

CHAPTER 6 – SOLID WASTE DEPARTMENT

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6.000 - Title and Purpose

The health, welfare, and safety of the people of the District require that regulations and procedures be established that will provide for the separation, recovery, collection, removal, storage and disposition of solid waste including recyclables, that accumulate within the District. To assure the existence and continuance of a collection and disposal system that will benefit all citizens of the District, it is necessary that regulations and procedures be established as set forth in this Code. The provisions of this chapter are hereby adopted pursuant to the State Public Resources Code Section 40000 et seq.

6.010 – Scope and Applicability

The solid waste department's service area comprises the area within the boundaries of the Ground Squirrel Hollow Community Services District. The provisions of this Code shall apply to all owners of premises that purchase solid waste services from the Franchise hauler.

6.020 - Penalties: Abatement

Any person violating these regulations shall be guilty of an infraction which shall be punishable by: (a) a fine not exceeding one hundred dollars for the first violation; (b) a fine not exceeding two hundred dollars for a second violation within one year; (c) a fine not exceeding five hundred dollars for a third violation within one year of the second violation; (d) a fine not exceeding five hundred dollars for each subsequent violation of same ordinance within a year of the third violation. A person shall be guilty of a separate offense for each and every day during a portion of which any violation of these regulations is committed or continued by such person, and shall be punished accordingly.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of the regulations of the District shall be deemed to be a public nuisance and may be abated as such.

6.100 - Definitions

This section defines the terms and phrases as they are used in this chapter.

Bin. A semi-portable container from one (1) to eight (8) cubic yards capacity with a hinged lid and approved by the District for mechanical handling by the collection trucks.

Curbside (or curb). An area adjacent to the street and in a location serviceable by Automated Side Loader. In no case greater than 10 feet from the street or curb, nor directly on the traveled portion of any road.

Customer. Any individual, firm, company, partnership, association, organization, corporation, and includes every public agency subject to the provisions of this Code.

Developed Properties. Any real property within the District that is developed with a building or structure, that when used is capable of generating solid waste. Developed properties include but are not limited to residential properties, multi family properties and commercial properties.

District. The Ground Squirrel Hollow Community Service District.

Diversion. The act of diverting a portion of the waste stream away from the landfill.

Franchise Agreement. An agreement with a Franchisee as defined in this Code.

Franchisee. The person or entity to whom the District shall have granted an exclusive franchise to collect, receive, carry, haul or transport solid waste, recyclable materials, and green waste materials within the District, and shall include the agents or employees of the Franchisee.

Garbage. Shall mean refuse.

Green waste. That portion of solid waste made up of organic yard and landscape debris including grass clippings, leaves, weeds, brush and branches. Inert materials such as dirt, gravel, rocks, and concrete are specifically excluded.

Hauler. A person, agent or employee of the Franchisee or any person, firm, corporation, or association or the agents or employees thereof licensed by contract or franchise to collect, transport, and dispose of refuse, garbage, rubbish, green waste, recyclable and other solid waste produced within the limits of the District under the terms set out in a contractual or franchise agreement.

Hazardous waste. All substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117 or in future amendments to or recodifications of such statutes and all

substances identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder. Hazardous waste excludes minimal quantities of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment and disposal of household hazardous waste in compliance with Sections 41500 and 41802 of the California Public Resources Code, as amended from time to time.

Recyclable material. All non-hazardous residential, commercial or industrial materials or by-products which have been approved for collection by the Intergraded Waste Management Board or the hauler and which are set aside, handled, packaged, or offered for collection in a manner different than solid waste, for the purpose of being reused or processed and then returned to the economy in the form of commodities. Recyclable materials include, but are not limited to, newspaper (including inserts, coupons, and store advertisements), mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, phone books, grocery bags, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes); chipboard; corrugated cardboard; paper milk cartons, glass containers (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers, foil, food containers, small pieces of scrap metal); steel, tin or bi-metal cans; plastic containers, aseptic beverage boxes.

