

**ITEM 6 ATTACHMENT  
ORDINANCE NO. 2021-396**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CALABASAS, CALIFORNIA, AMENDING CHAPTER 8.16  
(COLLECTION OF MUNICIPAL SOLID WASTE AND  
RECYCLABLE MATERIALS) OF THE CALABASAS  
MUNICIPAL CODE.**

**THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 8.16 of the Calabasas Municipal Code is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by strike-through text.

**8.16.010 Findings.**

The city council finds and determines as follows:

- A. In order to meet the requirements of the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000, et. seq.) including source reduction of the municipal solid waste stream, diversion of municipal solid waste from landfills and conservation of natural resources, it is necessary to regulate the collection of municipal solid waste from residential, commercial, industrial and institutional premises, and to encourage the recycling of solid waste materials.
- B. The mandates of the Environmental Protection Agency, the Southern California Air Quality Management District, and other regulatory agencies, concerning air pollution and traffic congestion management, require the regulation and, where possible, reduction in the number of municipal solid waste collection vehicles and vehicle trips which cause the discharge of air contaminants and create air pollution.
- C. A reduction in the number of waste collection vehicles using the city streets daily will reduce traffic hazards and congestion and promote safety.
- D. The storage, accumulation, collection and disposal of municipal solid waste, including without limitation, garbage, trash, debris and other discarded materials is a matter of substantial public concern in that improper control of these materials may create a public nuisance, air pollution, fire hazard, rat and insect infestation and other problems adversely affecting the public health, safety and welfare.
- E. Regulation of the collection of garbage, refuse, and other discarded materials from all residential, commercial, industrial and institutional properties within the city will provide the most orderly and efficient solution to these problems and will promote the public health, safety and welfare.

- F. The regulation of solid waste handling services in the City of Calabasas will also promote the public health, safety and welfare by requiring the use of newer and safer vehicles, the regular maintenance of these vehicles, and the reduction of spillage and litter on the public streets, by establishing responsibility for the cleaning of solid waste bins and containers, and by providing for accountability to the public.
- G. The public health, safety and welfare will best be served by providing for collection of municipal solid waste and recyclable materials by permittees approved by the city or by one or more exclusive franchises for municipal solid waste and recyclable materials collection services. The city is authorizing the issuance of permits for municipal solid waste, green waste and recyclable materials collection services to qualified applicants. The city is also notifying all existing permit holders, pursuant to Public Resources Code Sections 49520 and 49421, that said permit holders may continue to provide municipal solid waste, green waste and recyclable materials collection services (subject to obtaining the permits required by the city) for up to five years following the issuance of said notice. The five-year period expires on December 31, 2003. The city reserves the right to either continue to issue permits or to enter into one or more franchise agreements after the five-year notice period has elapsed.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.020 Objectives.**

This chapter is enacted by the city council pursuant to the following statutory authorization and in order to accomplish the objectives set forth in this section:

- A. Public Resources Code Section 40059 authorizes the city to determine (i) all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling service; (ii) whether the services are to be provided by means of non-exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety and well-being so require by partially exclusive or wholly exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding.
- B. Public Resources Code Section 49300 provides that the city may, pursuant to terms and conditions as may be prescribed by its legislative body, contract for the collection or disposal, or both, of garbage, waste, refuse, offal, trimmings or other refuse matter.
- C. Public Resources Code Section 49501 provides that the city may take action, whether by franchise, contract, license, permit or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises is authorized or permitted to have the exclusive right to provide

solid waste handling services of any class or type within all or any part of the territory of the city.

- D. It is the intent of this chapter to set forth terms and conditions pursuant to which authorization may be granted by the city council to provide solid waste handling services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of garbage, trash, rubbish, debris, solid waste and other discarded matter, goods and material.
- E. This chapter shall be construed in a manner consistent with all applicable federal and state laws. If any federal or state agency shall hereafter exercise any paramount jurisdiction over any specific provisions of this chapter, that paramount jurisdiction shall preempt or preclude the exercise of like jurisdiction by the city. Modification of a federal or state law or regulation shall, to the extent applicable to the city, be deemed a part of this chapter as of the effective date of the modification.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.030 Definitions.**

The following words and phrases (whether or not capitalized), for the purposes of this chapter, are defined and shall be construed as hereunder set forth:

"Act" means the California Integrated Waste Management Act of 1989, as amended, Public Resources Code Sections 40000, et seq. and following as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

"Affiliate" means any subsidiary company of the applicant or any parent company of the applicant in which the applicant has a financial interest, and which is directly or indirectly under the operational control of the applicant. An applicant's general contractor, contractor or subcontractor is not an affiliate if the applicant does not have both a financial interest in the affiliate and operational control of the affiliate.

"Applicant" shall mean any individual, firm, limited liability company, partnership, industry, or private corporation, or any other entity that applies to the city for applicable permits or approvals to undertake any construction, demolition, grading, building, tenant improvement, work in the public right-of-way, or renovation project within the city that requires a demolition permit, building permit, grading permit or encroachment permit. An applicant may be the property owner or an authorized agent acting on behalf of the property owner

"Bulky items" means furniture, household or industrial appliances, shipping crates and containers and other large bulky or heavy objects not normally discarded on a regular basis at residential, commercial or industrial premises. It does not include abandoned vehicles.

"City" means the City of Calabasas, a municipal corporation, and all of the territory lying within the municipal boundaries of the city as presently existing or as such boundaries may be modified.

"City employee" means an employee or authorized agent of the City of Calabasas.

"City Manager" shall mean the City Manager of Calabasas or designee.

"Collection" means collection of municipal solid waste and its transportation to a disposal site, collection of recyclable materials and their transportation to a processing facility or market and collection of green waste and its transportation to a mulching or composting facility.

"Commercial, industrial/institutional business owner" means any person, firm corporation or other enterprise or organization holding or occupying, alone or with others, commercial, industrial or institutional premises, whether or not it is the holder of the title or the owner of record of the commercial, industrial or institutional premises.

"Commercial premises" means any property or premises occupied for or devoted to a use permitted in the commercial, institutional and public zones pursuant to the provisions of the Calabasas zoning ordinance, or whose occupant or owner holds a valid business license from the city.

"Construction and demolition waste" or "C&D" debris includes but is not limited to waste building materials, asphalt, concrete, drywall, metals, roofing materials, soils, wood, packaging, and rubble resulting from construction, remodeling, repair and demolition operations on pavement, houses, commercial, industrial or institutional buildings and other properties or structures.

"C&D Project" means any construction remodeling, repair, demolition, improvement, encroachment, and grading operations on pavement, houses, commercial buildings, structures and construction sites for which a building, demolition, encroachment or grading permit is required by the City of Calabasas.

"Certified Facility" means a facility that the city has determined to be capable of handling mixed or unmixed loads of C&D debris and diverts from the landfill at least 65 percent by weight from the mixed and unmixed (source separated) loads of C&D debris that are delivered to it and, in addition, is capable of diverting from the landfill at least 75 percent by weight of all inert debris delivered to it.

"Commercial Business" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A multifamily residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this ordinance.

"Container" means any wheeled cart, vessel, tank, receptacle, dumpster, bin, or box used or intended to be used for the purpose of holding municipal solid waste or recyclable materials for collection.

"Container owner" means any person appearing to own or control a container. If there is no such person, then the owner of the property at or on which a container or unauthorized container is located.

"Delivery" of municipal solid waste by a waste generator shall be deemed to occur when municipal solid waste is deposited in a receptacle or at a designated collection location pursuant to the city's Municipal Code, or is otherwise discarded. "Delivery" of recyclable materials by a waste generator shall be deemed to occur when recyclable materials are deposited in a receptacle or at a designated collection location that is designated for collection pursuant to the city's Municipal Code or is otherwise discarded.

"Designated disposal location" means the place where the residential householder or commercial, industrial or institutional occupant shall place, and from where the permittee is to collect municipal solid waste and recyclable materials in containers designated for that purpose.

"Development" means any new or existing project, facility, or building, the users of which generate waste within and/or on the property.

"Disposal" means the complete operation of treating and/or disposing of municipal solid waste after the collection thereof.

"Disposal charge" means the portion of the rates included to cover payment of landfill or transfer station tipping fees.

"Diverted, divert, or diversion" means solid waste including C&D debris that is not disposed of.

"Disposal site" means the municipal solid waste facility or facilities designated by the city for the ultimate disposal (by the franchisee or permittee) of municipal solid waste collected by the franchisee or permittee. The disposal site may include, but is not limited to, a municipal solid waste landfill, a municipal solid waste transfer or processing station, or a combination thereof.

"Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not solid waste or organics if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

"Electronic waste" means intact, discarded cathode ray tube materials including televisions, computers and laptop computers.

"Enforcement costs" means the cost of enforcing the requirements of this chapter regarding unauthorized containers and includes, but is not limited to, court costs; attorneys' fees; and other costs and expenses associated with site inspections, investigations, obtaining warrants, preparing for and conducting hearings, removal, transportation, storage, handling, disposal, and destruction of any unauthorized container and its contents.

"Enforcement officer" means any city official, agent or employee authorized to enforce this chapter.

"Environmental laws" means all federal and state statutes and county and city ordinances concerning public health, safety and the environment including, by way of example and not limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.; the Federal Clean Water Act, 33 U.S.C. Section 1351 et seq.; the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq.; the California Hazardous Waste Control Act, California Health and Safety Code Section 25100 et seq.; the Porter-Cologne Water Quality Control Act, California Water Code Section 13000 et seq.; the Safe Drinking Water and Toxic Enforcement Act, California Health and Safety Code Section 25249.5 et seq.; as currently in force or as hereafter amended and all rules and regulations promulgated thereunder.

"Exempt waste" means biohazardous or biomedical waste, Hazardous waste, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials which are not acceptable for disposal at a solid waste landfill as defined in AB 939 and subsequent legislation, and those wastes under the control of the Nuclear Regulatory Commission.

"Food recovery organization" means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including food recovery services that transport food for recovery. This includes, but is not limited to:

- a. A food bank as defined in Section 113783 of the Health and Safety Code;
- b. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and
- c. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

"Franchisee" means a solid waste enterprise which has an agreement approved by the city council authorizing it to collect, transport, and remove municipal solid waste within and from the city.

"Garbage" means all putrescible and nonputrescible solid, semisolid, and liquid wastes generated or accumulated through the normal activities of a premises. All non-recyclable packaging and putrescible waste attributed to normal activities of a premises. Garbage must be generated by and at the premises wherein the garbage is collected. Garbage does not include recyclables, organic material, construction and demolition debris, bulky items, e-waste, universal waste, hazardous waste, Household Hazardous Waste or exempt waste.

"Green waste" means non-contaminated material composed of organic matter or plant matter which is the result of seasonal variations or landscape and gardening activities. Green waste includes, without limitation, grass clippings, shrubbery, leaves, tree trimmings, branches, flowers, plant stalks, wood and other plant material. Green waste does not include plastic bags, bricks, rocks, gravel, large

quantities of dirt, concrete, sod, non-organic wastes, loose fruits and vegetables, tree trunks, stumps, branches more than six inches in diameter or three feet in length, or pet waste.

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may do either of the following: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. "Hazardous waste" includes all substances defined as hazardous waste, extremely hazardous waste or acutely hazardous waste in California Health and Safety Code Sections 25110.02, 25115 and 25117 or in future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the U.S. Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.).

"Holiday" means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veteran's Day and Christmas Day. Holiday also means any other day designated as such in a contract between a permittee and the labor union serving as the exclusive representative of that permittee's employees provided the holiday is established or recognized by resolution of the city council.

"Impound period" means the period commencing on the date the city, or its agents, take possession of an unauthorized container and ending thirty (30) days from that date.

"Industrial premises" means any property occupied or used for any purpose (other than residential or commercial uses) authorized or permitted in the industrial zones under the provisions of the Calabasas zoning ordinance.

"Institutional premises" means premises occupied by educational, health care, correctional, research and other similar facilities.

"Manager" or "city manager" means the city manager of Calabasas or his/her designee of the city.

"Manure" means the waste droppings from any animal not disposed of through sewers or on-site waste water systems.

"Market refuse" means vegetable or animal waste resulting from the preparation of vegetables, fruit, or meat in markets or packing houses for public sale.

"Materials recovery facility" means a facility operated to sort incoming municipal solid waste or commingled recyclable materials for the purpose of segregating certain types of recyclable materials, processing said recyclable materials to prepare them for market, and marketing the segregated and processed recyclable materials.

"Medical waste" means any waste generated from any laboratory or medical facility which requires special handling or a specific permit for the collection and transportation of this waste category.

"Miscellaneous debris" means any and all trash, rubbish, debris or other abandoned or discarded materials not otherwise defined as rubbish, garbage, market refuse, rendering waste, recyclable material or manure.

"Multi-family premises" means any residential property in the city containing five or more dwelling units located on a single parcel of land and any mobile home park located within the city. Multifamily premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

"Municipal solid waste" means all discarded putrescible and non-putrescible solid, semi-solid and liquid wastes including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semi-solid wastes and other discarded substances or materials.

Municipal solid waste does not include (1) hazardous waste, (2) low-level radioactive waste regulated under California Health and Safety Code Section 25800 et seq., (3) untreated medical waste which is regulated pursuant to the Medical Waste Management Act, California Health and Safety Code Section 25015 et seq., or (4) recyclable materials which have been segregated from waste material by the waste generator.

"Officer" means the president, vice president, treasurer or other duly designated representative of a franchisee or permittee.

"Organic Matters" or "Organics" means material that can biologically decompose into a specific mixture of decayed matter, including without limitation, green waste and food waste which means food scraps separated from solid waste that will decompose and/or putrefy including all residential and commercial kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs. The terms Organic materials and Organics are used interchangeably.

"Organic Waste Generator" means a person or entity that is responsible for the initial creation of organic materials, or as otherwise defined in 14 CCR Section 18982(a)(48) of SB 1383.

"Owner" or "property owner" means the person or persons who owns, occupies or controls real property to which municipal solid waste collection services are provided.

"Parcel of real property" means a parcel of real property as shown on the local secured tax rolls of the county of Los Angeles.

