

Introduced by Council member _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.60 (SOLID WASTE) AND CHAPTER 8.61 (SOLID WASTE COLLECTION FRANCHISE SYSTEM) OF THE PASADENA MUNICIPAL CODE TO OPEN THE FRANCHISE SYSTEM TO COMPOSTING HAULERS, CORRECT OMISSIONS FROM THE ORIGINAL ORDINANCES, CLARIFY AND/OR ADD DEFINITIONS AND REQUIREMENTS FOR COMPOSTING, CONSTRUCTION AND DEMOLITION DEBRIS, AND OTHER HAULERS, AND TO ALLOW COMPOSTING ENTITIES TO COLLECT SPECIFIED MATERIAL FROM COMMERCIAL ENTITIES AND SINGLE FAMILY RESIDENCES.

SECTION 1. Ordinance No. _____, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

“Summary

“Ordinance No. _____ will amend Title 8 of the Pasadena Municipal Code in the following ways: Chapter 8.60 (Solid Waste) and Chapter 8.61 (Solid Waste Collection Franchise System) will be amended to open the Franchise System to composting haulers, clarify and/or add definitions and requirements for composting haulers, construction and demolition debris haulers, and other haulers, and to allow composting entities to collect specified material from commercial entities and single family residences.

Ordinance No. _____ shall take effect 30 days after publication.”

SECTION 2. Chapter 8.60, Section 8.60.020, Definitions – is amended to read as

follows:

“8.60.020 Definitions.

Words used in the present tense include the future; the singular number includes the plural and the plural the singular. For the purpose of this chapter, certain terms used herein are defined as follows:

A. "Bulky goods/items" means large and small household appliances, furniture, carpets, mattresses, white goods, oversized yard waste such as tree trunks and branches, if no larger than 3 inches in diameter and 3 feet in length, and similar large items discarded by customers that exceed either the size capacity or the weight limit of a regulation container. Bulky goods/items shall not exceed size or weight that can be moved by two (2) persons. The term “Bulky goods/items” does not include household hazardous waste and consumer electronics, such as televisions, radios, computers and monitors.

B. "City" means city of Pasadena.

C. "Collector" means any person who is authorized by the city to collect solid waste, make inspections and issue correction notices under this chapter.

D. "Commercial collection" means the regularly scheduled removal of commercial units' solid waste by the city or by a franchisee licensed pursuant to Chapter 8.61. ~~E. "Commercial solid waste" means solid waste generated by commercial units.~~

E. "Commercial solid waste" means solid waste generated by commercial units.

F. "Commercial unit" means nonresidential unit including but not limited to place of business, hotel, restaurant, industry, office building, shop, store, hospital, auto court and residential units containing 5 or more family residential units.

G. “Composting” means the process of collecting, grinding, mixing, piling and supplying sufficient moisture and air to organic materials to speed natural decay. Finished product of a composting operation is compost, a soil amendment suitable for incorporating into topsoil and for growing plants. Compost is different than mulch, which is a shredded or chipped

organic product placed on top of soil as a protective layer as described by Public Resources Code Section 40116 and/or CalRecycle.

G. H. "Contamination" means the deposit of anything other than a recyclable in a regulation container designated for recyclables, or anything other than yard waste in a regulation container designed for yard waste.

H. I. "Containers" means regulation container and fabricated metal **or plastic** container.

I. J. "Curbside collection" means the regularly scheduled collection of solid waste from regulation containers, as specified herein.

J. K. "Director" means the director of the Department of Public Works and is hereby designated as the administrator and enforcement official under Chapters 1.25 and 1.26 of this code.

K. L. "Disabled person" means any of the persons described in California Vehicle Code Sections 295.5 or 295.7 or any successor provision.

L. M. "Estate residential unit" means 1 family residential unit, as hereinafter defined, (including accessory buildings) located upon a parcel of land of an area of 20,000 square feet or more.

