city acting within the course and scope of his employment, or being rendered by the authorized garbage collector.

(Prior code § 5-2.47)

6.12.490 Unauthorized use of garbage collection service.

No person shall deposit, place or accumulate, or allow the deposit, placement or accumulation upon a premises for pick up by the garbage collector, any garbage produced from another premises where such action results in the avoidance or reduction of any garbage collection service charges that would otherwise be payable for collection of such garbage from the premises at which it was produced.

(Prior code § 5-2.48)

6.12.500 Rules and regulations adopted.

- A. The director shall adopt such rules and regulations as may be necessary for the proper administration and enforcement of this chapter, and any franchise, contract or license issued or executed thereunder, including regulations relating to the required frequency of collection from various types of places and premises, and the types of special containers required for certain classes of places and premises.
- B. The director shall resolve all disputes concerning the administration or enforcement of this chapter and any franchise, contract, or license issued or executed thereunder. Any affected person who is dissatisfied with the determination of the director may, within ten (10) days after such decision appeal the same to the city manager. Such appeal must be in writing, filed with the city Clerk and must set forth the reasons for such appeal. No violation of this chapter shall be permitted, or be continued, during the time any such appeal is pending.

(Prior code § 5-2.49)

ORDINANCE NO. 12

AN ORDINANCE REGULATING COLLECTION AND DISPOSAL OF GARBAGE, SWILL, REFUSE AND WASTE MATTER; FIXING RATES TO BE CHARGED; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF LICENSE AND PERMITS AND FOR THE MAKING OF CONTRACTS AND COMPENSATION THEREFOR; AUTHORIZING THE ACQUISITION AND ESTABLISHMENT OF GARBAGE DUMP AND THE ADOPTION OF RULES AND REGULATIONS FOR THE MANAGEMENT, SUPERVISION AND OPERATION OF THE SAME; DESIGNATION OF ENFORCEMENT OFFICERS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby establish Health and Sanitation Rules and Regulations as follows:

Garbage Disposal

SECTION 2. Definitions.

The term "garbage" as used herein shall be construed to mean all classes of putrefactive and decomposable animal or vegetable matter, except as herein otherwise classified.

The term "refuse" shall be construed to mean and include any and all matter and materials which are rejected, abandoned or discarded by the owner or producer thereof as offensive or useless, and which by their presence or accumulation may injuriously affect the health, comfort, or safety of the community in any manner whatsoever.

The term "waste matter" shall be construed to mean and include any and all matter and materials which cannot be defined as refuse, but which are rejected, abandoned or discarded by the owner or producer thereof as useless or no longer desired by said owner or producer.

The term "swill" shall be construed to mean and include all putrefactive or easily decomposable animal or vegetable matter having a property value and attractive to flies and rodents.

SECTION 3. Receptacles.

All garbage, swill, refuse and waste matter, except as provided in Section 6 hereafter, shall by the person, firm or corporation, upon whose premises the same shall have been produced or accumulated, be placed in a water-tight galvanized metal container of not less than 10 or more than 30 gallons, net capacity, of a design approved by the City Health Officer, or such other person designated by the City Council, which container shall be kept clean, continuously closed by a tight fitting galvanized metal cover, except when garbage, swill, refuse and waste matter is being dumped within or removed therefrom, and shall be proof against the access of flies and rodents. The contents of such container shall be delivered not less than once a week to the Scavenger authorized by the City of Los Altos to collect the same in accordance with the provisions of this ordinance. Provided, however, that swill may be placed in separate containers of the type and size indicated herein, or such as may be approved by the Health Officer, or such other person designated by the City Council, to be delivered to swill collectors, pursuant to the rules and regulations for the collection of swill to be hereinafter provided.

SECTION 4. Scavenger.

The term "Scavenger" shall be construed to mean an agent or employee of the City of Los Altos, or any person, firm, corporation or association, or the agents or employees thereof with whom the City of Los Altos shall have duly contracted as hereinafter provided, to collect, receive, carry and transport garbage, swill, refuse and waste matter in accordance with the provisions of this ordinance.

SECTION 5. Collection of Garbage.