"Permittee" means a municipal solid waste collector who has obtained a permit to collect transport and remove municipal solid waste and/or recyclable materials within and from the City of Calabasas.

"Person" means, without limitation, an individual, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

"Premises" means any land or building in the city where municipal solid waste is generated or accumulated.

"Public agency" means any governmental agency or department thereof, whether federal, state or local.

"Recoverable material" means material which is capable of being retrieved or diverted from disposal or transformation for the purpose of recycling, reuse, and



composting. Recoverable material does not include those materials generated from and reused on-site for manufacturing purposes.

"Recyclable materials" means materials which are capable of being recycled and which are segregated from waste material for collection and recycling, rather than collection and disposal. Recyclable materials includes, without limitation, glass, plastic or metal food or beverage containers (excluding ceramics and chemical containers); aluminum cans, foil, pie tins and similar items or bi-metal cans; PET plastic soda or water bottles or other bottles with the designated "PET" symbol; HDPE plastic milk and water bottles with the designated "HDPE" symbol; LDPE shrink wrap, plastic bags with the "LDPE" symbol; newspaper, cardboard, computer print out (excluding carbon paper); white ledger paper, junk mail, office paper and such additional materials as the city council may designate from time to time.

"Recycle" and "recycling" mean the process of collecting, sorting, cleaning, treating and reconstituting materials that would otherwise become municipal solid waste and returning these materials to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

"Recycling container" means a container provided to residential premises for use in collecting and moving recyclable materials to curbside for collection. Said container shall have a capacity of at least thirty-four (34) gallons and shall be marked with the city recycling logo. The type, color and design of the container provided shall be subject to approval by the city manager. "Recycling container" shall also refer to a container used by commercial, institutional and industrial premises for storing and collecting recyclable materials.

"Refuse" includes garbage and rubbish.

"Rendering waste" means dead animals, hides, fat or bones of animals, grease, meat scraps, and other similar materials being stored, collected or transported to a rendering plant for processing.

"Residential householder" means any person owning or occupying residential premises, whether or not the owner, singly or with his or her family, within the city.

"Residential owner" means the owner of any residential premises in the city.

"Residential premises" means any residential property in the city, except multiple dwellings containing five or more dwelling units.

"Rubbish" means, without limitation, the following items: waste and refuse capable of burning readily, including straw, packing materials, leather, rubber, clothing, bedding, books, rags and all similar articles which will burn by contact with flames or ordinary temperatures; and ashes, crockery, china, pottery, metal wire and other similar materials which are rejected by the owner or producer thereof.

"SB 1383" means the Short-Lived Climate Pollutants: Methane Emissions: Dairy and Livestock: Organic Waste: Landfills Act of 2016. Article 4 Title 14, Division 4, Chapter 12 of the California Code of Regulations.

"Segregated from waste material" means (1) the placement of recyclable materials in separate containers by the waste generator, (2) the binding or bundling

of recyclable materials separately from waste material by the waste generator, (3) the physical separation of recyclable materials from waste material by the waste generator.

"Self-Hauler" means a person who hauls solid waste, organics or recyclables he or she has generated to another person. Self-hauler also includes a person who back-hauls solid waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting organics to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

"Solid Waste" means garbage, recyclables, organic materials, construction and demolition debris, bulky items, e-waste, universal waste, and other discarded solid and semi-solid wastes as defined in the California Public Resource Code Section 40191, as that section may be amended from time to time. Solid waste means all such materials defined in PRC 40191. Solid waste does not include exempt waste or any of the following wastes: (1) hazardous waste other than e-waste; (2) radioactive waste; and (3) medical waste regulated pursuant to the Medical Waste Management Act.

"Solid waste collection" means the collection, transportation, hauling, altering, shredding, compacting, processing, moving, removing, collecting, purchasing, selling, transporting, or disposing of solid waste within the city limits

"Solid waste enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing municipal solid waste collection and disposal services.

"Tier One Commercial edible food generator" means commercial edible food generator that is one of the following:

- a. Supermarkets with gross annual sales of \$2,000,000 or more.
- b. Grocery store with a total facility size equal to or greater than 10,000 square feet.
- c. Food service provider.
- d. Wholesale food vendor.

"Tier Two Commercial edible food generator" means a commercial edible food generator that is one of the following:

- a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- b. Hotel with an on-site food facility and 200 or more rooms.
- c. Health facility with an on-site food facility and 100 or more beds.
- d. Large venue.
- e. Large event.
- f. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- g. A local education agency facility with an on-site food facility.

"Ton" means a short ton of two thousand (2,000) pounds avoirdupois.

"Tonnage form" means the document designated by the city which is used to determine the net amount of municipal solid waste and/or recyclable materials delivered to a disposal site or a processing facility.

"Tonnage report" means a tonnage form or a copy of such form prepared by a permittee, or an officer or agent of the permittee. Tonnage reports shall also include necessary information to verify the report or supplied information.

"Transformation" means the burning, combusting, pyrolysis or other type of incineration of municipal solid waste as described in Public Resources Code Section 40201.

"Transportation" means the process of moving municipal solid waste and/or recyclable materials through the city by means of a motor vehicle.

"Unauthorized container" means any container which is deposited, placed, or left in violation of this chapter.

"Unauthorized solid waste enterprise" means any solid waste enterprise without a valid permit or franchise or a permittee or franchisee acting outside the scope of its permit or franchise.

"Waste generator" means the owner or occupant of premises which initially produce municipal solid waste and/or recyclable materials.

"Weight tickets/invoices" means receipts provided by a disposal site, a composting facility or a material recovery facility reflecting the net amount of municipal solid waste, green waste or recyclable materials delivered by a permittee. (Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998) (Ord. No. 2009-266, §§ 1, 2, 10-28-2009)

#### **8.16.040 Permit requirements.**

No person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas. No permit issued by any other local governmental agency authorizing collection of municipal solid waste or recyclable materials shall be valid in the city. persons performing municipal solid waste and/or recyclable materials collection on January 1, 1999 may continue to operate only until the right to do so is terminated or revoked, or until the expiration of the notice provided to them in compliance with Public Resources Code Sections 49520 and 49521 or any extension of that time period approved by the city, and only if such persons have obtained all applicable licenses and permits from the city. All such permittees shall comply with the requirements of this chapter.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.050 Permit application.**

Applications in a format specified by the city shall include, but not be limited to:

- A. Name and home address of applicant.
- B. Business address and addresses where all vehicles will be stored.

- C. Form of organization such as proprietorship, partnership, joint venture, or corporation, and the names and home addresses of owners and officers and their percentage of ownership, if greater than five percent.
  - D. A description of each vehicle and other equipment that the applicant owns or has under its control, including the age and mechanical condition of each vehicle, a statement as to whether said vehicle is self-loading, leakproof, meets the requirements contained in Sections 8.16.340 and 8.16.350 of this chapter, the service in which each vehicle shall be placed and evidence that the applicant owns or has the right to the use of said vehicles.
  - E. A statement of applicant's experience and a list of other jurisdictions where applicant collects municipal solid waste and recyclable materials.
  - F. Any additional facts, which demonstrate that the applicant is able, at all times, to comply with city laws and to provide service in a safe and efficient manner and to render efficient service.
  - G. A copy of applicant's current financial statement.
  - H. A list of clients which the applicant will service in the city and a map of the applicant's service area.
  - I. The classification of property to be serviced by the applicant and the classification of municipal solid waste and recyclable materials to be collected by the applicant.
  - J. Proposed rates to be charged by applicant.
  - K. A statement as to whether the applicant has been convicted of any felony or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor, inclusive of traffic violations not constituting a felony.
  - L. Detailed information regarding the method by which the applicant will provide recycling services as required by this chapter, and a listing of all customers in city currently receiving recyclable material collection service from applicant.
  - M. Requested tipping receipts, weight tickets/invoices and supporting documentation.
  - N. A statement signed and dated by an authorized representative of the applicant stating that applicant has read and reviewed the requirements of this chapter and agrees to abide by all the requirements herein if issued a permit by the city.
  - O. Any other information requested by the city manager.
- (Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.060 Permit fees.**

Each permittee shall pay a yearly fee in an amount determined by resolution of the city council.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

#### **8.16.070 Permit term.**

Any permit issued under this chapter shall be for a term of three years. All three-year permits issued on or after January 1, 2001 are subject to early termination by the city on or after December 31, 2003 which is the date that the five-year notice period given pursuant to Public Resources Code Sections 49520 and 49521 expires. Upon expiration of the five-year notice period on December 31, 2003, the city reserves the right to either continue to issue permits and allow existing permittees to continue to operate in the city, or to enter into one or more exclusive or non-exclusive franchise agreements for collection of municipal solid waste, recyclable materials and/or green waste in the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.075 Permit extension.**

Valid permits issued under this chapter may be eligible for an extension of time based on criteria established by city council resolution. Criteria for permit extensions may include, but are not limited to the following:

- A. Diversion performance;
- B. Customer satisfaction;
- C. Timely and accurate reporting;
- D. Public education service;
- E. Coordination with street sweeping;
- F. Clean air vehicle use.

(Ord. 2004-192 § 1 (part), 2004)

#### **8.16.080 Transfer of permit.**

A permit issued under this chapter shall not be transferred, delegated, subcontracted or assigned. No permittee shall sell, assign, hypothecate, relinquish, surrender or transfer its interest in a permit to any person or allow another person or entity to use its permit in any act for which a permit is required without the written consent of the city council. The restriction includes the transfer of ownership or the majority of ownership or control of the permittee, or a transfer of a majority of the permittee's stock to another person or entity. The restriction includes the transfer of a permit by merger, acquisition or any other means which results in any moneys derived from collection operations in the city being received by any person or entity not listed as an owner in the permit application on file with the city, as submitted by a permittee pursuant to Section 8.16.050 of this chapter.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.090 Denial of permit.**

After review of the permit application, the city manager may deny the issuance of a permit based on information disclosed in the permit application. Denial of a permit may be based on an incomplete application, failure to demonstrate qualifications or financial responsibility necessary to comply with the requirements of this chapter, failure to supply required reports, or previous violations of any

provision of this chapter. Upon denial, the city manager shall provide the applicant written notification of the reasons therefor and shall include the effective date of such denial. Written notification of denial shall be delivered in person or by certified first class mail to the applicant.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.100 Revocation of permit.**

After a hearing as provided for in this chapter, the city manager may revoke or suspend any permit if the permittee has violated a provision of this chapter or of the permit agreement or any other applicable law, ordinance or regulation of any public agency. It is unlawful for any permittee to operate under a permit which has been revoked or suspended.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.110 Interim suspension.**

The city manager, without a hearing, may suspend a permit for not more than sixty (60) days, if the city manager finds that continued operation by the permittee will constitute a threat to the public health, safety or general welfare.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.120 Notice of hearing.**

The city manager, or his or her agent, shall serve a notice of the hearing of revocation of permit on the permittee by first class mail not less than fifteen (15) days prior to such hearing.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.130 Notice of ruling.**

In the event of the revocation of a permit, the city manager shall notify the permittee in writing of the reasons therefor. Such notification may be made in person or by registered/certified mail. The notice of ruling shall include, without limitation, the effective date of any revocation of a permit to collect municipal solid waste and/or recyclable materials in the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.140 Appeals.**

A permittee may appeal the revocation or denial of a permit, provided written notice is received by the city clerk of Calabasas within fifteen (15) calendar days after notice by the city manager of revocation or denial or any notice of ruling from the city manager advising of the revocation or denial of a permit. Written notice sent to the city clerk requesting an appeal shall address specific reasons why an appeal should be granted and shall address the issues brought forth in the notice of ruling.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

#### **8.16.150 Council action.**

The city council may either affirm the action of the city manager, refer the matter back to the city manager for further consideration, or set the matter for hearing before itself. If the council sets the matter for hearing, and a hearing has been conducted, the city council may uphold the decision of the city manager to revoke, deny or suspend a permit, award a permit, refer the matter back to the city manager for further review or issue a conditional or probationary permit. If the council sets the matter for hearing, it shall base its action upon the standards delineated in Section 8.16.090 of this chapter. Notice of such hearing shall be sent to the applicant or permittee not less than fifteen (15) days prior to the hearing.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.160 Customer notification.**

Upon revocation or denial of a permit by the city manager or the city council on appeal, the permittee shall cease operations in the city within the period of time determined by the city manager or city council on appeal but in no event shall the permittee operate for more than forty-five (45) days after notice of revocation or denial.

The permittee shall provide each of its customers written notification by certified mail of termination of service within ten (10) days of revocation or denial of permit. Such notice shall have attached a listing of current permittees in the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.170 Franchise requirement.**

The city council may authorize, by franchise, a solid waste enterprise to provide solid waste handling services for residential, commercial, industrial and institutional users or customers. In the sole discretion of the city council, the solid waste handling services may be authorized on an exclusive or non-exclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the city. Except for permittees authorized as provided herein, no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been awarded a solid waste collector franchise and having entered into a franchise agreement with the city. Such franchise may be in addition to any business license or permit otherwise required by the city.

Except for the provisions relating to application for permits, all such franchisees shall comply with all of the requirements of this chapter unless otherwise specified in the franchise agreement.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.180 Revocation of franchise.**

After a hearing as provided for in this part, the manager may revoke or suspend any franchise if the franchisee has violated a provision of this chapter or of the franchise agreement or any other applicable law, ordinance or regulation of any public agency. It is unlawful for any person to operate under a franchise which has been revoked or suspended.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.190 Interim suspension.**

The city manager, without a hearing, may suspend a franchise for not more than sixty (60) days, if the city manager finds that continued operation by the franchisee will constitute a threat to the public health, safety or general welfare of the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.200 Notice of hearing of revocation of franchise.**

The city manager or his/her agent shall serve a notice of revocation of franchise on the franchisee by first class certified mail not less than fifteen (15) days prior to such hearing.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.210 Revocation.**

In the event of the revocation of a franchise, the city manager shall notify the franchisee within forty-eight (48) hours in writing of the reasons therefor. Such notification may be made in person or by registered/certified mail. The notice shall include, without limitation, the effective date of any revocation of franchise to collect municipal solid waste and/or recyclable materials.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.220 Appeals.**

A person may appeal the revocation of a franchise provided written notice is received by the city clerk of the City of Calabasas within fifteen (15) calendar days after notice by the city manager of revocation or any notice of ruling from the manager advising the revocation of a franchise. Appeals requesting a hearing should address the reasons for the appeal.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.230 Council action.**

The city council may either affirm the action of the city manager, refer the matter back to the city manager for further consideration, or set the matter for hearing before itself. If the council sets the matter for hearing, and a hearing has been conducted, the council may uphold the decision of the city manager to revoke, deny or suspend a permit, award a permit, refer the matter back to the city manager for further review or issue a conditional or probationary permit. If the council sets the matter for hearing, it shall base its action upon the standards delineated in Section 8.16.090 of this chapter. Notice of such hearing shall be sent to the franchisee not less than fifteen (15) days prior to the hearing.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.240 Customer notification.**

Upon revocation or denial of a franchise by the city manager or city council on appeal, the franchisee or collector shall cease operations in the city within the time



period determined by the city manager or council on appeal, but in no event shall the franchisee or collector operate for more than forty-five (45) days after notice of revocation or denial.