Recycling. The process of sorting, cleansing, treating, and reconstituting recyclable materials that would otherwise be disposed of at a disposal site and returning them to the economy in the form of raw materials for new, reused or reconstituted products.

Refuse. Shall mean Solid Waste, other than Recyclable Material and Green Waste.

Refuse container. Term used to describe all containers used for the collection of Solid Waste. Not limited to containing refuse. Examples include waste wheelers, bins, drop-boxes, and roll-off boxes.

Rubble. All debris from the construction, demolition, or alteration of buildings; earth, rocks or ashes, brick, mortar, concrete and similar material.

Roll-off boxes. Large refuse containers, commonly metal ten (10) to sixty (60) cubic yards, which are delivered and picked up by trucks using winches to load boxes onto rails.

Solid waste. All putrescible and nonputrescible solid and semi-solid wastes including garbage, recyclables, rubble, green waste, food waste and any unwanted or discarded materials resulting from domestic, institutional, commercial, industrial, agricultural and community operations and activities, but shall not include special waste or universal waste.

Special Waste. All waste which requires special handling including but not limited to flammable waste, liquid waste, sewage sludge, waste from a pollution control process, residue and debris from the cleanup of a spill or release of chemical substances, contaminated soil, residue, debris and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, reclamation or disposal of any other special wastes, dead animals, manure, waste water, explosive substances, radioactive materials, materials that have been exposed to highly infectious or contagious diseases, hazardous materials, or medical waste.

Universal Waste. Any waste matter which the State of California classifies as "universal waste," including but not limited to items and materials listed in 14 CCR 66261.9, as it may be amended, as well as any items listed below not classified by the State of California as "universal waste." Universal Waste includes, but is not limited to, the following:

- E-Waste. Batteries (except automobile batteries), thermostats, cathode ray tubes, aerosol cans, lamps with fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and other lamps with hazardous waste characteristics, mercury-containing items including light switches, pressure gauges, and thermometers.
- Appliances, devices, and other objects containing electronic components, including (but not limited to) computers, computer monitors, cellular telephones, copiers, fax machines, DVD players, VCR's, and televisions.
- Prescription and non-prescription drugs, not including controlled substances

Waste wheeler. A covered plastic container provided by Franchisee, varying in size and capacity equipped with wheels or casters. Such containers may be used for collection, storage and removal of solid waste.

6.200 - Illegal Collection

It shall be a violation of this Code for any person not authorized by the District to collect or pick up or cause to be picked up any solid waste, including recyclables, except that any person may take their own solid waste to the landfill and their own recyclables to a recycling facility or may authorize a non-profit entity to do so on their behalf.

6.300 - Classes of Service

All solid waste services will be classified as follows:

- A. Curbside/ residential.
- B. Commercial / bin.

6.310 – Service Level

The solid waste service level is controlled by the Franchise Agreement between the District and the hauler. The terms of the Franchise Agreement control the level of service. The minimum service level for all owners of premises that purchase solid waste services from the Franchise hauler is:

- A. Curbside Customers:
 - (1) Garbage. Weekly service of one (1) waste wheeler. Waste wheelers are available in small, standard, and large capacities of approximately 32, 64, and 96 gallons, respectively.
 - (2) Recycling. Weekly service of one standard-size waste wheeler container of recyclables. The recyclable collection shall include materials as defined in section 6.100.
- B. Green Waste: Weekly service of one standard-size waste wheeler container of green waste. The green waste collection shall include materials as defined in section 6.100.
- B. Commercial/Bin Customers:
 - (1) Garbage. Size of bins and frequency of service shall be determined by the customer and the hauler, but in no case be less the weekly.
 - (2) Recyclables and/or green waste service shall be provided to all bin customers as appropriate for the waste stream generated by each bin customer.