M. N. "Excluded material" means any material or combination of materials which is prohibited from disposal as municipal solid waste by federal, state or local statute, ordinance or regulation, including but not limited to any material which is defined or regulated as a hazardous material, toxic substance, hazardous chemical substance or mixture, medical waste, or asbestos under applicable law, as amended from time to time including, but not limited to: (1) the Resource Conservation and Recovery Act and the regulations contained in 40 CFR Parts 260-281, inclusive; (2) the Toxic Substances Control Act (15 U.S.C. Sections 2601, et seq.) and the regulations contained in 40 CFR Part 761-766, inclusive; (3) Sections 25117 and 25281 of the California Health and Safety Code; (4) Section 40141 of the California Public Resources Code; and (5) future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous material; and (6) radioactive materials which are source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954 (42 U.S.C. Sections 2011, et seq.) and the regulations contained in 10 CFR Part 40. **For purposes of this chapter, "excluded material" includes all those materials listed in Chapter 8.61 under the definition of "construction and demolition debris" as well as any other material that may damage removal equipment.**

~~N.O.~~ "Fabricated metal **or plastic** container" means a city owned fabricated metal **or plastic** container for collecting solid waste with a capacity of 3 cubic yards which does not exceed a weight of 1,200 pounds when loaded and which is designed to provide for mechanical dumping into city collection vehicles.

~~O.P.~~ "Family residential unit" means an occupied dwelling having kitchen plumbing facilities suitable for occupancy by 1 person or a group of persons comprising a single family. A dwelling shall be considered to be "occupied" when either domestic ~~light and~~ power or water facilities are being supplied thereto unless the provisions of this chapter are waived as herein provided.

Q. "Hauler" means any individual, partnership, joint venture, unincorporated private organization, or private corporation, engaged in the business of providing collection, removal, or transportation of solid waste or source-separated materials, as applicable.

~~P.R.~~ "Mixed solid waste" means solid waste which is within the size and weight limitations of a regulation container.

~~Q.S.~~ "Multiple family residential unit" means a dwelling or dwellings, located upon 1 property, or contiguous properties under common ownership, comprising more than 1 family residential unit.

T. "Organics" and/or "Organic Material" means materials that are or were recently living, such as, leaves, grass, agricultural crop residues, or food scraps.

U. "Other compostable material" means any material confirmed in writing as compostable by a composting facility that has been permitted/certified by the State of California.

~~R.V.~~ "Person" means any individual, firm, company, corporation or other organization.

W. "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals.

~~S.X.~~ "Recyclable" means the component of solid waste consisting of products or materials that can be collected and separated to be used as raw material in the

manufacture of new products, as described in a resolution adopted from time to time by the city council.

~~T.Y.~~ "Regulation container" means a solid waste storage container, serial numbered for identification purposes, providing water-tight, fly-tight, animal-proof storage for solid waste for collection in the city's automated solid waste collection program.

~~U.Z.~~ "Responsible person" means a property owner, tenant, person with a legal interest in real property, or person in possession or control of real property.

~~V.AA.~~ "Self-hauler" means, **for the purpose of this chapter,** any person engaged in the collecting, transporting, disposing, and/or recycling of solid waste **or organics** generated solely from its **their** own operations **and using equipment owned, rented or borrowed for self-hauling versus contracting with an unauthorized hauling company.** ~~including but not limited to, landscape architect, arborist, roofer, or gardener, in quantities of less than 5 tons per month, including any person described in Section 8.61.040 as exempt from Chapter 8.61 of this code.~~

~~W.BB.~~ "Solid waste" means **the definition as set forth in California Public Resources Code Section 40191, and any successor provision, all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial waste, demolition and construction waste, abandoned vehicle and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes,** ~~refuse, bulky refuse, garbage, commercial garbage, combustible rubbish, noncombustible rubbish, paper, ashes, industrial wastes, rubbish, designated recyclables, vehicles and parts thereof, manure, vegetable or animal wastes, yard waste and liquid wastes enclosed in leak-proof containers, but does not mean excluded material as defined herein in subparagraph M N of this section.~~

~~X.CC.~~ "Yard waste" means the component of solid waste consisting of grass clippings, leaves, twigs, branches not wider than 3 inches in diameter and which fit into a regulation container with the lid closed, and material from gardens, but does not mean palm fronds, bamboo, fruits and vegetables, tree stumps, lumber, logs, cactus and ashes."

SECTION 3. Pasadena Municipal Code, Title 8, Chapter 8.60, is amended by adding a new section to read as follows:

“8.60.026 – Exemptions.

Franchise haulers, who pickup and process organics and/or other compostable materials as defined in Section 8.60.020, may do so from single-family residential units, multi-family residential units containing four or less family residential units and estate residential units.”

SECTION 4. 8.60.050 is amended to read as follows:

“8.60.050 – Solid waste containers.