The franchisee shall provide each of its customers written notification by certified mail of termination of service within ten (10) days of revocation or denial of franchise. Such notice shall have attached a list of all current permittees and franchisees in the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.250 Permittee's liability insurance.**

Each permittee shall, at permittee's sole cost and expense, obtain and maintain in full force and effect each of the following minimum insurance requirements:

- A. A comprehensive general liability policy with a minimum limit of not less than two million dollars (\$2,000,000.00) combined single limit for bodily injury and property damage, providing at least all of the following minimum coverages, with any self-insured retention not exceeding one hundred thousand dollars (\$100,000.00) per occurrence:
  1. Premises operation;
  2. Blanket contractual; and
  3. Completed operations.
- B. A comprehensive automobile liability policy with minimum limit of not less than two million dollars (\$2,000,000.00) combined single limit for bodily injury and property damage, providing coverage for at least any and all leased, owned, hired or non-owned vehicles used by the permittee in performing services in or for the City of Calabasas, with any self-insured retention not exceeding one hundred thousand dollars (\$100,000.00). Any and all mobile equipment which is not covered under this comprehensive automobile policy shall have said coverage provided for under the comprehensive general liability policy.
- C. Each of the following endorsements shall be made a part of the above required policies as stipulated below:
  1. "The City of Calabasas, its employees, officers, agents and contractors are hereby added as additionally insured."
  2. "This policy shall be considered primary insurance as respects any other valid and collectable insurance the City of Calabasas may possess, including any self-insured retention the City may have, and any other insurance the City does possess shall be considered excess insurance only."
  3. "The insurance shall act for each insured, and additional insured, as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company."
  4. "Thirty (30) days prior written notice shall be given to the City of Calabasas in the event of cancellation, reduction in coverage, or non-renewal of this policy for whatever reason. Such notice shall be sent to:

City Manager, City of Calabasas, 26135 Mureau Road, Calabasas, CA 91302-3172."

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.260 Worker's compensation and employer's liability.**

Each permittee shall, at permittee's sole cost and expense, obtain and maintain in full force and effect for the term a worker's compensation and employer's liability policy written in accordance with the laws of the state of California and providing coverage for any and all employees of permittee. This policy shall provide for:

- A. Coverage for worker's compensation (Coverage A).
- B. Coverage for one million dollars (\$1,000,000.00) employer's liability.
- C. An excess umbrella liability policy with a minimum of not less than three million dollars (\$3,000,000.00) per occurrence.

Prior to the issuance or renewal of a permit from the city, each permittee shall furnish the city certificates of each policy of insurance required herein in form and substance satisfactory to the city attorney. Such certificates shall show the type and amount of coverage, effective dates, and dates of expiration of policies, and shall have all required endorsements attached. Renewal certificates shall be furnished periodically to the city to demonstrate maintenance of the required coverages.

Any insurance company providing insurance or any surety providing a bond required herein shall be an admitted insurer/surety in the state of California with a best rating of at least "A," Class VIII or larger. No change in these requirements may be made without the prior written approval of the city, which it is under no obligation to provide.

If the permittee fails to maintain any insurance required herein, the city may immediately revoke permittee's permit and permittee shall immediately cease municipal solid waste and recycling collection operations within city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.270 Indemnification.**

##### **A. Indemnification by Permittee.**

Each permittee shall indemnify, defend with counsel approved by city and hold harmless the city, its officers, employees and agents (collectively, "indemnitees"), from and against any and all loss, liability, penalty, fine, forfeiture, claim, demand, action, proceeding or suit, of any and every kind and description, whether judicial, quasi-judicial, legislative or administrative in nature including, but not limited to, injury to and death of any person and damage to property or for contribution or indemnity claimed by third parties (collectively, the "claims"), arising out of or occasioned in any way by, directly or indirectly, (1) the negligence or willful misconduct of permittee, its officers, employees, agents, affiliates and/or subcontractors in performing services in city; (2) the failure of permittee, its officers, employees, agents, affiliates and/or subcontractors to comply in all respects with the provisions of Article V, Chapter 2 of the Calabasas Municipal Code, applicable laws (including, without limitation,

the environmental laws) and regulations, and/or applicable permits and licenses; and/or (3) the acts of permittee, its officers, employees, agents, affiliates and/or subcontractors in performing services in city for which strict liability is imposed by law (including, without limitation, the environmental laws). The foregoing indemnity shall apply regardless of whether such loss, liability, penalty, forfeiture, claim, demand, action, proceeding, suit, injury, death or damage is also caused in part by the negligence of others, including that of any of the indemnitees; provided, however, that this indemnity does not extend to claims to the extent that they are caused solely by the active negligence of the city, its officers, employees or agents, or that they are caused by the intentional misconduct of or breach of contract by the city, its officers, employees or agents.

Upon the occurrence of any claim, permittee, at permittee's sole cost and expense, shall defend the city, its officers, employees, and agents, provided, however, that in the event the named parties to any such claim (including any impleaded parties) include both the permittee and the city, and if the city has one or more legal defenses available to it which are in direct conflict with the best interests of the permittee and which therefore preclude the same counsel from representing the city and permittee jointly, then the city shall have the right to select separate counsel, with the consent of permittee which will not be withheld unreasonably, at the sole cost and expense of permittee to pursue such legal defenses and to otherwise participate in the defense of such action on behalf of the city to the extent that joint representation of the city and permittee is not permissible because of conflicts of interest between the city and permittee.

**B. Hazardous Substances and CERCLA Indemnification.**

Permittee shall indemnify, defend with counsel approved by city, protect and hold harmless city, its officers, employees, agents, assigns, volunteers and any successor or successors to city's interest (collectively, "indemnitees") from and against all claims, actual damages (including but not limited to special and consequential damages), natural resources damages, punitive damages, injuries, costs, response remediation and removal costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines, charges, penalties, and expenses (including but not limited to attorneys' and expert witness fees and costs incurred in connection with defending against any of the foregoing or in enforcing this indemnity) of any kind whatsoever paid (collectively, "claims"), incurred or suffered by, or asserted against, city or its officers, employees, agents, or permittee arising from or attributable to any pickup, repair, cleanup, or detoxification, or preparation and implementation of any removal, remedial, response, closure or other plan (regardless of whether or not undertaken due to governmental action) concerning any hazardous substances or hazardous wastes including the release of such substances or wastes at any place where permittee stores or disposes of municipal solid waste, provided that this indemnity does not extend to claims to the extent that they are caused solely by the negligence or willful misconduct by an indemnitee. The

indemnity provided in this section shall apply to claims arising from acts or omissions of permittee. The foregoing indemnity is intended to operate as an agreement pursuant to Section 107(e) of the Comprehensive Environmental Response, Compensation and Liability Act, ("CERCLA"), 42 U.S.C. Section 9607(e) and California Health and Safety Code Section 25364, to insure, protect, hold harmless, and indemnify city from all liability.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.280 Bonds.**

Prior to the issuance or renewal of the permit, permittees shall secure and deliver to the satisfaction of the city a performance or cash bond in the amount of ten thousand dollars (\$10,000.00). Said performance or cash bond shall serve as security for the faithful performance of all conditions and provisions of this chapter and shall be on terms acceptable to the city attorney. The bond shall remain in force during the life of the permit and all renewals thereof.

The bond shall be in favor of the city and shall not extend to the right of recovery against the sureties by third persons. After any recovery against the bond by the city, the bond amount shall be restored to the required sum of ten thousand dollars (\$10,000.00). The bond may contain a provision giving the sureties the option to cancel the bond upon first giving notice in writing, not less than thirty (30) days before the effective date of the cancellation to the city manager; provided, however, such cancellation shall not impair the right of the city to reimbursement for the correction of conditions resulting from the violation of this chapter or any contract or resolution made pursuant to the provisions of this chapter, which violations occurred before the effective date of the cancellation of the bond, whether the work of correction was performed before or after such effective date. In the event of suspension, cancellation, or termination of the bond by the provider, the permit issued pursuant to this chapter shall be immediately suspended until a new bond is provided, and the permittee shall be liable to the city for any and all damages suffered by the city arising out of such suspension, cancellation or termination.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.290 Office for inquiries and complaints.**

Permittees shall maintain an office at a fixed place and shall maintain a telephone at the office listed in the current telephone directory in the name under which it conducts business in the city and shall have a knowledgeable representative of permittee available during office hours to communicate with the city and members of the public in person and by telephone between the hours of eight p.m. and five p.m. Monday through Friday, except for holidays. Permittees shall maintain a telephone system in operation at their office during business hours. Permittee shall arrange for its telephone number to be printed on all of permittees' bills and invoices. The telephone shall be on a toll-free exchange for all residents of the city. Permittee's telephone system may employ a voice mail system, however, callers must be able to reach a customer service representative in less than two minutes. Callers shall not

be placed "on hold" or in the voice mail system for a period of time exceeding two minutes.

Permittees shall be responsible for the prompt and courteous attention to, and prompt and reasonable resolution of, all customer complaints relevant to service and billing. Complaints shall be investigated within twenty-four (24) hours and appropriate action taken. Permittees shall record in a separate log, the form of which is approved by the city, all complaints, noting the name and address of the complainant, the date and nature of the complaint and the date and nature of resolution. The complaint log shall be available for inspection by the city during normal business hours. In addition, permittees shall submit, by the twentieth (20th) day of January, April, July and October, a copy of the complaint log for the preceding month. Compliance with the requirements of this section are conditions to any permit or franchise awarded by the City of Calabasas.

A. Authority of City.

The city or the city's agent shall have the right, but not the duty, to inspect at any reasonable time each permittee's operations, equipment and performance of services to determine whether the permittee is performing in compliance with the laws of the state of California, city ordinances, and the laws and regulations of any other governmental agency. Permittees shall fully cooperate with the city in such inspections.

B. Quantity of Municipal Solid Waste.

In the event of a dispute between a permittee and a customer as to the quantity of municipal solid waste that such customer has placed for collection, the city shall investigate and make a determination and such determination shall be binding on the permittee.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.300 Permits, licenses, taxes and compliance with laws.**

Permittees shall obtain, and maintain any and all permits and licenses required by law from the appropriate city, state or federal governing agency or body.

Permittees shall conform to and abide by all of the rules, regulations and ordinances of the city, and all laws of the state of California or the federal government, governing the collection, hauling and disposal of municipal solid waste and recyclable materials.

Permittees shall conform to and abide by all the valid rules, regulations and ordinances of any governmental entity through which municipal solid waste may be hauled or in which municipal solid waste may be disposed of governing the collection, hauling and disposal of municipal solid waste.

Permittees shall pay all federal, state and local taxes, including sales taxes, social security taxes, etc., which may be chargeable against the labor, material, equipment

or other items necessary in the performance of municipal solid waste and recyclable materials collection in city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

### **8.16.310 Rates.**

#### **A. Rates to Be Charged.**

The city council may, by resolution, establish maximum rates to be charged to residential owners and householders and commercial, industrial and institutional business owners by permittees for providing municipal solid waste, green waste and recyclable materials collection services. The city council may, as part of the establishment of maximum rates to be charged, establish a variable or graduated rate for residential solid waste collection service such that waste generators generating smaller quantities of municipal solid waste and using smaller solid waste storage containers are charged less than those waste generators generating larger quantities of municipal solid waste and using larger solid waste storage containers. No permittee shall charge any rate or fee which is greater than the rate established by the city council, unless otherwise authorized in this chapter.

#### **B. Notification.**

Prior to implementing a rate increase, permittees shall provide written notification to customers of the rate increase thirty (30) days prior to the effective date of the rate increase. The written notice shall include the amount of the rate increase, the effective date of the rate increase, and the reason for the rate increase. The written notification shall be sent to customers by first class mail, with a copy sent to the city manager. Permittees shall provide the city with the modified rate schedule within forty-five (45) days prior to the date of the rate increase.

#### **C. Fees for AB 939 Surcharge.**

The city council may, by resolution, establish a city surcharge, to cover the cost of implementing source reduction and recycling programs in order to comply with the act, to be charged to residential owners and householders and commercial, industrial and institutional business owners by permittees.

#### **D. Fees Collected by Permittees on Behalf of City.**

City may impose certain fees as part of the rates established for municipal solid waste and recyclable materials collection service to fund recycling, source reduction, household hazardous waste or other similar programs. City may also find it necessary to impose fees as part of the rates established for municipal solid waste and recyclable materials collection service due to new or existing federal or state laws or regulations. If and when the rate schedule is modified to include such fees, each permittee shall collect said fees as part of the billing process and shall remit said fees to the city on a quarterly basis by the twentieth (20th) day of January, April, July, and October for the preceding quarter's fees. In the event of permit revocation, the balance due for the quarter during which revocation occurs shall be paid within thirty (30) days of the date of revocation.

