

Chapter 8.60 SOLID WASTE*

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8.60.010 Short title.

This chapter shall be known as the "solid waste collection ordinance."

(Ord. 6839 § 2 (part), 2000)

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 items" means solid waste consisting of furniture, furnishings or any other items and material which exceed either the size capacity or the 200-pound weight limit of a 96-gallon, regulation solid waste container with the lid closed.

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.

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.

"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.

"Containers" means regulation container and fabricated metal container.

I.

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

J.

"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.

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

L.

"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.

"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.

N.

"Fabricated metal container" means a city owned fabricated metal container for collecting solid waste 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.

"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.

P.

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

Q.

"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.

R.

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

S.

"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.

"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.

"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.

"Self-hauler" means any person engaged in the collecting, transporting, disposing, and/or recycling of solid waste generated solely from its own operations, 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.

"Solid waste" means 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 of this section.

X.

"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.

(Ord. 6916 § 3, 2002; Ord. 6839 § 2 (part), 2000)

(Ord. No. 7181, § 7, 11-16-2009)

8.60.025 City collection service.

A.

Collection, removal and disposal of solid waste from all single-family residential units and all multiple family residential units containing 4 or less family residential units shall be performed exclusively by the city under the supervision of the director, who is also designated as the enforcement official for this chapter. For collection, removal and disposal of solid waste, the city may use

city personnel, or may contract with one or more persons, with or without competitive bidding, or may do both. The city council finds that exclusive city solid waste collection service as provided in this subsection is required to promote public health, safety and well-being. The director shall have charge and supervision of such collection and disposal and shall prescribe and establish the routes and days thereof. When such routes, days of collection or other matters pertaining to collection times or methods are established or changed, the director shall give appropriate notice to the public.

B.

The city will not collect solid waste from commercial units, estate-type residential units or multiple family residential units containing 5 or more family residential units, except upon written request made to the director by the property owner or his duly authorized agent for such service for a minimum period of 6 months.

C.

City may refuse to collect solid waste which is not stored in compliance with this chapter.

D.

Recyclables which are placed within the public right-of-way or within a regulation container for collection purposes shall become the property of the city.

(Ord. 6839 § 2 (part), 2000)

8.60.030 Responsibility of person in charge of property.

The responsible person shall keep those premises under his care and control in a clean and sanitary condition. No person shall deposit, keep or accumulate, or cause, or permit or allow to be deposited, kept or accumulated, any solid waste, excepting yard waste, in or upon any lot or parcel of land or public or private drive, alley or street, or house or other place in the city unless such solid waste is enclosed in a receptacle or container which is water-tight, fly-tight and animal-proof. No person shall permit any solid waste, excluding material or any other substance to be deposited or to remain in or upon any premises owned or occupied by him, or under his care and control in any manner which creates a nuisance or a danger to public health or safety, except as otherwise provided by law. The responsible person shall correct any violation of this chapter arising from or pertaining to the real property in his possession or control including, but without limitation, misuse of any assigned regulation container.

(Ord. 6839 § 2 (part), 2000)

8.60.040 Burying solid waste.

No person shall deposit or bury any solid waste in the city unless it is properly covered and leveled, and written permission to do so has first been obtained from the health officer of the city.

(Ord. 6839 § 2 (part), 2000)

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 container. For units desiring to initiate the use of such a fabricated metal 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.

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

(Ord. 6916 § 4, 2002: Ord. 6839 § 2 (part), 2000)

8.60.070 Collection frequency and time.

A.

Except as otherwise permitted in writing by the director, no responsible person shall cause or permit solid waste to accumulate at any place or premises under his care or control for a period in excess of 7 calendar days.

B.

No later than 7 a.m. on the day designated for curbside collection for a residential premises, and no earlier than 7 a.m. the day before the day so designated, the responsible person shall cause all regulation containers assigned to the premises for which collection is desired to be deposited at the curbing in front of said premises or, if there is no curbing, at the location designated by the collector.

C.

No later than 7:00 a.m. on the day after the day designated for curbside collection, the responsible person shall cause all regulation containers to be removed from the collection place to a storage location on the premises where they are not readily visible from the street or if the container location is shown on an approved site plan, the regulation container must be kept at such location.

(Ord. 6839 § 2 (part), 2000)

8.60.100 Bulky items pickup program.

The director may 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.

(Ord. 6839 § 2 (part), 2000)

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. 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.