6.320 – Charges for Service

Rates and charges for refuse collection and disposal services are established upon transfer of the Solid Waste service from San Luis Obispo County and shall be amended from time to time pursuant to the terms of the Franchise Agreement between the District and the hauler. District property owners, residents, occupants and businesses desiring refuse collection and disposal services must make service and billing arrangements directly with the hauler.

6.330 – Collection of Delinquent Fees and Charges

Franchisee shall be responsible for collection of delinquent accounts as outlined in this Section.

6.340 - Time of Collection

Collection of curbside residential waste may occur only between the hours of six a.m. and six p.m., Monday through Saturday, including holidays. Collection of bin waste may occur only between the hours of six a.m. and six p.m. any day of the week, including holidays.

6.400 – Diversion

California State Law, Sections 41780 et seq. of the Public Resources Code requires cities, counties, and districts to divert 50% of all solid waste away from landfills through source reduction, recycling, and composting activities. The District fulfills this by recycling certain materials and composting green waste. The diversion program maintains the policy of mandated service for curbside customers with separate waste wheeler containers for garbage, recyclables and green waste.

6.410 – Separation of Recyclables and Green Waste

Recyclables and green waste from all residences, inclusive of multi-family dwellings, shall be kept separate from other solid waste, either delivered to a recycling facility or placed at the curbside or designated area, as defined in this Code. Recyclables and green waste placed at the curbside or street shall be placed in designated recyclable or greenwaste waste wheeler containers for collection on collection day.

Businesses, industries and institutions located within the District shall separate recyclables and green waste from all other solid waste in accordance with this Code and shall have clearly marked containers designated for the collection and pick-up of recyclables and green waste.

6.500 - Storage of Putrescible Solid Waste

No person shall fail or neglect to provide and maintain a standard waste wheeler container for receiving and holding, without leakage or escape of odors, all putrescible solid waste which is produced, created, or accumulated upon premises occupied or maintained by that person and all such persons shall deposit all such putrescible solid waste in such a standard container. For sanitary purposes, putrescible solid waste shall be bagged or wrapped so as to prevent leakage and odors when placed in waste wheeler containers or other approved receptacle.

6.510 – Accumulation of Solid Waste

No person shall keep, accumulate or permit to be kept or accumulated any solid waste upon any lot or parcel of land, or on upon any public or private place, street, lane, alley or drive, unless the same shall be in a standard container (as defined in Section 6.700) or other approved receptacle and even then for no more than one (1) month.

6.520 - Illegal Dumping

All solid waste must be separated, collected and disposed of as outlined in this Code and as follows.

- A. It shall be unlawful for any person to deposit, dump or leave solid waste on private property or in any privately owned or maintained disposal container other than their own, without the consent of the owner.
- B. It shall be unlawful to dispose of any solid waste on one's own property, except for yard and food waste which may be composted for use as a soil amendment. All solid waste, except for yard and food waste which will be composted for soil amendment, shall be deposited in a waste container designated for collection and disposal as outlined in this ordinance and the regulations adopted by the District.
- C. It shall be unlawful to deposit, dump or leave any solid waste of any kind on land or easements of the public, including but not limited to parks, highways or other municipally or state owned lands, except in designated disposal containers. Further, it shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public buildings/grounds/highways or on the person of anyone using said public buildings/grounds/highways.
- D. Any and all of the above actions shall constitute a violation of this ordinance and are punishable by the penalties set forth herein.

6.600 – Preparation and Collection

For the convenience of the public, the protection of the hauler and efficient handling, all owners of premises that purchase solid waste services from the Franchise hauler shall place all refuse in waste wheeler containers or bins unless otherwise provided for in this Code. Each bag, box or bundle will be counted as one standard container. It shall be kept free of all liquids and further prepared in the following manner:

- A. Garbage is to be wrapped with paper or plastic bag and placed in either a standard waste wheeler container or bins with lids maintained in the closed position.
- B. Animal or Human excrement and all types of disposable diapers must be wrapped securely in paper, plastic bag or placed in a covered box.
- C. Shrubbery and brush trimmings with branches not over six (6") inches in diameter shall be cut to a length suitable to be placed in a greenwaste container with lids able to fully close.
- D. Household ashes must be thoroughly cold before being sealed into a disposable container or bag and placed in the garbage refuse container for disposal.