Each permittee shall submit a report to the city on the fifteenth (15th) day of each month describing the amount of such fees billed and collected during the preceding month.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

### **8.16.320 Collection of charges.**

#### **A. Billing.**

The billing and collection of the rates, fees and charges authorized by the city council for municipal solid waste and recyclable materials collection, processing and disposal services shall be the responsibility of the permittee, and the city shall have no liability or responsibility therefor.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

### **8.16.330 Records and reports.**

#### **A. Municipal Solid Waste Collection Operations.**

##### **1. Daily Records.**

Permittees shall compile, on a daily basis, records of all municipal solid waste collection operations covering those aspects of the operations, and in such detail, as the city may prescribe. Such records shall include, but are not limited to:

- a. Quantities of municipal solid waste collected, by customer category (e.g., residential, commercial, industrial, institutional, multi-family);
- b. Number and categories of accounts served by each route, with each route identified by route number on a map provided to the city;
- c. Labor allocation information (e.g., amount of time spent in the city by service);
- d. Production data (e.g., tons of municipal solid waste collected per route, per worker hour, per worker day);
- e. Customer complaints;
- f. General information, such as annual tons collected per residential household or per type of business;
- g. Tons delivered to the disposal site(s), per day, per week, per month, per year;
- h. Rates charged for collection of municipal solid waste from residential, commercial, industrial and institutional customers in city.

Permittees shall also provide to the city similar information which the city may request in order to evaluate the effectiveness and efficiency of the municipal solid waste collection and disposal program. Permittees shall submit a report, giving the information required by city, in the format and at such time as specified by city, and shall prepare such other expanded or detailed reports utilizing the information it is required to compile, which the city may require from time to time.

##### **2. Quarterly Reports.**

At a minimum, each permittee shall report monthly on or before the twentieth (20th) day of January, April, July and October, the following information to the city:

- a. Total tons of municipal solid waste collected in city and delivered to the disposal site by permittee during the preceding month and the disposal charge paid for all tons landfilled and corresponding disposal site weight slip information, including the weight slip number, total tons per weight slip, and weight slip issuance date.
  - b. The name, address, and telephone number and number of tons delivered for each municipal solid waste disposal site, composting facility and material recovery facility that received solid waste, green waste or recyclable materials collected in city by permittee during the preceding month.
  - c. A list of all equipment deliveries, a customer listing of all new account start-ups, and a customer listing of all cancelled/closed accounts.
3. Annual Reports.

On or before January 30 of each year, each permittee shall furnish the city with an annual report on municipal solid waste collection operations which includes the following:

- a. Total tons of municipal solid waste collected in city and delivered to the disposal site by permittee during the preceding year including the disposal charges paid for all tons landfilled and corresponding disposal site weight slip information, including the weight slip number, total tons per weight slip, and weight slip issuance date.
  - b. The names, addresses and telephone numbers of each disposal site, composting facility and material recovery facility that received municipal solid waste, green waste or recyclable materials collected in city by permittee, including the total tons of each material delivered to each listed facility.
  - c. A current customer service identification list which identifies the name and address of each residential, commercial, industrial and institutional customer receiving collection and/or recycling services from permittee, along with a detailed notation as to the level and type of service provided and the collection day(s) for each customer.
  - d. Current route maps of all residential, commercial, industrial and institutional routes of permittee for each day of the week that permittee operates in city.
  - e. A complete rate sheet describing and listing the rates charged for each and every type of residential, commercial, industrial and institutional solid waste collection and recyclable materials collection service offered or provided by permittee within city.
- B. Recycling Operations.



Each permittee shall file with the city written reports of permittee's recycling collection and processing operations including the following reports, in formats approved by the city.

1. Quarterly Reports.

On or before the twentieth (20th) day of January, April, July and October, permittees shall submit a quarterly recycling report to include at least all of the following:

- a. Summaries of tonnages of, and total value received for, all recyclable materials, by material type collected by permittee in the programs enumerated in Section 8.16.500 of this chapter including residential curbside recycling program, residential multi-family recycling program, commercial, industrial and institutional recycling program, city facility recycling program, holiday greenery recycling program, special event recycling program and green waste collection and recycling program including corresponding materials recovery facility weight slip information with weight slip number, total tons per weight slip, and weight slip issuance date.
- b. Summaries of tonnages of all recyclable materials sold, by material for all the programs, listed by program and corresponding materials recovery facility weight slip information with weight slip number, total tons per weight slip, and weight slip issuance date.
- c. Market prices for all recyclable materials collected in all programs. The weight receipts and sales receipts shall be available for inspection and copying by the city or city's agent upon request.
- d. Resident participation rates, by route, in terms of weekly set out counts for the residential curbside recycling program and the residential green waste program (participation rates shall be calculated as prescribed by city).
- e. A customer complaint log including a summary of complaints, missed pickups and recycling container and green waste container replacement, by route, an explanation of noteworthy experiences, and a summary of telephone calls received by category, including inquiring about the program missed pickups, and container replacement for all recycling programs listed in Section 8.16.500 of this chapter.
- f. Presentations or contacts made during the prior quarter to homeowners associations or community groups.
- g. Total number of residential, multi-family, commercial, industrial and institutional containers delivered broken down by municipal solid waste, recyclable materials and green waste.

C. Annual Recycling Reports.

Within sixty (60) working days from the end of each calendar year, Each permittee shall submit an annual recycling status report to the city, which includes at least all of the following data for the preceding calendar year:

1. Summary of all revenues and tonnages recovered by material type and by program, including participation rates for all programs listed in Section 8.16.500 of this chapter.
2. Overall assessment of operational performance of the programs during the year.
3. Detailed data to allow analysis of collection and processing equipment handling capabilities.
4. Discussions of problems and noteworthy experiences in program operation.
5. Description of permittee's effort to add number 3, 4, 5, 6, 7, and 8 plastics to all recycling programs.
6. A schedule of rates and charges for the commercial, industrial and institutional recycling programs. Permittee shall provide periodic updates to the schedule of rates and charges upon request of the city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.340 Vehicle identification.**

No permittee may operate any vehicle for the collection of municipal solid waste or recyclable materials in the city unless the owner of the vehicle is a permittee as defined in this chapter. Each vehicle used by a permittee in the city shall have an identification number printed or painted in legible numbers not less than five inches in height on both sides of the vehicle.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.350 Vehicle standards.**

Any vehicle utilized for the collection, transportation or disposal of municipal solid waste or recyclable materials in or from the city shall comply with the following standards:

- A. Each vehicle shall at all times be maintained and/or operated in such a manner to ensure that no municipal solid waste, recyclable materials, oil, grease, or other substances will blow, fall out, escape or leak out of the vehicle with the exceptions of vehicle emissions.
- B. A broom and shovel shall be carried on each vehicle at all times.
- C. Each vehicle shall comply, at all times, with all applicable statutes, laws or ordinances of any public agency.
- D. Routine inspections by the California Highway Patrol will be required annually and certificates for said inspection shall be filed with the city manager.
- E. All vehicles shall at all times be kept clean and sanitary, in good repair and well and uniformly painted to the satisfaction of the city manager.
- F. Each vehicle shall be equipped with watertight bodies fitted with close-fitting metal covers.
- G. The permittee's name or firm name and its telephone number shall be printed or painted in legible letters not less than five inches in height on both sides of all vehicles used in the city.

---

H. All equipment shall be maintained at all times in a manner to prevent unnecessary noise during its operation.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.360 Amount of equipment.**

No person shall be awarded a franchise or issued a permit for the collection and transportation of municipal solid waste or recyclable materials unless the city manager determines that the person has sufficient equipment available to meet the dates and times of regularly scheduled pick-ups without interruption due to equipment failure. This requirement shall be maintained throughout the term of any franchise agreement given pursuant to this chapter.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.370 Operation of equipment.**

All permittees operating municipal solid waste and/or recyclable materials collection and transportation equipment shall do so in compliance with all federal, state and local laws and/or ordinances. Collection vehicles shall not be operated in a manner which results in undue interferences with normal traffic flows or violation of any traffic laws, and loaded collection vehicles shall not be parked or left unattended on the public streets. No collection vehicle shall be parked on a public street or thoroughfare in the city. All collection vehicles shall comply with the vehicle code.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.380 Compliance with vehicle standards.**

Any vehicle used in the collection or transportation of municipal solid waste or recyclable materials in the city, shall at all times be maintained in accordance with the standards set forth in Section 8.16.350 of this chapter. The use of a vehicle which fails to comply with each of the standards set forth in Section 8.16.350 of this chapter is prohibited. A permittee shall immediately remove any vehicle from collection service which fails, at any time, to conform to any of the standards recited in Section 8.16.350 of this chapter and shall not use that vehicle until it is repaired. Should the city manager give notification at any time to a permittee that any of the permittee's vehicles are not in compliance with the standards of this chapter, the vehicle(s) shall be immediately removed from service from the permittee. The vehicle shall not again be utilized in the city until it has been inspected and approved by the city manager. The permittee shall maintain its regular collection schedule regardless of the repair of any vehicle.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.390 Mandatory service.**

A. All municipal solid waste collected from residential, commercial, industrial and institutional premises for a fee, service charge or other consideration, shall be collected by a solid waste enterprise under the provisions of a franchise awarded by the city council or pursuant to a permit.

- B. No person, firm, corporation, or solid waste enterprise, other than those referenced in subsection A shall negotiate or contract for, or undertake to receive, collect or transport municipal solid waste from within city for a fee, service charge or other consideration therefor, except as specifically provided herein.
- C. Each residential property owner and householder in the city shall, at all times subscribe to and utilize the services of a franchisee or if none, a permittee and pay the fees approved by the city council or established by permittee(s) for the collection of municipal solid waste, recyclable materials, and green waste from such premises as shall be owned by said owner and shall, at all times comply with city policies and programs with regard to municipal solid waste recovery, reduction of municipal solid waste and recycling of municipal solid waste. Each business owner of a commercial, industrial, or institutional business in the city shall, at all times subscribe to and utilize the services of a franchisee or if none, a permittee and pay the fees approved by the city council for the collection of municipal solid waste and recyclable materials from such premises as shall be owned by said owner and shall, at all times comply with city policies and programs with regard to municipal solid waste recovery, reduction of municipal solid waste and recycling of municipal solid waste. Owners of multifamily residential complexes need not subscribe to green waste collection or recyclable materials collection services but must subscribe to municipal solid waste collection service. No person shall enter into an agreement for municipal solid waste, green waste or recyclable materials collection services with any person, firm or corporation which is not a franchisee or permittee, except as otherwise provided in this chapter. At such time as the rights of a permittee or franchisee to operate in the city are terminated, revoked or expired, residential property owners and commercial, industrial and institutional business owners shall cease utilizing the services of permittee or franchisee and shall utilize a permittee with a permit issued by the city or a franchisee with a valid franchise awarded by the city.
- D. Nothing in this chapter shall prevent a commercial, industrial or institutional business which has its own recycling or resource recovery program for recyclable materials and/or green waste generated by such business, and not utilizing a solid waste enterprise which provides collection services for a fee or service charge from continuing such recycling or resource recovery program, and the recyclable materials and/or green waste included in such program are exempted from the provisions of this chapter.
- E. Any residential property owner or householder that does not generate green waste, as defined in this chapter, may apply to the city manager for an exemption from the requirement in this subsection for mandatory residential green waste collection services. A residential property owner or householder seeking such an exemption shall submit a written request for exemption which includes, without limitation, the following:

1. The name, address and telephone number of the person seeking the exemption.
2. In the case of a homeowner's association, a list of the addresses of residences included in the exemption request.
3. The quantity of green waste generated weekly at the residence.
4. The reason for the lack of green waste (if applicable) e.g., backyard composting, landscaper service handling green waste, etc.
5. Documentation showing the absence of green waste generation or green waste handling by another party (e.g., bill from landscape company, photograph of backyard composting system, photograph of xeriscape landscaping, etc.)

In the case of a homeowners association where green waste landscape services may be contracted for by the association, the association may apply for an exemption on behalf of all of the residential property owners and householders represented by the association.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.400 Frequency of collection.**

- A. Each permittee shall collect and deliver to a disposal site, composting facility and/or recycling processing facility all municipal solid waste, green waste and recyclable materials placed for collection in compliance with this chapter from each customer at least once during each calendar week. Routes of collection shall be arranged such that collection from any premises will be made routinely on the same day of the week. Collection of residential recyclable materials and green waste shall be completed on the same day as the collection of municipal solid waste. Each permittee shall possess a sufficient number of vehicles including spares to maintain the collection schedule at all times. Collection from commercial, industrial and institutional premises shall occur as often as necessary to avoid an accumulation of municipal solid waste in violation of this chapter.

When a collection day falls on a holiday, permittees shall choose one of the following options and give two weeks prior notice thereof to the city and the local newspapers:

1. Collect on the holiday.
  2. Collect one day prior to or one day after the holiday, providing regular collection is postponed by a maximum of one day for that week.
- B. Each permittee providing residential collection shall offer municipal solid waste, green waste and recyclable collection in addition to the minimum one time per calendar week if requested by customer. Permittee may establish a fee to be charged to residents for the additional collection.
- C. Collection of municipal solid waste, recyclables, and green waste materials shall be coordinated to the satisfaction of the city's solid waste representative so as to eliminate multiple hauling days within residential neighborhoods.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

#### **8.16.410 Hours of collection.**

- A. No collection of municipal solid waste, green waste or recyclable materials shall be made within the city between the hours of six p.m. and seven a.m. during Pacific Standard Time or six p.m. and six a.m. during Pacific Daylight Savings Time Monday through Saturday or at any time on Sunday.
- B. No delivery or removal of wheeled carts, recycling containers or any other containers by a permittee may be made between the hours as stated in subsection A of this section.
- C. The city manager may waive the requirements of this section when necessitated by conditions beyond the control of permittees.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.420 Litter.**

Any permittee who releases, or permits or causes the release of any municipal solid waste, recyclable materials or green waste on public or private property in the city at any time shall immediately clean up, contain and collect and remove same.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.430 Employees.**

Permittees shall furnish such competent and qualified drivers, mechanical, supervisory, clerical and other personnel as may be necessary to provide solid waste and recyclable materials collection in a safe and efficient manner and to serve the public in a courteous, helpful and impartial manner.