(Ord. 6916 § 5, 2002; Ord. 6839 § 2 (part), 2000)

8.60.180 Collection vehicles must secure solid waste.

All vehicles used in the collection of solid waste shall be completely water-tight, shall be enclosed or equipped with a tight-fitting cover and shall be so loaded at all times as to prevent spillage. Except when solid waste is being loaded or unloaded, the required cover shall be in place to prevent solid waste from spilling therefrom. Each vehicle used for solid waste must be cleaned and maintained in a sanitary condition.

(Ord. 6916 § 6, 2002; Ord. 6839 § 2 (part), 2000)

8.60.200 Solid waste collection franchise vehicles.

In addition to a business license, every vehicle used in the business of collecting, transporting, disposing and/or recycling of solid waste, as it is defined by Chapter 8.61 of this code, accumulated or produced in the city, must be a franchise vehicle pursuant to, and in compliance with, Chapter 8.61 of this code or explicitly exempt therefrom.

(Ord. 6839 § 2 (part), 2000)

8.60.205 Times of collection.

There shall be no solid waste collection in the city on Sunday, nor before 7:00 a.m., nor after 5 p.m. on any other day, except as follows: in case of an emergency, as determined by the director, or as may be undertaken by the city when the director determines necessary to protect the public health, welfare or safety, or as otherwise herein provided.

(Ord. 6839 § 2 (part), 2000)

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 Container Service. The fees for the collection, removal and disposal of solid waste accumulated for storage in fabricated metal 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 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 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 file a request for 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.

(Ord. 6916 § 7, 2002; Ord. 6839 § 2 (part), 2000)

(Ord. No. 7220, § 1, 6-18-2012)

8.60.218 Billing.

All city fees for regular solid waste collection, container service and all other special services fees shall be collected by adding the same to city's municipal services bills, except as otherwise provided for herein. Said fees added to city's municipal services bills shall be for the period covered by such bills and shall be payable at the same time in the same manner as such bills.

The daily charge to be applied to an opening, closing, or partial billing for any regular city collection service shall be one-thirtieth (1/30th) of the monthly rate computed to the next highest cent, with a maximum charge of the regular monthly rate, plus a comparable pro rata charge for all additional service.

(Ord. 6839 § 2 (part), 2000)

8.60.220 Fees owing—Civil debt.

A fee imposed by this chapter shall be a civil debt owing to the city from the responsible person.

(Ord. 6839 § 2 (part), 2000)

8.60.230 Other rules.

The director, in conjunction with the city health officer, shall establish such rules as they may jointly deem reasonable, necessary and proper to effect the expeditious, efficient and economical collection and removal of solid waste as are consistent with this chapter.

(Ord. 6839 § 2 (part), 2000)

8.60.240 Burning prohibited when.

No person shall burn, or cause or permit to be burned, solid waste, either in the open or in any incinerator not approved by the South Coast Air Quality Management District.

(Ord. 6839 § 2 (part), 2000)

8.60.250 Curbside dumping prohibited.

A.

Curbside Dumping Prohibited. No person shall leave or dump any bulky item, solid waste, excluded material, abandoned vehicle or discarded material, of any kind or nature, in any public right-of-way, including but without limitation in the planting strip located between the curb and the sidewalk of any property, except that bulky items and other specified items may be left for pickup in accordance with and at the times set forth in a notice given pursuant to Section 8.60.100.

B.

Bulky Items Abandoned After Special Events. Any bulky item which remains unattended in the public right of way following a special event shall be presumed to have been intentionally abandoned by the owner, and the city may immediately take possession of, and the title to said item for the purpose of disposal or for any other public purpose.

(Ord. 6839 § 2 (part), 2000)

(Ord. No. 7181, § 8, 11-16-2009)

8.60.270 Deposit of excluded material in a container.

It is unlawful for any person to place excluded material in a regulation container and in any fabricated metal container.

(Ord. 6839 § 2 (part), 2000)

8.60.280 Interference with solid waste collection.

It is unlawful for any person, other than the responsible person or a person acting with the permission or direction of the responsible person, or any authorized employee of the city or contractor of the city or an authorized employee of a person licensed or franchised by the city for the collection or removal of solid waste, to interfere in any manner with a solid waste container used for the accumulation or handling of solid waste, or to remove any such container from the location where it shall have been placed for collection, or to remove any of the contents from any such container.