A. Except as otherwise provided in this section, every responsible person having the care or control of any place or premises in the city where solid waste accumulates or exists, and such solid waste is to be collected by the city, shall cause such solid waste to be placed and kept in containers suitable for collection according to the type of collection service for which that place or premises has been designated under this chapter.

B. For units accumulating large volumes of solid waste, particularly those units included in the multiple family, estate, or commercial unit categories, the city will accept for collection, solid waste that is accumulated in a fabricated metal **or plastic** container. For units desiring to initiate the use of such a fabricated metal **or plastic** container on a rental basis, city will provide same as a special service at the fees established by resolution of the city council.

C. The city shall provide, at no charge beyond the charge for solid waste collection, regulation containers which the director has determined to be sufficient to provide for the reasonable solid waste storage and collection needs of single-family residential units and multiple family residential units containing 4 or less family residential units within the city of Pasadena. All regulation containers are and shall remain the property of the city.

D. Upon request, the city shall provide, at the cost established in the city’s General Fee Schedule, locking recycling containers to Pasadena refuse customers.

~~E.~~ The responsible person shall clean and disinfect all containers in order to maintain the same in a sanitary condition at all times.

SECTION 5. Section 8.60.100 is amended to read as follows:

“8.60.100 - Bulky items pickup program.

The director is authorized, in the director’s discretion, to modify the number of yearly, bulky items pickups for residential customers. The director may **also,** from time to time notify residents of a special pickup program for bulky items and for special collection of other materials. In accord with the notice, the responsible person may leave bulky items or other materials at designated places for pickup, bundled and packaged in the manner set forth in the notice, at a time set in accordance with the notice and in a manner which does not interfere with pedestrian or vehicular traffic or regular access to the public right-of-way and which does not create a nuisance or a danger to public health and safety. **Bulky items may not be placed in alley ways.**

SECTION 6. Section 8.60.120 is amended to read as follows:

“8.60.120 – Solid waste reduction program.

As a privilege, and not as a right, each single-family residential unit may be offered the opportunity to participate in a solid waste reduction program which is designed to reduce the amount of mixed solid waste by allowing separate collection of recyclables, and yard waste, **organics, and other compostable materials**. It is intended that the cost saving to the city be passed along to the participating residential unit as reflected in the cost for services as adopted by the city council. In electing to participate in the solid waste reduction program, every responsible person agrees to sort and separate or to cause the sorting and separating of their solid waste as follows:

A. Recyclable Container. Only recyclables, as defined in this chapter and within size and weight limitations specified, may be deposited in any regulation container provided by the city and designated for collection of recyclables.

B. Yard Waste Container. Only yard waste, as defined in this chapter and within size and weight limitations specified, may be deposited in any regulation container provided by the city and designated for collection of yard waste.

C. Mixed Waste Container. Mixed solid waste, as defined in this chapter, may be deposited in any regulation container provided by the city and designated for collection of mixed waste.

D. Other Approved Containers: Organics and other compostable materials may be deposited in any container designated by the city for such material.”

SECTION 7. Title 8, Chapter 8.60, Section 8.60.210 is amended to read as follows:

“8.60.210 - Solid waste collection and service fees.

A. Regular Service Fees. Fees and charges for collection, removal and disposal of solid waste by city collection service, fees for service option changes and for an unoccupied residential unit shall be established from time to time by resolution of the city council.

B. Fees for Fabricated Metal or Plastic Container Service. The fees for the collection, removal and disposal of solid waste accumulated for storage in fabricated metal or plastic containers by city collection service, and the rental charges to be imposed for same, shall be established by resolution adopted by the city council. In determining said fees, the city council may establish different fees based upon the size and capacity, the capacity of the container, basic weekly route service, special services, and the distance between the approved storage location and the established collection point.

C. Other Special Service Fees. Special or additional residential service provided for herein will be made upon request by the responsible person. Other than services which are classified as occasional residential services, collection shall be made pursuant to such request for a period of not less than 6 months, and will be continued thereafter until written request for cancellation of the additional service is made to the director, with payment to be made in advance for a minimum period of 2 months. All fees for special services shall be paid for in advance upon presentation of a bill on a form approved by the director. All special services shall be made only upon an advance request of at least 7 days and upon a total estimate of cost resulting from an inspection by a collector at the site. The cost of each special service contracted for shall include the combined total of equipment, labor and disposal charges at the rates established. The city council shall establish by resolution the fees for the following special or additional services:

1. Pickup of bulky items and quantities of solid waste in excess of the capacity and weight limits of a regulation container.
2. Occasional removal of solid waste abandoned on premises following vacation by a previous occupant.
3. Occasional special, late or return pick up of regulation containers.
4. Roll out service for regulation containers for disabled persons on a no fee basis.

