

AMENDMENT TO CHAPTER 11 – GARBAGE, REFUSE AND WEEDS

Chapter 11 –DISCARDED MATERIALS, EXCLUDED WASTEAND WEEDS^[1]

Footnotes:

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Cross reference— Animals and fowl, Ch. 4; buildings and building regulations, Ch. 6; fire protection, Ch. 9; food and food establishments, Ch. 10; health and sanitation, Ch. 13; licenses and miscellaneous business regulations, Ch. 14; nuisances, Ch. 17; planning, Ch. 20; sewers and sewage disposal, Ch. 22; streets and sidewalks, Ch. 23; removal of discarded waste upon completion of construction of sidewalks, driveways, curbs and gutters, § 23.40.035; subdivision regulations, Ch. 24; utilities, Ch. 27; zoning regulations, Ch. 29.

ARTICLE I. - IN GENERAL

Sec. 11.10.010. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this chapter:

“Dead animals” means those animals that die naturally, from disease, or are accidentally killed, but shall not mean condemned animals or parts of animals from slaughterhouses or similar places.

“Discarded materials” means recyclable materials, organic materials, and solid waste discarded by a generator for the purpose of collection and/or Self-Hauling, excluding excluded waste.

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the Town and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in Town’s, its designee’s, or regional agency’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the Town, its designee, or regional agency’s to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded waste does not include used motor oil and filters, and household batteries when such materials are defined as allowable materials for collection through the Town’s collection programs and the generator or customer has properly placed the

materials for collection pursuant to instructions provided by Town, regional agency, or exclusive hauler for collection services.

(Ord. No. 1812, § I(14-30), 2-20-90)

Cross reference— Definitions and rules of construction generally, § 1.10.015.

Sec. 11.10.015. - Determinations.

Pursuant to Government Code section 66757, the Town hereby makes the following determinations:

- (1) The following aspects of solid waste handling are of local concern: frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.(2)The public health, safety and well-being require that solid waste handling services be provided by a wholly exclusive franchise. The terms of franchise shall be set forth in a franchise agreement approved by resolution of the Town Council.
- (2) The public health, safety and well-being require that solid waste handling services be provided by a wholly exclusive franchise. The terms of franchise shall be set forth in a franchise agreement approved by resolution of the Town Council.

(Code 1968, § 14-2)

Sec. 11.10.020. - Collection and disposal of discarded materialsby private persons.

- (a) No person, except as provided in section 11.10.015, shall collect or gather or cause to be collected or gathered, discarded materialswithin the Town, or carry, convey or transport, or cause to be carried, conveyed or transported, discarded materials through any of the streets, alleys or public places of the Town.
- (b) This section shall not apply to the following:
 - (1) Persons carrying, conveying or transporting discarded materials owned by them to an authorized disposal site.
 - (2) Persons collecting or gathering, or carrying, conveying or transporting, discarded materials to be salvaged.
 - (3) Persons collecting or gathering, or carrying, conveying or transporting, discarded materials to an authorized disposal site upon an irregular or occasional basis.
 - (4) Gardeners or tree surgeons collecting or gathering, or carrying, conveying or transporting, tree branches, yard trimmings, grass clippings, weeds and leaves from premises where such gardeners or tree surgeons have performed services resulting in such discarded materials, to an authorized disposal site.

(Code 1968, § 14-3)

Sec. 11.10.025. - Disposal by Town, compliance with solid waste management plan required.

- (a) Except as otherwise expressly provided in this chapter, it shall be unlawful for any person to dispose of discarded materials, except through the service provided by the Town, its agents, servants, or employees, or by persons who shall contract with the Town to gather and collect and to dispose of such discarded materials.
- (b) Any person who collects and disposes of discarded materials in the Town shall do so in compliance with the solid waste management plan approved by resolution of the Town Council.

(Code 1968, § 14-4)

Sec. 11.10.030. - Contracting for collection services by Town; authority to levy charge for collection services.

The Town may agree to pay and may pay to its agents, servants or employees, or to other persons who shall contract to gather and collect and dispose of discarded materials such compensation as may be determined by the Town Council. The Town may authorize and permit its agent, servants or employees or such other persons to charge and collect for such service from the owners of such discarded materials, such sum as may be determined by the Town Council, and it shall be unlawful for any greater charge to be made for such service.

(Code 1968, § 14-5)

Sec. 11.10.035. - Discarded Materials receptacles—Required.

No person shall deposit, keep or accumulate, or cause to be deposited, kept or accumulated, any discarded materials in or about any lot or parcel of land, or any public or private drive, alley or street, or any house, store, restaurant or other place in the Town, unless the same is enclosed in a receptacle of the type described in this article.

(Code 1968, § 14-6)

(Code 1968, § 14-7)

Sec. 11.10.045. - Accumulations of combustible materials prohibited in certain areas; exception.

No person shall keep any combustible materials in any office, commercial, industrial or large multiple housing area (eight (8) units or more) of the Town for a period longer than twenty-four (24) hours, without placing such materials in a metal container satisfactory to the Fire Chief.

(Code 1968, § 14-9)

Sec. 11.10.050. - Burying, burning prohibited.

No person shall bury in or burn upon any lot, piece or parcel of land, or in or upon any street, way or alley within the Town any materials. No person shall burn upon any lot, piece or parcel of land within the Town any materials.

(Code 1968, § 14-10)

Sec. 11.10.055. - Dumping of discarded materials restricted to authorized disposal site.

No person shall dump any discarded materials upon any lot, piece or parcel of land not owned by such person or upon any public street, way, alley or place within the Town.

(Code 1968, § 14-11)

Sec. 11.10.060. - Leaving of dead animals, etc., on streets, public places, private lands, etc.

No person shall put the carcass of any dead animal or the offal from any dead animal, whether slaughtered or not, or the offal from any slaughterhouse, pen, corral or butchershop in any creek, pond, street, alley, highway or public grounds; or shall leave the same to decompose or decay upon the person's private land upon the surface of the ground; or shall allow any animal owned by the person which shall have died from any cause to remain upon any street, alley or highway, or upon any public or private grounds, to decay and create an offensive smell; or shall attempt to destroy such animal or offal by fire within the Town.

(Code 1968, § 14-12)

ARTICLE III. - RECYCLABLE MATERIALS

Sec. 11.30.010. - Definition.

Recyclable materials means materials authorized by exclusive hauler.
(Ord. No. 1812, § I(14-30), 2-20-90)