All of permittee's employees, while collecting refuse, recyclable materials or green waste, shall be required to wear a uniform type of clothing approved by the city. Employees shall begin their shift with a uniform that is freshly cleaned and pressed. Each employee shall at all times carry a valid operator's license for the type of vehicle he or she is driving. Each employee shall, at all times he/she is on duty, carry employment identification which shall be presented to city staff, customers, security guards and law enforcement officers upon request.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.440 Trespass.**

No person authorized to collect or transport municipal solid waste, recyclable materials or green waste shall enter on private property beyond the extent necessary to collect the municipal solid waste, recyclable materials and/or green waste, properly placed for collection.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.450 Noise.**

A permittee shall so conduct its operations as to offer the least possible obstruction and inconvenience to the public traffic or disruption to the existing noise

---

levels of the area within which collections are made. Noise emitting from any collection vehicle shall not exceed the limits provided in the city's noise ordinance. (Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.460 Ownership.**

At such time as the municipal solid waste, green waste or recyclable materials are collected by a permittee, said materials or municipal solid waste are the property of the permittee; provided however, that permittees shall comply with the provisions of Section 8.16.500 of this chapter with regard to direction from the city as to where said municipal solid waste, green waste and recyclable materials are to be delivered for disposal or processing or composting.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.470 Disposal.**

It shall be unlawful at any time for any person, including permittees, to burn any municipal solid waste, green waste or recyclable materials within the city. It shall be unlawful at any time for any person, including permittees, to bury or dump any municipal solid waste, recyclable materials or green waste within the city without first obtaining city approval to do so.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.480 Transfer of loads on public streets.**

No person shall transfer municipal solid waste, green waste or recyclable materials from one collection vehicle to another on any public street or road unless such transfer is essential to the method of operation and is approved by the city manager, or is necessary owing to mechanical failure or accidental damage to a vehicle.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.490 Source reduction and recycling.**

Every permittee shall at all times comply with city policies and programs regarding municipal solid waste recovery, source reduction and recycling, including the city's source reduction and recycling element. Such policies and programs include those provided in Section 8.16.500 of this chapter and those established by resolution of the city council. Compliance with such policies and programs shall be a condition of any permit issued pursuant to this chapter.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.500 Collection of municipal solid waste and recyclable materials.**

Holders of refuse collection permits shall comply with the following requirements for the provision of municipal solid waste collection and recyclable materials collection services within the city. Acceptance of a municipal solid waste collection permit from the City of Calabasas signifies a permittee's agreement to comply with the requirements of this section. Organic materials generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act

and SB 1383 or be subject to the penalties as prescribed in Section 18997.2 of SB 1383, as determined by the City Manager.

A. Collection of Municipal Solid Waste.

Permittees shall collect, transport and dispose of municipal solid waste generated at residential, commercial, industrial and institutional premises located within and under the jurisdiction of the city. Permittees shall furnish all labor, supervision, equipment, materials, supplies and all other items necessary to perform municipal solid waste collection in a thorough, workmanlike and efficient manner to the reasonable satisfaction of the city, so that residents, businesses and institutions within the city are provided reliable, courteous and high quality municipal solid waste collection and recycling services at all times. Permittees shall coordinate collection of residential municipal solid waste, recyclable materials and green waste from residential premises to the satisfaction of the city's solid waste representative.

Permittees shall provide one or more containers for storage of municipal solid waste to each residence permittee serves in the city. Residents shall be offered a choice of container sizes as set forth in a resolution of the city council. Permittees may offer additional sizes of residential municipal solid waste storage containers. The prices permittee charges for residential municipal solid waste collection shall be structured so as to encourage recycling by residents. Permittees shall charge a lower price for smaller municipal solid waste storage containers and a higher price for larger municipal solid waste storage containers. The prices charged by permittees shall not exceed those established by the city council pursuant to this chapter. Permittee shall make every effort to complete collection within two hours per residential premise. Permittee shall repair and provide replacement municipal solid waste containers to residents served by permittee that report lost, stolen, broken or defaced containers within seven days of customer's request.

B. Transportation and Disposal of Municipal Solid Waste.

Permittees shall transport and deliver all municipal solid waste collected within the city to the disposal site (which may include a transfer station or materials recovery facility) designated by the city. Municipal solid waste shall become the property of the operator of the disposal site (or other designee of the city as the city may determine from time to time) once it is delivered to the disposal site.

Permittees shall maintain accurate records of the quantities of municipal solid waste delivered to each disposal site and shall cooperate with the city or its agents in any audits or investigations of such deliveries. Permittees shall cooperate with the operator of the disposal site with regard to operations therein, including by way of example, complying with directions from the operator to unload collection vehicles in designated areas, accommodating to maintenance operations and construction of new facilities, cooperating with the operator's hazardous waste exclusion program, and cooperating with the operator's tonnage tracking system. Unless and until the city designates in writing a



different disposal site, or approves a written request by a permittee to change the disposal site, contractor shall continue to deliver all municipal solid waste to the Calabasas landfill. City shall have sole and absolute discretion to grant or deny contractor's written request for a change of disposal site.

Unless and until the city has directed permittees to deliver the municipal solid waste collected to (1) a transfer station where recycling and sorting of the incoming municipal solid waste to recover recyclable materials will occur, or (2) a materials recovery facility where all or some portion of the municipal solid waste will be sorted to recover recyclable materials, permittees may salvage materials from the municipal solid waste they collect and shall be entitled to retain all revenues they receive from the sale of such recovered materials. Upon receiving direction from the city to deliver municipal solid waste to a transfer station, and/or to a materials recovery facility, permittees shall cease any such salvage efforts.

C. Residential Curbside Recycling (Up to Four Units).

1. Collection.

Permittees shall provide a residential curbside recycling program to each residence where permittee provides municipal solid waste collection services. The curbside collection program shall include all of the features described herein. Permittees shall collect and remove all recyclable materials, which are segregated and placed in or adjacent to recycling containers at the curbside, from all single-family residences and all residential developments of four or fewer units located in the city where municipal solid waste collection service is individual can collection (as opposed to bin or dumpster collection). For those single-family residences and residential developments that are walled or gated communities with private streets, alternative recycling methods shall be offered to the homeowners' associations and to individual homeowners. Examples of recycling methods are curbside, walk-in or backyard, central location containers, or others that may be approved by the city. Recycling collection methods utilized within walled or gated communities shall comply with the CC&R's for each such community. If a permittee's activities in providing the residential curbside recycling program are in violation of the CC&R's for a gated community, permittee shall comply with the city's direction to comply with the applicable CC&R's. Each service recipient shall use only the containers, provided by the garbage collector and approved by the City Manager, for the purpose of depositing and accumulating residential garbage from the premises. No materials other than recyclables may be placed in a recycling cart. All organics must be generated by and at the premises wherein the organics is collected. Only organics may be placed in an organics cart.

2. Curbside Recyclable Materials.

Recyclable materials collected shall include newspapers, glass, metal cans (aluminum and tin), plastic containers (numbers #1-#7), magazines, catalogs, junk mail, and cardboard.

3. Time of Collection.

Permittees shall collect the recyclable materials once each week, regardless of weather conditions. Collection will be on the same day of the week as collection of municipal solid waste. Permittee shall make every effort to complete collection within two hours per residential premise.

4. Missed Pickups.

In case of a missed pickup called in by a resident or the city, permittees shall collect the recyclable materials from such resident within twenty-four (24) hours. All calls relating to missed pickups shall be logged in by the permittee and such log shall be available for inspection by the city upon reasonable notice.

5. Recycling Containers.

Permittees shall provide each single family residence, duplex and triplex and fourplex with a thirty-four (34) gallon recycling container. Permittees shall distribute said containers to each new residential customer.

Permittees shall repair and provide replacement recycling containers to residents served by permittee that report lost, stolen, broken or defaced recycling containers within seven days of the customer's request.

6. Sale or Disposition of Recyclable Materials.

Permittees shall process, segregate, prepare for market, transport and deliver the collected recyclable materials to a purchaser, a licensed, permitted or certified material recovery facility, or a person who will use the materials in a process or product and who will not landfill the recyclable materials. Permittees shall obtain a certificate of purchase or end use, establishing that the materials delivered have in fact been recycled. No recyclable materials collected shall be disposed of on land or through transformation without the prior written consent of the city. Said consent shall not be unreasonably withheld by city.

7. Public Education.

- a. Accompanying the distribution of containers shall be a public education brochure, approved by the city, which describes the curbside recycling program, the days of collection, recyclable materials accepted, the requirements of the act and the need to conserve natural resources through recycling.
- b. Permittee shall mail one public education brochure to all residents of single family homes, duplexes, triplexes, and fourplexes annually on or before April 1, thanking residents for participation in the curbside recycling program, listing the pounds and tons of recyclable materials recycled in the prior year, and urging residents to continue to participate in the curbside recycling program. Sixty (60) days prior to mailing the brochure, each permittee shall submit a draft of its brochure to city staff for review and comment. Upon receipt of approval of the brochure by city, permittee shall proceed

to mail brochure to all residents served by permittee as described above at permittees sole expense.

- c. Permittees shall mail two billing inserts to all residential premises annually promoting a subject matter to be approved by the city's solid waste representative. Sixty (60) days prior to mailing the insert, each permittee shall submit a draft to the city for review and comment. Upon receipt of approval of the insert by city, the permittees shall proceed to mail the insert to all residents served by permittee at the permittees sole expense.

D. Multi-Family Residential Recycling (Five Units and Above).

1. Collection.

Permittees shall provide a multi-family residential recycling program to each multi-family complex where permittee provides municipal solid waste collection services. The multi-family recycling program shall include all of the features described herein. Each multifamily residential complex shall be provided with approved garbage, recycling, and organics cart(s) or bin(s). Such cart(s) or bin(s) shall be located at a central collection site or sites within the multifamily development Permittees shall collect and remove all recyclable materials which are segregated and placed in, or adjacent to, multi-family complexes with five or more residential units located in the city and all such complexes with two or more units where municipal solid waste collection service is bin or dumpster collection.

2. Multi-Family Residential Recyclable Materials.

Recyclable materials collected shall include newspaper, glass, metal and tin cans, plastic containers (numbers #1-#7), magazines, catalogs, junk mail, and cardboard. Permittees shall provide a report to the city each year on February 1 describing the status of permittee's efforts to add number 3, 4, 5, 6, 7, and 8 plastics to the multi-family residential recycling program.

3. Time of Collection.

Permittees shall collect the recyclable materials on a regular basis, no less frequently than the time required to fill the bin or dumpster and at least weekly for crates or boxes. Permittee shall make every effort to complete collection within two hours per residential premise.

4. Requested Pickups.

In the event permittees miss a normal pickup or the bin or dumpster fills prior to a normal pickup, permittees shall collect the recyclable materials from such complex within twenty-four (24) hours of notice by the city or property manager/owner/tenant. All calls relating to missed or additional pickups shall be logged in by permittees and such log shall be available for inspection by the city upon reasonable notice.

5. Recycling Containers.

Permittees shall provide storage containers for recyclable materials to each multi-family complex containing five or more residential units. The type and number of storage container(s) selected for each complex shall suit the

space, permit requirements, size and logistical requirements of the complex. Containers to be provided by permittees may include crates, plastic boxes, wheeled carts and bins. Recycling containers shall be a different color than municipal solid waste storage containers and shall be labeled "Recyclable Materials Only" and shall state the type of recyclable materials to be stored in the containers. Permittees shall consult with the owner/manager of each complex to determine the correct type of storage container to be provided and to agree upon the placement of the container(s) in a specified area(s) of the complex. The containers and bins will remain the property of the permittee, who is responsible for maintaining them in proper condition. Only garbage generated by persons occupying the multifamily development or their guests shall be placed in the garbage cart(s) or bin(s) serving the development. Only recyclables generated by persons occupying the multifamily development or their guests shall be placed in the recycling cart(s) or bin(s) serving the development. Only organics generated by persons occupying the multifamily development or their guests shall be placed in the organics cart(s) or bin(s) serving the development.

6. Sale or Disposition of Recyclable Materials.

Permittees shall process, segregate, prepare for market, transport and deliver the collected recyclable materials to a purchaser, a licensed, permitted or certified material recovery facility, or a person who will use the materials in a process or product and who will not landfill the recyclable materials. Permittees shall obtain a certificate of purchase or end use, establishing that the materials delivered have in fact been recycled. No recyclable materials collected shall be disposed of on land or through transformation without the prior written consent of the city. Said consent shall not be unreasonably withheld by city.

7. Public Education.

- a. At such time a recycling container is distributed, each permittee shall mail an informational brochure describing the recycling program, listing in detail all types of recyclable materials that will be collected and how they are to be prepared, days of collection and other pertinent information.
- b. Said brochure shall be submitted to city for approval twenty (20) days after the renewal of permit. Each permittee shall submit a draft of its brochure to city staff for review and comment. Upon receipt of approval of the brochure by city, permittee shall proceed to mail brochure to all multi-family customers served by the permittee as described above at the permittees sole expense.
- c. Permittees shall mail two billing inserts to all commercial, industrial, and institutional premises annually promoting a subject matter to be approved by the city's solid waste representative. Sixty (60) days prior to mailing the insert, each permittee shall submit a draft to the city for review and comment. Upon receipt of approval of the

insert by city, the permittees shall proceed to mail the insert to all multi-family residents served by permittee at the permittees sole expense.

#### 8. General Requirements

Commingling of organics with other forms of solid waste prohibited; no person may place or cause to be placed for collection organic material in any container designated for the collection of any other form of solid waste. Each multifamily residential complex property owner shall be responsible for ensuring and demonstrating its compliance with the following requirements:

- i. Provide recyclables containers for recyclables in multifamily residential complex rental units and in maintenance and work areas where recyclables may be collected and/or stored.
- ii. Prominently post and maintain one or more signs where recyclables and/or organics are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.
- iii. Notify and instruct employees and tenants of applicable source separation requirements, including a list of recyclables and/or organics that are required to be source separated for recycling. A copy of such instructions shall be provided to the City Manager, upon request.
- iv. Ensure that recyclables and/or organics generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this chapter.
- v. The self-haul form or other documents pertaining to this chapter, shall be available for inspection by the City Manager at the principal location of the covered generator during normal business hours.
- vi. No solid waste collector shall be held liable for the failure of its customers to comply with such regulations.
- vii. No organic material generator shall be liable for the failure of their waste hauler to deliver designated recyclables or designated organic materials to a recycling or processing facility.
- viii. It shall be the responsibility of the business or Multifamily residential complex property owner whose garbage was not removed because it

contained recyclables or organics to properly separate recyclables or organics from the uncollected garbage for proper recycling. Allowing such unseparated garbage to accumulate will be considered a violation of this chapter.