D. Fees for an Unoccupied Residential Unit. An administrative fee for an unoccupied residential unit may be charged only for premises which are not occupied and provided the property owner first **notifies the City. To qualify for this administrative fee, a site visit must be conducted, by the city, to determine whether or not the** ~~files a written request therefor and pays the fee for service option change. The director must find that premises are unoccupied and that no collection is required. The director shall notify the director of finance promptly of such fact who~~

~~shall forthwith institute the~~ The administrative fee for an unoccupied residential unit ~~and shall cancel other solid waste collection charges as long as the unit remains unoccupied.~~ The property owner shall promptly **contact the city** ~~file a request for a~~ service change when the residential unit is again occupied. If the director determines that the residential unit was occupied at any time the fee for an unoccupied unit was in effect, then the ~~director shall notify the director of finance that the solid waste collection charge shall be reinstated and that the difference between the fee for an occupied residential unit and the solid waste collection charge for the time period in which it was occupied shall be assessed against the property owner.~~

E. Service Change Fee. Except as set forth herein, the owner or occupant shall pay to the city the service change fee established by resolution of the city council whenever a change in regular service level or type is requested. The service change fee is to cover the costs of processing the request for service change and is non-refundable. No service change fee shall be charged to change the service level or type for an unoccupied residential unit. No service change fee shall be charged to an owner or occupant who downsizes their mixed waste container size or reduces the number of mixed use containers once in any 12-month period.”

SECTION 8. Title 8, Chapter 8.60 is amended by adding a new Section 8.60.219

to read as follows:

“8.60.219 Claims.

All claims submitted to the city regarding billing issues shall be reviewed and processed pursuant to Government Code Section 911.2.”

SECTION 9. Title 8, Chapter 8.60 is amended by adding a new Section 8.60.275

to read as follows:

“8.60.275 Processing organics and other compostable materials.

Any franchisee that collects, transports, and/or hauls organics and/or other compostable materials shall only transport or haul said materials to a composting facility that has been permitted/certified by the State of California.”

SECTION 10. Title 8, Chapter 8.60, Section 8.60.300 is amended to read as

follows:

“8.60.300 - Unauthorized possession of a container.

It is unlawful for any person to have in his possession, or on property in which that person is in charge, any regulation container or a fabricated metal or plastic container without permission of either the city or the responsible person to whom the container was issued by the city.”

SECTION 11. Title 8, Chapter 8.60, Section 8.60.330 is amended to read as follows:

“8.60.330 - Damage of a container and civil penalties.

No person shall use or misuse a regulation or a fabricated metal or plastic container in any manner which causes damage to any part thereof or impairs its use for its intended purpose and, in the event of misuse or damage, an administrative citation pursuant to Chapter 1.26 of this code may be issued, and a violator shall be subject to the procedures, costs and civil penalties set forth therein.”

SECTION 12. Title 8, Chapter 8.60, Section 8.60.335 is amended to read as follows:

“8.60.335 - Containers in the public right-of-way and civil penalties.

No person shall leave a regulation container or a fabricated metal or plastic container in the public right-of-way except at the times and in the manner explicitly allowed in this chapter, and as to any person in violation of this section, an administrative citation pursuant to Chapter 1.26 of this code may be issued, and a violator shall be subject to the procedures, costs and civil penalties set forth therein.”

SECTION 13. Title 8, Chapter 8.61, Section 8.61.010 is amended to read:

“8.61.010 Definitions.

For the purposes of this chapter, certain terms used herein are defined as follows:

- A. The definitions found in the following referenced laws and regulations are incorporated into this chapter by reference, in the following order of precedence: California Public Resources Code, Section 40100, et seq.; Title 22 of the California Code of Regulations, Section 40191, et seq.; Title 14 of the California Code of Regulations, Section 17381, et seq., any successor statutes or regulations; section 8.60.020 of this code (Solid Waste), and section 8.62.020 of

this code (Waste Management Plan for Certain Construction and Demolition Projects Within the City of Pasadena).