Collections of garbage, swill, refuse and waste matter shall be made at least once a week. The contents of all containers shall be transferred by the Scavenger into a vehicle provided by the Scavenger and approved by the Health Officer, or other designated officials, as being a satisfactory vehicle for said purpose. The Scavenger shall avoid spilling any of the contents of the container on stairs, yards, streets and alleyways.

SECTION 6. Segregation.

The producer or owner of garbage, swill, refuse and waste matter may elect to segregate non-putrefactive material from other garbage, swill, refuse and waste matter, and the same may be placed in a box or barrel located near the galvanized container, but the material so segregated shall be kept in a dry condition and in such a manner as not to be offensive, or attractive to flies and rodents and so as not to create a fire hazard. All cardboard and wooden boxes, except containers of refuse or waste matter under this section, shall be broken up so as to facilitate the collection of the same by the Scavenger. The said refuse shall be delivered to the said Scavenger in the same manner as the contents of the said galvanized container.

SECTION 7. No Deposit on Public Streets, Burning.

It shall be unlawful to deposit, place or burn garbage, swill, refuse and waste matter of any kind upon public streets or alleyways. It shall be unlawful for any person to deposit, place or burn garbage, swill, refuse and waste matter upon any public or private lot or park except as herein provided. Dry refuse and waste matter may be burned by owners or producers of the same only with the joint permission of the City Health Officer and Chief, or acting Chief of the Los Altos County Fire Protection District and in incinerators of the type and kind approved by the said Officers and at the hour specified by the said Officers, but the said burning shall not create any dense smoke or offensive odor.

PermitsSECTION 8. Permit to Collect and Transport.

It shall be unlawful for any person, firm, corporation or association to collect or transport or carry garbage, swill, refuse and waste matter through any streets or public places in the City of Los Altos without a permit from the Health Officer, or other designated official, unless such person, firm, corporation or association is an employee of the City of Los Altos or agent of said City and is acting within the scope of his employment, or has been awarded a contract by said City as "Scavenger", or has been granted a permit to collect "swill" in the City of Los Altos.

City DumpsSECTION 9. Permit for dump use.

No person, firm, corporation or association, other than employees or agents of the City of Los Altos acting within the scope of their employment, shall carry, transport, deliver or deposit any garbage, swill, refuse and waste matter in any garbage dumps which the City of Los Altos may hereafter maintain without the express permission of the City Health Officer, or other designated official. Those depositing such materials at the city dump pursuant to permission, must deposit the same in accordance with instructions from the supervisor in charge of the dump or from the City Health Officer, or other designated official. Dumping of garbage, swill, refuse and waste matter in the dump, contrary to instructions given for the same, and dumping of garbage, swill, refuse and waste matter on the roadways and ramps leading to or from said dump is prohibited.

SECTION 10. Supervision.

The City Council may on motion appoint a person qualified to act as dump supervisor and may receive financial aid from industries using the said dump

for the payment of a salary for said supervisor and maintaining the said dump without obligation contractual or otherwise on the part of the City to the industries or persons providing such assistance.

SECTION 11. Fee Schedule.

The City Council may by resolution fix and adopt a schedule of fees to be charged for using the city dump, which schedule when adopted may be changed from time to time as circumstances may warrant.

SECTION 12. Establishment of Dump.

The City Council is authorized to acquire and establish a City Dump, and to establish by resolutions, rules and regulations for its operation, and a schedule of charges for the use of the same.

SECTION 13. Rules, Hours.

The City Health Officer, or such other person hereafter designated by the City Council, is hereby authorized to establish such rules, standards, and hours consistent with the provisions of this ordinance as in his discretion may be reasonable and necessary for the maintenance, management and operation of the City Dump.

SECTION 14. Enforcement Officers.

The City Health Officer, Chief of Police (or such other officials of the City or County who are acting therefor under authorization by the City Council) and the Chief or Acting Chief of the Los Altos County Fire Protection District shall be the enforcement officers under this ordinance, and they shall have the right to enter upon any and all premises for the purposes of determining the sanitary conditions thereof and ascertaining whether the terms of this ordinance are being complied with, and any person denying, or obstructing such entry shall be subject to the penalty in this ordinance provided.