E. Commercial, Industrial and Institutional Recycling.

1. Collection.

Permittees shall provide a recycling program to each commercial business, industrial business and institution where permittee provides municipal solid waste collection services. The commercial, industrial and institutional recycling programs shall include all of the features described herein. Permittees shall collect and remove designated recyclable materials, which are segregated and placed in separate bins, from all businesses located in the city which elect to participate in permittee's recycling program. All service recipients shall be automatically enrolled in garbage, recycling, and organics service, and shall sort recycling and organics and place it in the appropriate container unless service recipient has an approved waiver.

2. Recyclable Materials.

Permittees shall offer commercial, industrial and institutional recycling programs that include the following recyclable materials: newspaper, glass, metal and tin cans, plastic containers (numbers #1- #7), magazines, catalogs, junk mail, and cardboard. Permittee and the customer may mutually agree to add other materials to the recycling program.

3. Time of Collection.

Permittees shall collect the recyclable materials on a regular basis, no less frequently than the time required to fill the bin or dumpster and at least weekly for crates or boxes.

Permittees shall collect the recyclable materials regardless of weather conditions.

4. Missed Pickups.

In case of a missed pickup or full bin or dumpster called in by a business, industry or institution, permittees shall collect the recyclable materials from such business, industry, institution within twenty-four (24) hours. All calls relating to missed or extra pickups shall be logged in by permittees and such log shall be available for inspection by the city upon reasonable notice.

5. Recycling Containers.

Permittees shall provide suitable sized bins to store recyclable materials generated at commercial premises. At permittee's option, permittee shall provide either a commingled bin for all recyclable materials, or separate bins for fiber and for commingled glass, cans and plastics. At permittee's option, permittee may provide separate bins for each type of material (e.g., glass, plastic, metals). For small businesses permittees may provide one or more

wheeled carts or one or more stacking crates for storage of recyclable materials. Permittees shall paint the bins, crates or wheeled carts for storage of recyclable materials a different color than the municipal solid waste bins and shall clearly label the bins, crates and carts that they are for storage of "Recyclable Materials Only" with the type of material listed on the bin, crate or cart. Bin, crate and cart color, placement and signage shall be subject to customer approval. Permittee shall, upon customer request, provide suitable storage containers for recyclable materials inside commercial, industrial and institutional facilities. Said containers may include plastic or metal boxes, cartons, cans or other aesthetically pleasing containers that meet with customer approval and conform to the city Fire Code.

6. Sale or Disposition of recyclable materials

Permittees shall process, segregate, prepare for market, transport and deliver the collected recyclable materials to a purchaser, a licensed, permitted or certified material recovery facility, or a person who will use the materials in a process or product and who will not landfill the recyclable materials. Permittees shall obtain a certificate of purchase or end use, establishing that the materials delivered have in fact been recycled. No recyclable materials collected shall be disposed of on land or through transformation without the prior written consent of the city. Such consent shall not be unreasonably withheld by the city.

7. Fee to Be Charged.

Permittees may establish a fee to be charged to businesses for the recycling programs. The fee to be charged must be less than the fee charged by permittee for collection of municipal solid waste from a similar sized container. For example, permittee must charge less for providing a three cubic yard bin for collection of cardboard and for emptying the bin and recycling the cardboard, than permittee would charge for providing a three cubic yard bin for municipal solid waste and for collection and disposing of the municipal solid waste. Permittee shall submit to the city a schedule of rates and charges for commercial, industrial, institutional and multi-family recycling programs annually on a date specified by the city and shall provide periodic updates to the schedule of rates and charges at the request of the city.

8. Public Education.

- a. At such time a recycling container is distributed, each permittee shall mail an informational brochure describing the recycling program, listing in detail all types of recyclable materials that will be collected and how they are to be prepared, days of collection and other pertinent information.
- b. Said brochure shall be submitted to city for approval twenty (20) days after the renewal of permit. Each permittee shall submit a draft of its brochure to city staff for review and comment. Upon receipt of approval of the brochure by city, permittee shall proceed to mail

brochure to all commercial, industrial and institutional customers served by the permittee as described above at the permittees sole expense.

- c. Permittees shall mail two billing inserts to all commercial, industrial, and institutional premises annually promoting a subject matter to be approved by the city's solid waste representative. Sixty (60) days prior to mailing the insert, each permittee shall submit a draft to the city for review and comment. Upon receipt of approval of the insert by city, the permittees shall proceed to mail the insert to all commercial, industrial, and institutional customers served by permittee at the permittees sole expense.

#### 9. General Requirements.

Commingling of organics with other forms of solid waste prohibited; no person may place or cause to be placed for collection organic material in any container designated for the collection of any other form of solid waste. Each commercial premise and multifamily residential complex property owner shall be responsible for ensuring and demonstrating its compliance with the following requirements: Provide recyclables containers for recyclables in multifamily residential complex rental units and in maintenance and work areas where recyclables may be collected and/or stored.

- i. Prominently post and maintain one or more signs where recyclables and/or organics are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.
- ii. Notify and instruct employees and tenants of applicable source separation requirements, including a list of recyclables and/or organics that are required to be source separated for recycling. A copy of such instructions shall be provided to the City Manager, upon request.
- iii. Ensure that recyclables and/or organics generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this chapter.
- iv. The self-haul form or other documents pertaining to this chapter, shall be available for inspection by the City Manager at the principal location of the covered generator during normal business hours.
- v. No solid waste collector shall be held liable for the failure of its customers to comply with such regulations.



- vi. No organic material generator shall be liable for the failure of their waste hauler to deliver designated recyclables or designated organic materials to a recycling or processing facility.
- vii. It shall be the responsibility of the business or Multifamily residential complex property owner whose garbage was not removed because it contained recyclables or organics to properly separate recyclables or organics from the uncollected garbage for proper recycling. Allowing such unseparated garbage to accumulate will be considered a violation of this chapter.

#### 9. Waivers from Requirement for Solid Waste Service.

Owners, occupants or persons in possession, charge or control of dwellings, buildings, places and premises in the City in and from which it is claimed that no garbage, recyclables or organic material is created, accumulated or produced so as to require collection services, or that other methods of solid waste, recyclables or organic material collection, processing or disposal are available and will be provided may apply for a waiver from the provisions of this chapter by making application therefor to the City Manager. Commercial businesses requesting a de minimis waiver shall submit an application specifying the services that they are requesting a waiver from and provide documentation that either:

- a. The commercial business's total solid waste collection service is two cubic yards or more per week and organics subject to collection in a recycling containers or organics containers comprises less than 20 gallons per week per applicable container of the business' total waste; or,
- b. The commercial business's total solid waste collection service is less than two cubic yards per week and organics subject to collection in a recycling containers or organics containers comprises less than 10 gallons per week per applicable container of the business' total waste.

Commercial businesses shall notify City if circumstances change such that commercial business' organics exceeds threshold required for waiver, in which case waiver will be rescinded.

Commercial businesses or property owners may request a physical space waiver through the following process:

- a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- b. Provide documentation that the premises lack adequate space for recycling containers and/or organics containers including documentation from the garbage collector, licensed architect, or licensed engineer.
- c. The City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three-container organics collection service to arrange for the collection of their recycling container, garbage container, or both once every fourteen days, rather than once per week.

Waivers shall apply for up to, but no longer than five (5) years, as determined by the City Manager

Upon receiving an application for a waiver, the City Manager shall cause an investigation to be made concerning the matters contained in the application and into such other matters, as the City Manager may deem appropriate. If after investigation the City Manager determines that the requirements listed in this Section are met, the City Manager may grant an exemption from the provisions of this chapter. If a waiver is granted, the City Manager shall notify the collector that a waiver has been granted. Said waiver may be revoked at any time thereafter if after subsequent investigation the City Manager determines that circumstances have changed and that garbage, recyclables, or organic material collection services are required.

The garbage collector is required to submit all waiver applications to the city for review which will be due on the 10th of each month for the previous reporting month. The garbage collector is required to maintain a list of any and all businesses and multifamily properties that the garbage collector is providing garbage collection services to but is not also providing recycling and organic collection services. The garbage collector shall provide such list to the city, which will be due on the 10th of each month for the previous reporting month and shall be current as of that date.

F. City Facility Recycling Program.

1. Collection.

At the request of the city, permittees shall collect and remove all recyclable materials which are segregated and placed in, or adjacent to, recycling storage containers at all city facilities listed herein.

2. City Recyclable Materials.

Recyclable materials to be collected by permittees from city facilities include glass, corrugated cardboard, metal and tin cans, plastic containers

(numbers #1-#7), newspaper, and mixed office paper (including white paper, computer paper, magazines, junk mail, file folders and "post it" notes).

3. Time of Collection.

Permittees shall collect the recyclable materials placed in a designated location for periodic collection regardless of weather conditions. Collections shall be made with sufficient frequency that recyclable materials do not overflow the storage containers.

4. Missed Pickups.

In case of a missed pickup or full container reported by city, permittees shall collect the recyclable materials from the city facility within twenty-four (24) hours. All calls relating to missed or extra pickups shall be logged in by permittees and such log shall be available for inspection by city upon reasonable notice.

5. Recycling Storage Containers.

Permittees shall provide suitable sized bins to store recyclable materials generated at city facilities. Separate bins shall be provided for fiber and for commingled glass, cans and plastics. At permittees' option, permittees may provide separate bins for each type of material (e.g., glass, plastic, metals). Permittees shall paint the bins for storage of recyclable materials a different color than the refuse bins and shall clearly label the bins that they are for storage of "Recyclable Materials Only" with the type of material listed on the bin. Bin color, placement and signage shall be subject to city approval. Permittees shall, upon city request, provide suitable storage containers for recyclable materials inside city facilities. Said containers may include plastic or metal boxes, cartons, cans or other aesthetically pleasing containers that meet with city approval and conform to the Fire Code.

G. Residential Green Waste Collection and Recycling Program.

1. Green Waste Program.

All permittees that provide municipal solid waste collection service to one or more residences in city shall provide an automated or semi-automated green waste collection and recycling program as described herein. Automated or semi-automated green waste collection services shall be provided to all single family, duplex, triplex and fourplex residences in city from which permittee collects municipal solid waste. Permittee shall provide each residence with one or more ninety-six (96) gallon wheeled carts for green waste storage. Permittees shall provide all labor and equipment required to conduct the automated or semi-automated green waste collection and recycling program. Permittees may collect all green waste at curbside unless backyard or side yard service is requested by a resident. In the event backyard or side yard service is requested, permittees may charge an appropriate additional charge for the additional service. Permittee shall make every effort to complete collection within two hours per residential premises.

2. Public Education Program.

- a. Accompanying the distribution of containers shall be a public education brochure, approved by city, which describes the curbside green waste program, the days of collection, materials accepted, the requirements of the act and the need to conserve natural resources through recycling.
- b. Permittee shall mail one public education brochure to all residents of single family homes, duplexes, triplexes, and fourplexes annually on or before April 1, thanking residents for participation in the curbside recycling program, listing the pounds and tons of recyclable materials recycled in the prior year, and urging residents to continue to participate in the curbside recycling program. Sixty (60) days prior to mailing the brochure, each permittee shall submit a draft of its brochure to city staff for review and comment. Upon receipt of approval of the brochure by city, permittee shall proceed to mail brochure to all residents served by permittee as described above at the permittees sole expense.

3. Replacement of Lost, Damaged or Stolen Carts.

Permittees shall provide residents who report damaged wheeled carts with a replacement cart within seventy-two (72) hours of resident's request. Permittees shall also provide wheeled carts to all new residents that move into city or change residences within city that subscribe to municipal solid waste collection service from permittees. Permittees shall maintain complete and accurate records of all wheeled carts delivered to new residents and to residents reporting lost, stolen or damaged carts and shall submit a report to city by the tenth (10th) day of each quarter, beginning in March 1999, listing the number of carts so provided.

4. Automated or Semi-Automated Collection Vehicles.

Permittees shall utilize either automated refuse collection vehicles fitted with a mechanical "arm" or semi-automated collection vehicles fitted with a "tipper." Said vehicles shall be suitable in size and design to perform automated or semi-automated green waste collection services. Permittees shall operate said trucks in a safe and efficient manner so as to minimize the blowing or spilling of green waste during the collection process. If green waste is spilled or blown by the wind, permittees shall make all reasonable efforts to clean up and collect all spilled and blown green waste.

5. Recycling of Green Waste.

All green waste collected by permittees shall be delivered to a facility for recycling, mulching, composting or use as alternative daily cover (as defined in state regulations). If it becomes known that the green waste processing facility utilized by one or more permittees is not recycling, mulching or composting the green waste collected in city, or is out of compliance with local, state or federal operating permits, laws or regulations, or is processing and/or using green waste in such a way that the green waste collected from within city will not count as municipal solid

waste diverted for purposes of AB 939, and any other applicable state or federal law, city reserves the right to direct permittees to deliver the green waste to another processing facility.

H. Collection of Holiday Greenery.

1. Curbside Collection.

Permittees shall collect Christmas trees and other holiday greenery on regular municipal solid waste collection days during the period immediately following December 25 for a period not to exceed fifteen (15) collection days. The specific dates for the program shall be as specified annually by the city. Permittees shall instruct residents to remove tinsel, lights and ornaments. Flocked trees shall be collected and handled by permittees as municipal solid waste. Greenery must be placed at regular refuse collection points (curbside or back or side yard) by seven a.m. on refuse collection day. The greenery collected by permittees shall be mulched, chipped or composted and recycled or reused. On or before November 1 each year, permittees shall notify city in writing of the recycling or composting or mulching facility where the holiday greenery will be delivered for composting, mulching, chipping and recycling or reuse. City reserves the right to direct permittees to use another composting, mulching or chipping facility in the event it becomes known that the green waste processing facility proposed or utilized by permittees is not recycling, mulching or composting the green waste collected in city, or is out of compliance with local, state or federal operating permits, laws or regulations, or is processing and/or using green waste in such a way that the green waste collected from within city will not count as municipal solid waste diverted for purposes of AB 939, and any other applicable state or federal law.