6.610 – Spilled Solid Waste

It shall be the responsibility of the person occupying or maintaining the property upon which any solid waste is spilled or scattered from any refuse container set out for collection that breaks, is blown over, or damaged by animals, etc. to pick up all such garbage and refuse and provide sanitary and adequate storage until collection can be made.

6.700 - Waste Wheeler Containers

Each owner, tenant, occupant or person in charge of a building, structure or other developed property in the District that purchase solid waste services from the Franchise hauler shall maintain a sufficient number of clean waste wheeler containers to hold all solid waste created, generated, provided, or accumulated on the subject lot or premises. Any person discarding solid waste in the District shall discard the solid waste in a refuse container. The District's Franchisee shall supply each single family dwelling unit with a small, standard, or large waste wheeler container for garbage. In addition, each single family dwelling unit will receive from Franchisee a standard-size waste wheeler container for all commingled recyclable materials except green waste and a

standard-size waste wheeler container for green waste. If requested by customer, Franchisee shall provide to the customer either a small or large green waste wheeler container instead of a standard-size waste wheeler container.

Heavy duty plastic bags may be used during special community clean-up days or at other times as approved by the District for solid waste disposal but shall not exceed a gross weight of thirty pounds. Plastic bags shall not be filled with sharp objects which might injure or otherwise harm the solid waste collector when transferring same to the refuse truck for collection.

6.710 - Waste Wheeler Container Maintenance

All waste wheelers shall be owned and maintained by the Franchisee. It shall be unlawful and a violation of this Code for any owner, tenant, occupant or person in charge of a developed property to negligently damage any waste wheeler. When not being filled or emptied, all waste wheeler containers shall be kept tightly closed, and it is unlawful for any person not authorized to do so, to open such containers to collect or to scatter the refuse stored therein.

6.720 - Waste Wheeler Container Replacement and Repair

Any waste wheeler that is damaged due to normal use shall be repaired or replaced at Franchisee's sole discretion at no charge to the customer after notice of the damaged container from the waste customer.

6.730 - Unreturned Waste Wheeler Containers

All waste wheelers are owned and maintained by the Franchisee and are considered solid waste disposal equipment of the Franchisee. Only the Franchisee is authorized to remove waste wheelers from properties. It shall be unlawful and a violation of this Code for any owner, tenant, occupant or person in charge of a developed property to remove any waste wheeler container from the property. The owner of a property shall be held solely responsible for any waste wheeler containers that are not returned to the Franchisee at the time of the property ownership transfer or change in residents of a rental property. The owner of developed property shall be responsible and liable for paying the cost of unreturned waste wheeler containers.

6.740 - Removal of Non-Standard Container

Containers other than standard waste wheeler containers as defined in this Code will be removed with their contents at the time of collection unless prominently labeled "Do Not Take" in large letters.

6.750 - Tampering and Unauthorized Use of Waste Wheeler Containers

No person, other than the owner or authorized user of any waste wheeler container, or his agents, employee, tenants, guests or invitees, the hauler or other agents authorized by the District, shall use or discard solid waste into any refuse container in the District, tamper or meddle with any refuse container or the contents of any refuse container in the District, or remove or take any contents (including but not limited to recyclable materials) from any refuse container in the District.

6.800 - Interruptions in Service

The District shall not be liable for damage which may result from any interruption in solid waste service. The District shall not be liable for interruption, or insufficiency, or for any loss or damage occasioned thereby if caused by accident, acts of God, fire, strikes, riots, war or any other cause not within its control.