Scavenger-Contract Rates

SECTION 15. Award of Contract.

The City Council may by resolution award a contract for the collection and disposal of garbage, swill, refuse and waste matter to any person, firm or corporation which the Council believes best qualified and equipped to perform the work of a "Scavenger". The said contract shall require the "Scavenger" to collect, remove and dispose of garbage, swill, refuse and waste matter in the City of Los Altos, in accordance with the provisions of this ordinance and in conformance with such regulations as may be prescribed by the Health Officer, or such other officer as may be hereafter designated, Chief of Police, and the Chief or Acting Chief of the Los Altos County Fire Protection District, and shall fix the compensation to be paid the "Scavenger" therefor. It shall require the said "Scavenger" to furnish a surety bond of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful performance of his contract and shall require the said "Scavenger" to carry Workmen's Compensation Insurance and Property Damage and Public Liability Insurance. The said contract shall be subject to renewal by resolution every five years, or oftener, if in the discretion of the City Council, time, circumstances and conditions warrant such renewal.

SECTION 16. Collection of Fees.

The "Scavenger" shall have authority to collect such fees as may be determined by the City Council to be reasonable.

SECTION 17. Interference Unlawful.

It shall be unlawful for any person in any manner to interfere with the collection or disposal of garbage, swill, refuse and waste matter by any person, firm, corporation or association authorized by license or contract to collect or dispose of the same.

SECTION 18. Disputes.

Disputes over charges made or as to the character of the services performed shall be decided by the Health Officer and his decision shall be final.

SECTION 19. Dump Charges.

All fees and charges for collection and disposal of garbage, swill, refuse and waste matter herein provided shall be paid monthly. Such fees and charges as may be fixed for depositing at the City Dump must be paid at the time that the deposit is sought to be made, and the facilities of said dump may be refused for the failure to pay the same. The said fees and charges for this purpose are to be collected by the dump supervisor and turned over to the City Clerk.

SECTION 20. License for Hauling Swill.

It shall be unlawful for any person, firm, corporation or association to engage in the business of collecting swill in the City of Los Altos, or to haul the same through any street or public place of the city, unless such person, firm, corporation or association is an agent or employee of the City of Los Altos, or is the regular "Scavenger" with whom the City has a contract, or has been duly licensed as in this section provided. The City Council may by resolution, fix the fees to be charged for the business of collecting swill and for transporting the same through the streets, alleys or public ways of the City of Los Altos. All of such fees shall be paid to the City Clerk, upon the issuance of the license. Application for said license shall be made to the Health Officer, or such other official as may be hereafter designated, who shall have authority to issue the same. Vehicles used for the transportation of swill and the manner in which the same is handled, collected and transported shall be approved by the Health Officer, or such other designated official. The said license may be revoked by the City Council after a notice and hearing for failure to collect and transport swill in the manner and with the vehicles approved by the Health Officer, or such other designated official.

SECTION 21. No license shall be issued other than as provided to the scavenger named in a contract granted by the City while any such contract is in effect and as to a service provided for thereby.

SECTION 22. Nothing in this ordinance shall prohibit an individual to transport, without spilling, his own trash or refuse or waste matter, except garbage or swill, in City streets without obtaining any permit.

SECTION 23. Severability.

If any section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, said decision shall not affect the validity of the remaining portion of this ordinance. This Council hereby declares that it would have passed this ordinance, and each section, sentence, clause and phrase thereof irrespective of the fact that any one or some other section, sentence, clauses, or phrases be declared unconstitutional or invalid.

SECTION 24. Penalty for Violation.

Any person, firm, or corporation who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail or County Jail of Santa Clara County not to exceed ninety (90) days, or by both such fine and imprisonment.

Introduced January 20, 1953 by Councilman Riggs.

PASSED AND ADOPTED this 27th day of January, 1953 by the following vote:

AYES: Mayor Conner, Councilmen Estill, Fortunato, Riggs, Witt.
 NOES: None
 ABSENT: None

A. Watson Conner
 Mayor

Eileen M. Darby
 Acting City Clerk