At the request of city, permittees shall provide weekly collection of holiday greenery from multi-family residential complexes where the complex owners and management so request and where space is available for storage of holiday greenery.

2. Publicity.

Permittees shall prepare a flyer, brochure or postcard informing residents of the holiday greenery collection and instructing residents concerning preparation of Christmas trees for set out. Permittees shall obtain city approval of the flyer, brochure or postcard and shall direct mail same to all residents in city on or before December 15 of each year. Permittees shall also provide copies of a flyer containing similar information, approved by city, at up to five Christmas tree stands or stores selling Christmas trees within city. Permittees shall make a courteous request to retailers that the flyers be given to residents and businesses purchasing Christmas trees.

3. Reporting.

Permittees shall list the pounds/tons of holiday greenery collected at curbside in their regular quarterly report on recycling programs submitted to the city. Said report shall also include a copy of the weight ticket(s) from

the recycling, mulching or wood chipping operation where the holiday greenery was recycled or reused.

I. Special Event Recycling Programs.

1. Recycling Program.

Periodically the city may require, or special event coordinators or sponsors may desire, to implement a recycling program to divert municipal solid waste generated at special events from the landfill. Special events may include concerts, building dedications, conferences, trade shows, conventions, cultural events and the like. At the request of city, permittees shall assist the special event coordinator(s) in designing and implementing a recycling program for their special event. Reimbursement to permittees shall be agreed upon by city and the permit applicant prior to permittees commencing work on design and implementation of said special event recycling program.

J. Public Education for Household Hazardous Waste Program.

1. Household Hazardous Waste Collection Events.

Permittees shall publicize Calabasas household hazardous waste collection events at least once per year through one of the following methods: (1) notices on customer's bill or an insert stuffed in envelope with bill; (2) press releases and public service announcements; (3) submitting an article for inclusion in city's newsletter; and (4) distribution of informational flyers to the general public at appropriate events and through the mail. The method of publicity shall be selected by each permittee and approved by city.

2. Calabasas "ABOP" Disposal Centers.

Permittees shall publicize each public disposal center for antifreeze, batteries, motor oil and latex/water-based paint in the Calabasas area one time per year through one of the following methods: (1) insert stuffed in envelope with customer's bill; (2) press releases and public service announcements; (3) submitting an article for inclusion in the city's newsletter; (4) distribution of informational flyers to the general public at appropriate events and through the mail. The method of publicity shall be selected by each permittee and approved by city.

K. Electronic Waste Recycling Collection.

Permittees shall collect, transport and recycle electronic waste generated at residential, commercial, industrial and institutional premises located within and under the jurisdiction of the city. Permittees shall furnish all labor, supervision, equipment, materials, supplies and all other items necessary to perform electronic waste collection in a thorough, workmanlike and efficient manner to the reasonable satisfaction of the city, so that residents, businesses and institutions within the city are provided reliable, courteous and high quality collection and recycling services at all times.

1. Sale or Disposition of Recyclable Materials

Permittees shall process, segregate, prepare for market, transport and deliver the collected electronic waste to a purchaser, a licensed, permitted or certified material recovery facility, or a person who will use the materials in a process or product and who will not landfill the electronic waste. Permittees shall obtain a certificate of purchase or end use, establishing that the materials delivered have in fact been recycled. No electronic waste collected shall be disposed of on land or through transformation without the prior written consent of the city. Such consent shall not be unreasonably withheld by the city.

2. Fees to Be Charged.

Permittees may establish a fee to be charged for the collection of electronic waste. The prices charged by permittee shall not exceed those established by the city council pursuant to this chapter.

L. Advisory Obligations of Permittees.

Permittees shall provide, at no cost, technical assistance and supportive services to the city, and to residential, commercial, industrial and institutional premises occupied by waste generators and potential waste generators or their agents by providing the following services upon request:

1. General consulting services on integrated waste management issues and concerns. Examples are, but not by way of limitation, preparing a position paper on a municipal solid waste issue, providing a legal opinion or policy recommendation on a focused concern or reviewing and commenting on proposed legislation or state regulations and their impact on Calabasas.
2. Technical assistance services, such as the review of site plans, detailed drawings of enclosures for municipal solid waste containers and estimated volume and characterization of waste expected to be generated on a case-by-case basis, as may be required by the Municipal Code or conditions of approval for issuance of a development plan or building permit. Field trips to review subject property may be required to fulfill permittees' obligations.
3. Attendance of qualified, knowledgeable employees at meetings of the city council, city planning commission, city staff, the environmental standards commission, the AB 939 local task force, etc. Such attendance shall be coordinated between city and permittees.

M. Edible Food Recovery Required

Tier One One commercial edible food generators shall comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2022. Tier Two commercial edible food generators shall comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2024.

A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the

large venue or large event to comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations.

Commercial edible food generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of edible food for human consumption that would otherwise be disposed or diverted.
2. Contract with or enter into a written agreement with food recovery organizations for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization.
4. Commercial edible food generators and food recovery organizations shall maintain a record acceptable to City Manager and in compliance with applicable law.
5. Keep records that include the information as otherwise specified in 14 CCR Section 18991.4.

Food recovery organizations shall comply with the following requirements:

1. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the records as specified by 14 CCR Section 18991.5(a)(1) and (2)
2. Food recovery organizations that have their primary address physically located in the Jurisdiction and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the Jurisdiction it is located in the total pounds of edible food recovered in the previous calendar year from the Tier One and Tier Two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than July 1, 2022.

In order to support edible food recovery capacity planning assessments or other studies, food recovery organizations operating in the city shall provide information and consultation to the city, upon request.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.510 Inspection by city.**

The city or the city's agent shall have the right, to observe and inspect all of the permittee's operations involved in providing services within city. The city may enter permittee's facilities, speak to any of permittee's employees and receive a response to any inquiries directed to such employees, and review and make copies of (at city's expense) all of permittee's operational records related to services provided in city. If city so requests, permittee shall make specified personnel available to accompany city employees on inspections.



---

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.520 AB 939 requirements.**

Permittees shall, at city request and at permittee's sole cost and expense:

- A. Assist city in responding to inquiries from the board;
- B. Assist city in preparing for, and participating in, the board's biannual and biennial reviews of the city's source reduction and recycling element pursuant to Public Resources Code Section 41825;
- C. Assist city in applying for an extension under Public Resources Code Section 41820, if so directed by city; and
- D. Assist city in any hearing conducted by the board, which may culminate in issuance of a compliance order, held under Public Resources Code Section 41825.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.530 Collection from city facilities and city cleanup.**

**A. Regular Disposal Service.**

At city request permittees shall provide collection services, at no charge to the city, for refuse containers on all city-owned property and at those locations designated by the city at which city-sponsored events are held. The collections shall be made at a frequency acceptable to the city.

The locations at which such collections are to be made include, but are not limited to, the following:

1. City hall and city corporation yard;
2. All city operated parks;
3. The tennis and swim center;
4. All city bus stops; and
5. As additional city facilities are developed, acquired or expanded, collection services may be requested by city and shall be provided by permittees at no charge to the city.

**B. Annual City Cleanups.**

At the request of city, permittees shall provide annual city-wide cleanup events wherein residents (non-commercial) place out by appointment, or take to central collection points for collection, unlimited quantities of non-hazardous waste including tree and yard trimmings, bulky items, cleanout items, etc. Permittees shall cooperate with city in establishing dates and times for said cleanup events.

**C. Disaster Debris Cleanup.**

At the request of the city, each permittee (with input from city's representative) shall provide city with information to be used in the event of a natural disaster such as an earthquake, flood, mudslide, fire, or other natural disaster. The information to be submitted to city is as follows:

1. Describe a plan for radio, cellular telephone, ham radio, and other methods of communication for use immediately after the disaster to coordinate the cleanup.

- 
2. List key permittee contact persons, telephone numbers, and other information necessary for communications after a disaster.
  3. Provide maps showing proposed sites for stockpiling disaster debris that cannot immediately be transported to a landfill or to a material recovery facility.
  4. Provide a list of a minimum of three vendors that would be available to receive and recycle disaster debris in the event of an earthquake or other natural disaster.
  5. Describe a plan to recycle the most material possible listing different types of materials and methods of recycling.

In the event of a natural disaster, permittees shall cooperate with city staff, city and county emergency preparedness personnel, local law enforcement personnel, and federal and state emergency personnel in the cleanup of disaster debris. Permittees shall provide to city any and all records of permittee's disaster debris cleanup operations including costs, person hours worked, location of disaster debris, debris recycling efforts, and any other information requested by city.

**D. Special Cleanups.**

Permittees shall provide roll-off bin service and operational assistance free of charge, excluding disposal fees, when the city participates in a regional cleanup (such as the streambed cleanup), in response to illegal dumping, or for large special events. Such assistance shall include up to ten (10) roll off trips annually and may be part of a single cleanup or special event or multiple cleanup or special events. Additional roll off trips may be requested by city and a cost for such additional work shall be negotiated between city and selected permittee(s).

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.540 Air quality – Alternative fuel vehicles.**

The city has a long-term goal of reducing automobile and truck emissions to the extent feasible with commercially available technology. Permittees shall monitor developments in pollution control technology and shall implement the use of alternative fuel vehicles if and when the cost effectiveness and technical viability of such vehicles occurs.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.550 Cooperation with subsequent providers.**

At the expiration of a permit term, or in the event of permit revocation, or in the event of award of one or more franchises by city, each permittee, at its own expense, shall cooperate fully with the city to ensure an orderly transition to any and all new service providers. Such cooperation shall include, but not be limited to, providing route maps, route lists, customer account lists and other similar information.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

#### **8.16.560 Mailing lists.**

Each permittee shall, upon city request, provide to city copies (electronically and hard copy) of its current mailing lists for all residential, commercial, industrial and institutional customers and accounts within city within ten (10) days of such request by city.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.570 Care of containers.**

No person shall throw containers or recycling containers from any vehicle to the ground, or in any other way break or damage or roughly handle such containers.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.580 Unauthorized use of containers.**

No person other than the permittee that provides collection services at the premises, or the owner or employee of the owner of the container, or the person upon whose premises such container is located, or a city employee, shall remove any material from a municipal solid waste or recyclable container.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.590 Tampering with containers.**

No person other than the owner or occupant of the premises where a container is located, or the permittee who provides collection services at the premises where the container is located, or a city employee on city business, shall tamper with, or remove any container or other equipment used for the storage of municipal solid waste or recyclable materials.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.600 Containers for garbage, market refuse and rendering waste.**

Any container to be placed for collection containing garbage, market refuse or rendering waste shall have a tightly fitting cover. Said cover shall be used at all times. All solid waste set out by generators on the street or other designated location for collection by the garbage collector shall be placed in covered containers. No container shall be loaded beyond its capacity. It shall be the responsible parties' responsibility to keep the containers used for the storage and collection solid waste 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 allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.610 Unauthorized setting out of containers.**

No person occupying, using or in charge of any premises shall set out or cause to be set out for collection during any week any municipal solid waste or recyclable materials not originating on the premises.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

### **8.16.620 Containers at residential premises.**

Permittees shall furnish all containers needed for municipal solid waste generated at residential premises. The number of containers furnished to individual residential waste generators shall be those determined to best meet the needs of the waste generator and shall be sufficient to contain, with the lid closed, all municipal solid waste generated between collections. Permittees shall offer a selection of solid waste container sizes to residential property owners and householders as set forth in a resolution of the city council. All containers used at any residential premise must meet applicable safety standards as outlined by the consumer product safety commission.

In the event a residential property owner or householder has generated municipal solid waste not susceptible to placement in a wheeled cart, or an excess quantity of municipal solid waste that will not fit in the normal storage container, said residential property owner or householder shall contact the permittee and request special solid waste collection service for the extra solid waste. Said solid waste may be placed for collection at the same place and time as the wheeled cart if it is securely tied in bundles not heavier than is permitted by CAL-OSHA, not more than four feet in length, nor more than eighteen (18) inches in diameter. Wooden boxes, crates, pallets, or cardboard boxes are to be broken down and stacked neatly at the residence's municipal solid waste collection point. No cardboard box or paper bag may be used as a container for municipal solid waste.

Permittees may charge a special fee, over and above the standard monthly charge, for the collection of additional municipal solid waste generated by a residential property owner or householder. The city council may establish a maximum rate to be charged for collection of such excess residential municipal solid waste. (Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

### **8.16.630 Accumulation of municipal solid waste prohibited.**

It shall be unlawful for any person owning, managing or having the control of any premises or vacant lot or any person occupying a dwelling within the city to permit the accumulation of municipal solid waste and/or recyclable materials to become or remain offensive, unsightly, or unsafe to the public health and safety or hazardous from fire, or to deposit, keep or accumulate, or permit or cause any municipal solid waste and/or recyclable materials to be deposited, kept, or accumulated upon any property, lot or parcel of land, or any public or private place, street, lane, alley or driveway, except as provided in this chapter. No person occupying, owning or in control of any premises shall permit municipal solid waste and/or recyclable materials to accumulate, or to blow about in a manner which creates an unsightly appearance, safety or a health hazard. It shall be unlawful for any person to dispose of their municipal solid waste into containers at locations other than those that may be located upon their property which they own, lease, rent, or at their own place of business.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

---

#### **8.16.640 Placement of containers at residential premises.**

In the case of residential premises, wheeled carts, recycling containers and bundles shall be stored in the garage, side yard, or rear yard prior to the time designated for collection. On the appropriate day, the wheeled carts, recycling containers and bundles shall be placed for collection on the curb in front of the premises or on the curb at the side of the premises where the premises are adjacent to more than one street as close to the curb line or edge of roadway as practicable. When the premises are adjacent to a paved alley of sufficient width to allow safe passage of collection vehicles, the wheeled carts, recycling containers and bundles may, upon approval of the manager, be placed within two feet of the rear of the property line of the premises and must be readily accessible for collection from the alley. Permittees and the homeowner may agree, for an additional fee, or the manager may require under unique circumstances, for collection to be made from another location on the premises.