B. "Administrator" means the Waste Management Division Administrator of the City of Pasadena.

C. "Agreement" or "Franchise Agreement" means a non-exclusive franchise agreement between the City and franchisee for collecting, transporting, recycling, composting, processing and disposing of solid waste, organic material and construction and demolition debris.

D. "Bins" or "**Solid Waste Bins**" means one or more container, roll-off box, debris box, dumpster or other free standing waste container provided by a franchisee for the deposit and collection of solid waste and/or recycling. Bins are usually two or three cubic yards in size, or larger.

E. "Bulky goods/items" means large and small household appliances, furniture, carpets, mattresses, white goods, oversized yard waste such as tree trunks and large branches, if no larger than 18 inches in diameter and 4 feet in length, and similar large items discarded by commercial customers.

F. "City" means the City of Pasadena.

G. "Composting" means the process of collecting, grinding, mixing, piling, and supplying sufficient moisture and air to organic materials to speed natural decay. The finished product of a composting operation is compost, a soil amendment suitable for incorporating into topsoil and for growing plants. Compost is different than mulch, which is a shredded or chipped organic product placed on top of soil as a protective layer as described by Public Resources Code section 40116 or CalRecycle.

G.H. "Construction and demolition debris" or "C&D Materials" means the excess or discarded materials, which are generated from a site during or after the construction, renovation, remodeling, repair, deconstruction or demolition of any premise, structure, fence, wall, or paving project. Such materials include, asphalt, concrete, Portland cement, brick, lumber, wallboard, roofing material, ceramic tile and plastic pipe. Such material also includes the definition set forth in section 8.62.020(D) of this code.

H.I. "Director" means the director of the Department of Public Works.

J. "Food Waste" means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream,

and that does not meet the definition of agricultural material. Food waste may include material from food facilities as defined in Health and Safety Code Section 113785, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food waste collection.

I. K. "Franchise" means a non-exclusive franchise issued by the City to a solid waste hauler for **any of the following categories: Solid waste; Construction and Demolition and Composting. Franchises are awarded** for the purpose of collecting, **transporting, recycling, compost processing and disposing of** solid waste generated upon ~~multiple family commercial or industrial premises, or construction and demolition debris generated anywhere within the City.~~ **anywhere within the City as specified in the franchise agreement and/or administrative rules and regulations.**

K.L. "Franchise logo" means the identifying information to be painted on bins and vehicles by the franchisee, including size, color and content, conforming to the standards in the administrative rules and regulations adopted by the director pursuant to this chapter and approved in the franchise agreement.

L.M. "Franchisee" means any person **or entity** granted a franchise in accordance with the provisions of this chapter.

J.N. "Gross receipts" means any and all compensation received by the franchisee in connection with collecting, transporting, disposing and/or recycling of solid waste kept, accumulated, or produced in the City plus any and all such compensation received by the franchisee or franchisee's subcontractors in connection with collecting, transporting, disposing, and/or recycling of solid waste produced, kept, or accumulated in the City, excepting compensation received from sale of material recovered through recycling and excepting state, county or city sales tax required by law to be included in or added to the price and collected from the consumer.

O. "**Hauler**" means any individual, partnership, joint venture, unincorporated private organization, or private corporation engaged in the business of providing collection, removal or transportation of solid waste or source-separated materials, as applicable.

P. "**Inert**" and "**Inert Debris**" for purposes of this chapter, includes **concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, rock, sand, soil, slag, ceramics, plaster, clay and clay products, & may include other items as described by 14 California Code of Regulations, Section 17381.**

Q. "Materials recovery facility or "MRF" means any facility for which the separation of commingled recyclable materials into various components is conducted either manually or by mechanized processes, or which extracts recyclable material from refuse for the purpose of returning that material to the economic main stream.

R. "Organics" and/or "Organic Material" means materials that are or were recently living, such as leaves, grass, agricultural crop residues, or food scraps.

S. "Other compostable material" means any material, confirmed in writing as compostable by a composting facility that has been permitted/certified by the State of California.

O.T. "Other solid waste" shall have the definition as set forth in California Public Resources Code Section 40191, and any successor provision except that it shall not include construction and demolition debris.

N.U. "Recycling" means participation in any part of the process of collecting, sorting, cleansing, treating and reconstituting materials that otherwise would be discarded, and returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

P.V. "Responsible operating officer" means the individual responsible for the compliance of the franchise with this chapter and the franchise, and who is authorized to bind the franchisee in all matters related to the franchise.