(Ord. 6839 § 2 (part), 2000)

8.60.290 Unauthorized use of a container.

It is unlawful for any person to use a container assigned by the city without the permission of the responsible person to whom said container was issued by the city.

(Ord. 6839 § 2 (part), 2000)

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 container without permission of either the city or the responsible person to whom the container was issued by the city.

(Ord. 6839 § 2 (part), 2000)

8.60.310 Scavenging.

It is unlawful to interfere with the collection and disposal of solid waste by the city, the city's contractors or by a person duly licensed by the city so to do. It is unlawful for any person other than the employees or franchisees of the city acting in the scope of their agency or employment to remove any recyclable from the public right-of-way or container, or transport over the public streets of the city any recyclable material so removed.

(Ord. 6839 § 2 (part), 2000)

8.60.320 Misuse of a regulation container.

Any person misusing a regulation container as defined by this section shall be liable for special costs and civil penalties as set forth in Section 8.60.325. The following shall constitute a misuse of a regulation container:

- A. Contamination of recyclables or yard waste in a regulation container.
- B. Filling a regulation container with more solid waste than will allow the lid to close and in a manner likely to cause spillage.
- C. Failing to remove a regulation container from the collection place at the curbside to a location on the premises when it is not readily visible from the street within 24 hours of the scheduled pick up.

(Ord. 6916 § 8 (part), 2002: Ord. 6839 § 2 (part), 2000)

8.60.325 Special costs and civil penalties for misuse of a container.

For violation of any subsections of Section 8.60.320, the following shall occur:

A.

First Violation. A courtesy notice shall be issued by the collector, both by tag affixed to the container and by mail to the responsible person. The collector shall not be required to empty the regulation container until the violation is corrected. The responsible person shall be assessed the special collection fee as established by resolution of the city council for any special pickup. If the misuse of the regulation container has caused the city to incur any remediation or other special costs, the director may issue an administrative citation pursuant to Chapter 1.26 of this code, and a violator shall be subject to procedures, costs and civil penalties set forth therein.

B.

Second violation within 6 months of the first violation. A courtesy notice shall be issued by the collector, both by tag affixed to the container and by mail to the responsible person. The responsible person shall be warned that they could lose the privilege of having this regulation container available if there is a further violation. The collector shall not be required to empty the regulation container until the violation is corrected. The responsible person shall be assessed the special collection fee as established by resolution of the city council for any special pickup. If the misuse of the regulation container has caused the city to incur any remediation or other special costs, the director may issue an administrative citation pursuant to Chapter 1.26 of this code, and a violator shall be subject to the procedures, costs, and civil penalties set forth therein.

C.

Third violation within 6 months of the second violation. The director may issue a compliance order pursuant to Chapter 1.25 or an administrative citation pursuant to Chapter 1.26 of this code, and a violator shall be subject to the procedures, costs and civil penalties set forth therein.

(Ord. 6916 § 8 (part), 2002: Ord. 6839 § 2 (part), 2000)

8.60.330 Damage of a container and civil penalties.

No person shall use or misuse a regulation or a fabricated metal 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.

(Ord. 6839 § 2 (part), 2000)

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

No person shall leave a regulation container or a fabricated metal 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.

(Ord. 6839 § 2 (part), 2000)

8.60.340 Violation—Misdemeanor or civil penalty.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this title. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this title is guilty of a misdemeanor unless it is specified that the offense is one subject only to a civil penalty in which case the person shall be liable for a civil penalty.

(Ord. 6839 § 2 (part), 2000)

8.60.350 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 6839 § 2 (part), 2000)

8.60.360 Abatement of hazardous materials.

Nothing in this chapter is intended to diminish or to preempt the authority of the fire department or any other governmental entity to investigate, clean up or to abate the effects of any hazardous materials

under state or federal law, and any such actions and any enforcement actions of the fire department and any other governmental entity shall be in addition to and not in place of any civil penalties and other measures set forth in this chapter.

(Ord. 6916 § 9, 2002; Ord. 6839 § 2 (part), 2000)

8.60.365 Violation—Penalties.

A.

Any person convicted of a misdemeanor under the provisions of this title, unless provision is otherwise herein made, shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 12 months or by both such fine and imprisonment.

B.

Any person found liable for a civil penalty under the provisions of this title shall be required to pay the penalty provided on the schedule of penalties, late payment penalties, administrative fees, and other related charges as shall be established by resolution of the city council.

(Ord. 6916 § 10, 2002; Ord. 6839 § 2 (part), 2000)