Permittees shall return all wheeled carts and recycling containers in an upright position to the approximate location where found by permittee and without any unnecessary noise or wear and tear or damage to said receptacles.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.650 Residential municipal solid waste containers and recycling containers— Time of placement.**

No residential householder shall place or permit to be placed any municipal solid waste, recyclable material, recycling container, wheeled cart or municipal solid waste container at the place of collection at the residential premises before five-thirty p.m. of the day preceding the scheduled collection. No wheeled cart or recycling container may be left at the place of collection after eight p.m. on the day of collection.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.660 Containers—Commercial and industrial.**

Permittees shall provide commercial, industrial and institutional customers with municipal solid waste storage containers that are metal and leak proof. Bins (1 through 6 cubic yards capacity) furnished by permittees shall be constructed with plastic lids that are in good repair and capable of being closed, with all hinges attached and operable. All containers used at commercial, industrial and institutional premises must meet applicable safety standards as outlined by the consumer product safety commission. Permittees shall provide locking bins upon customer request. Containers shall be painted and repainted as required to maintain the attractive appearance of the community. All municipal solid waste storage containers, bins and roll off boxes shall have permittee's name or firm name and telephone number painted in a contrasting color to the container color, in legible letters and numerals no less than one inch in height. Containers that have been painted or marked with graffiti shall be repainted or removed from the premises by permittees within twenty-four (24) hours of notification by the customer or city. At the same time as such

---

containers are removed, they shall be replaced by like-sized containers without evidence of graffiti at no charge to the customer. Permittees shall clean and maintain all containers in a safe and sanitary condition and whenever the city determines that cleaning is required to abate a health concern or nuisance condition.  
(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.670 Exclusion of owners of residential property.**

- A. No provision of this chapter shall prevent owners of residential property from collecting, transporting and disposing of occasional loads of municipal solid waste generated in or on their property, or from composting green waste and food waste, or from selling or disposing of recyclable materials generated there; provided, however, that no such owner shall employ or engage any unauthorized solid waste enterprise. There is hereby established a rebuttable presumption that an owner of residential property employs an unauthorized hauler whenever he uses a container of over ninety-six-gallons to collect, transport, or dispose of occasional loads of municipal solid waste generated in or on his property. An owner may rebut this presumption by providing the city with written evidence (e.g., sales receipt) that he or she owns the container.
- B. No provision of this chapter shall prevent residential householders or groups or associations of householders from contracting for hauling, disposal, and/or composting of lawn clippings, branches, leaves and similar material generated by gardening or landscaping services which are transported by a gardening, landscaping or composting company performing such service as an incidental part of such service and not as a solid waste enterprise.
- C. Self-haulers shall source separate all recyclables and organics (materials that the city otherwise requires generators to separate for collection in the city's organics and recycling collection program) generated on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2. Self-haulers shall haul their recyclables to a facility that recovers those materials; and haul their organics to a solid waste facility, operation, activity, or property that processes or recovers organics.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

(Ord. No. 2009-266, § 3, 10-28-2009)

**8.16.680 Commercial industrial and institutional exclusion.**

- A. Source Separated Recyclable Materials.
  - 1. No provision of this chapter shall prevent a commercial, industrial or institutional business owner from selling or donating any source separated recyclable materials, including without limitation, any saleable scrap, discard, reject, by-product, ferrous or non-ferrous metal, plastic, glass, wood, fiber, worn-out or defective part, pallet, packaging material, paper or similar item generated in, on or by a commercial, industrial or institutional premises or business. Provided, however, that no such materials are transported to a landfill or transfer station (as defined in Public Resources

---

Code Section 40200) for disposition. Source separated recyclable materials within the meaning of this section shall mean recyclable materials separated on the commercial, industrial or institution premises from municipal solid waste for the purpose of donation or sale.

2. No provision of this chapter shall prevent a recycle, junk dealer, non-profit organization or other enterprise engaged in the business of accepting, buying or marketing recyclable materials in the stream of commerce from accepting free of charge or buying recyclable materials including, without limitation, materials mentioned in this subsection A provided such materials are not deposited in a landfill or at a transfer station (as defined in Public Resources Code Section 40200); nor shall any provisions of this chapter prevent such recycler, junk dealer, non-profit organization or enterprise who accepts or buys such materials from removing and transporting such materials to a destination for processing and/or marketing in the stream of commerce. No such recycler, junk dealer, non-profit organization or enterprise shall accept, buy or transport such material without prior authorization from the city, whether in the form of a permit or a franchise agreement.
3. Self-haulers that are commercial businesses (including MFD) shall keep a record of the amount of organics delivered to each solid waste facility, operation, activity, or property that processes or recovers organics; this record shall be subject to inspection by the jurisdiction. The records shall include the following information:
  - a. Delivery receipts and weight tickets from the entity accepting the waste.
  - b. The amount of material in cubic yards or tons transported by the generator to each entity. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organics.

**B. Renovation, Rebuilding, Repairs.**

No provisions of this chapter shall prevent a commercial, industrial or institutional business owner from arranging for any used, worn, spent, defective, or other part of equipment used in such commercial, industrial or institutional business and requiring renovation, rebuilding, recharging, regeneration, reuse or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and either returned to such commercial, industrial or institutional business owner or donated or sold to a person, business, organization for use; nor shall any provision of this chapter prevent any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring, repairing or reusing such part or equipment from transporting same from a commercial, industrial, or institutional business or to another person, business or organization for use. No provision of this

---

chapter shall prevent the removal, transporting or disposing of any part or equipment replaced as part of a repair or equipment service contract.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.690 General exclusions.**

No provisions of this chapter shall prevent the collection or disposal of solid waste by other than permittees or franchisees in the following instances:

- A. Municipal solid waste which is collected by city employees from city property and rights of way;
- B. Debris caused by an earthquake or other disaster when assistance of other persons is deemed necessary by the city;
- C. Materials which are not municipal solid waste (e.g., untreated medical waste);
- D. Municipal solid waste generated by governmental entities, which may, by law, make independent arrangements for collection and disposal of municipal solid waste.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

#### **8.16.695 Unauthorized container and collections prohibited.**

- A. No solid waste enterprise, other than a permittee or franchisee acting within the scope of a permit or franchise, shall deposit, place, or leave any container on any private or public property within the city. Except as authorized by this chapter, no owner or property owner shall allow the placement of, or maintain, an unauthorized container on his, her or its property.
- B. Violators of subsection A. of this section incur criminal and civil liability even if they voluntarily remove an unauthorized container from the city before the issuance of a notice of violation or within the period requested in a notice of violation served under this section.
- C. Pursuant to California Government Code Section 38771, the city council hereby declares a violation of subsection A. of this section to be a public nuisance.
- D. Any container deposited, placed, or left in violation of this section, and its contents, may be removed, impounded, disposed of, or destroyed in the manner set forth herein.
- E. 1. Notwithstanding any other nuisance abatement procedures in this Code, if an enforcement officer identifies a violation of subsection A. of this section, he or she may issue a notice of violation to a container owner and, if applicable, to an owner of property requiring the removal of the unauthorized container from the city within twenty-four (24) hours of the service of notice.
  - 2. A notice of violation shall contain:
    - a. The location of the unauthorized container;
    - b. A brief description of the violation and a reference to this section;
    - c. The time and date of discovery of the violation;
    - d. The time and date of the posting of the notice;
    - e. The expiration date and time of the twenty-four-hour removal period;



- f. A statement that if the unauthorized container is not removed by the expiration of the twenty-four-hour voluntary removal period, the city may remove the unauthorized container to a city designated impound facility for the duration of the impound period. This statement shall include the address and telephone number of that facility;
  - g. A statement that any impounded container along with its contents will be deemed abandoned unless, before the expiration of the impound period, the container owner provides proof of ownership of the container, retrieves it from the impound facility at his, her or its expense and pays the enforcement costs;
  - h. A statement that any container and its contents, if not retrieved before the expiration of the impound period, will be disposed of or destroyed without regard to actual or salvage value;
  - i. The time by and manner in which a container owner or owner may contest the notice;
  - j. A statement that no person shall deposit any municipal solid waste in an unauthorized container; and,
  - k. Any other information that the city manager deems necessary or appropriate.
3. The city shall serve the notice of violation as follows:
- a. Container owner.
    - i. Posted Notice. If an unauthorized container is located entirely on public property, the city shall serve the container owner alone by posting a copy of the notice of violation on the unauthorized container. If an unauthorized container is located entirely or partly on private property, an enforcement officer shall serve the container owner by posting a copy of the notice of violation on that portion of the container located on public property and shall also serve the property owner in the manner set forth in subsection E.3.b. of this section. If an unauthorized container is exclusively on private property, an enforcement officer may post a copy of the notice of violation on that container if consent to inspect it was obtained from a property owner. If the city cannot obtain this consent, a notice of violation may also be posted on an unauthorized container upon execution of an inspection warrant. A notice of violation shall be deemed served on the date and time it is posted on a container.
    - ii. Mailed Notice. Notwithstanding subsection E.3.a.i. of this section, the city may serve a notice of violation on a container owner by first class mail when a container is entirely located on private property; provided, an enforcement officer can identify the container owner from adjoining public or private property. A mailed notice of violation shall be served when mailed.
  - b. Property owner. If a container is located entirely or partly on private property, an enforcement officer may request the owner's consent to

inspect the container. If an enforcement officer cannot obtain this consent, the city shall obtain an appropriate warrant to enter the property and inspect the container. Upon confirming a violation of this section, an enforcement officer shall serve the property owner with a copy of the notice of violation by personal delivery or by mail to the property owner at the address shown on the Los Angeles County Assessor's last equalized assessment roll. Notice shall be deemed served when mailed.

4. The twenty-four hour voluntary removal period starts when the notice of violation is served in the manner authorized in subsection E.3. of this section. Failure of the container owner or property to receive a notice shall not toll or extend that period, or invalidate any action or proceeding pursuant to this section.
- F. If an unauthorized container poses an immediate threat to the public health, welfare, or safety, an enforcement officer may impound it without the notice otherwise required by this section. The enforcement officer shall attempt to provide notice of the removal and impoundment to the container owner and the property owner if their identity and address is actually known to the city. A notice of violation issued under this subsection shall contain all applicable information required under subsection E. of this section other than a time and date by which to remove the unauthorized container.
- G. Upon notice and expiration of the time set forth in a notice of violation, an enforcement officer may impound unauthorized container, unless the container owner or owner timely appeals pursuant to paragraph J. of this section.
- H. 1. If an unauthorized container is located entirely or partly on private property, an enforcement officer shall seek the consent of the property owner prior to entering the property or impounding the container. If the enforcement officer cannot secure this consent, he or she shall obtain an appropriate warrant. The city's preparation and procurement of a warrant shall not toll the impound period.
2. No delay by the city in impounding an unauthorized container shall alter the duties of the container owner or property owner pursuant to a notice of violation, or otherwise under this section or other applicable law.
- I. Whether the city impounds an unauthorized container pursuant to subsections F. or G. of this section, the container owner and the property owner shall be jointly and severally liable for the payment of the enforcement costs to the city with respect to that unauthorized container.
- J. 1. Any container owner or property owner may submit a written appeal of a notice of violation to the city clerk within twenty-four (24) hours of the service of the notice. The appeal shall state its grounds and be accompanied by any filing fee established from time to time by resolution of the city council. Failure of the city clerk to receive a timely request for an appeal and a filing fee constitutes a waiver of the right to appeal and the city may impound an unauthorized container for the duration of the impound period. If an unauthorized container is located

entirely or partly on private property, the city may impound it only as set forth in paragraph H. of this section.

2. The city may not release an impounded container until the container owner pays the enforcement costs and provides reasonable proof that the person seeking release of the container is the container owner or an authorized agent of the container owner. The container owner shall pay the enforcement costs by cashier's check or money order. If no such payment and proof of ownership is received by the city, the city may dispose of, or destroy, the unauthorized container and its contents without regard to their actual or salvage value after the latest of (i) the expiration of the impound period; (ii) ten (10) days after service of the written decision of the city manager pursuant to paragraph K. of this section; or (iii) expiration of any stay or other judicial order issued upon judicial review of the city manager's denial of an appeal. Notwithstanding the disposal and destruction of an unauthorized container and its contents, violators of this section remain jointly and severally liable for the city's enforcement costs, which sums constitute a debt that may be collected in any manner allowed by law.
- K. Within ten (10) days of the filing of an appeal, the city manager shall conduct a hearing on the appeal. Appeal hearings shall be informal and formal rules of evidence and procedure shall not apply. Within ten (10) days after conclusion of the hearing, the city manager shall provide a written decision to the appellant by first class mail. The decision of the city manager shall be a final decision of the city but shall be subject to judicial review as provided in California Code of Civil Procedure section 1094.5.
- L. If the city manager grants an appeal, the container shall not be removed or impounded unless later found in violation of this section. If the city manager denies the appeal the city shall only release the unauthorized container pursuant to subsection J.2. of this section.
- M. No person shall deposit any municipal solid waste within any container on which a notice has been posted pursuant to paragraph E. of this section.  
(Ord. No. 2009-266, § 4, 10-28-2009)

#### **8.16.700 Penalty for violation of chapter.**

It shall be unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, partnership or corporation violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of the provisions of this chapter is committed, continued or permitted by such person, firm partnership or corporation, and shall be deemed punishable therefor as provided in this chapter.

---

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.710 Civil remedies available.**

The violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of a restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

(Ord. 2004-192 § 1 (part), 2004: Ord. 98-134 § 2 (part), 1998)

**8.16.720 Remedies cumulative.**

The remedies specified in this chapter shall be cumulative and the city may resort to any other remedy available at law or in equity; and resorting to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

(Ord. No. 2009-266, § 5, 10-28-2009)

**SECTION 2.** Effective Date: this ordinance shall take effect on January 1, 2022.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of November 2021.

\_\_\_\_\_  
James R. Bozajian, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

\_\_\_\_\_  
Matthew T. Summers Colantuono,  
Highsmith Whatley, PC  
City Attorney