W. "Roofing material" means material removed from a house or building by a person or business providing both roofing and roof removal service.

QX. "Self-hauler" means, for the purpose of this chapter, any person engaged in the collecting, transporting, disposing, and/or recycling of solid waste or organics generated solely from their its own operations and using equipment owned, rented or borrowed for self-hauling versus contracting with an unauthorized hauling company, ~~including but not limited to, document shredding services, landscape architect, arborist, roofer, or gardener but excluding solid waste generated from construction and demolition operations.~~

RY. "Solid waste" shall have the definition as set forth in California Public Resources Code Section 40191, and any successor provision, all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash,

refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

SZ. "Third party diversion tonnage" means recycling or reuse programs being conducted as businesses in the City of Pasadena by parties other than a franchisee and documented in reports and procedures approved by the director. This may include recyclables collected by a recycler, community group, recyclables delivered to a recycling center by employees or other persons not associated with a solid waste hauler.

T-AA. "Transformation" means incineration, distillation, gasification or biological conversion other than composting. Transformation does not include composting or biomass conversion.

BB. "**Yard waste**" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds."

SECTION 14. Title 8, Chapter 8.61, Section 8.61.030 is amended to read:

"8.61.030 Activities which are unlawful unless authorized.

Except as specifically exempted in Section 8.61.040, it is unlawful for any person to engage in the business of collecting, transporting, disposing, and/or recycling of solid waste, **organics, yard waste, and other compostable materials** kept, accumulated or produced in the city unless a franchise therefore has been granted pursuant to the provisions of this chapter, and unless a written franchise agreement therefore has been signed between such person and the city, and unless such nonexclusive franchise and agreement is in full force and effect."

SECTION 15. Title 8, Chapter 8.61, Section 8.61.040 is amended to read:

"8.61.040 Exemptions.

The provisions of this chapter shall not apply to:

A. The city or any person employed by the city, except that the city shall pay the nonexclusive franchise fees specified in Section 8.61.160 for all of its collections

from commercial units and multiple family residential units containing 5 or more units; or

B. Persons or their employees hauling solid waste, as an incidental part of their own work under a valid building or demolition permit, but not as a separately contracted disposal or hauling service, and that is transported by a fixed bed vehicle, and not by bins, and disposed of at an MRF or at a diversion facility and not at a landfill; or

C. Persons hauling source separated recyclables who operate with one vehicle and without established route and billing system; or

D. Persons operating a small collection facility and/or recycling center, as defined in paragraph A of section 17.64.300 of this code, or any successor provision, to which customers themselves deliver solid waste in exchange for cash or other consideration; or

E. Self-haulers as defined in of section 8.61.010 of this chapter; **or**

F. Persons who operate without established route and without bins providing clean out services of personal property from residential structures, not involving construction or demolition;

G. Persons hauling only **strictly** inert debris, **a category of waste that includes concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, rock, sand, soil, slag, ceramics, plaster, clay and clay products, and may include other items as described by 14 California Code of Regulations, Section 17381.**

H. Persons removing and hauling strictly tree trimmings, plant trimmings and grass trimmings; or

I. Persons removing and hauling strictly scrap metal; or

J. Persons removing and hauling strictly roofing material; or

K. Persons removing and hauling strictly paper material to be shredded; or

~~H.L.~~ Persons hauling solid waste generated by persons or entities if imposition of a franchise fee on those persons or entities would be in violation of a Federal or California Statute, the Constitution of the United States or the Constitution of

the State of California as to solid waste generated by those persons or entities, only;

I.M. Persons collecting, transporting or disposing of hazardous wastes regulated by federal or state law when engaged in that activity; or

J.N. Persons under contract with the city for recycling services provided to single-family residential units and multi-family residential units containing 4 or less family residential units when engaged in that activity.”

SECTION 17. Title 8, Chapter 8.61, Section 8.61.170 “Requirements for waste reduction and recycling services” is amended by adding a new subsection H. to read:

“H. Any franchisee that collects, transports, and/or hauls organics and/or other compostable materials shall only transport or haul said materials to a composting facility that has been permitted/certified by the State of California.”

SECTION 18. If any part of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 19. This ordinance shall take effect 30 days after publication.

SECTION 20. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

Signed and approved this _____ day of _____, 2015.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on _____ day of _____ 2015 by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney