

Introduced by Council member _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8, CHAPTER 8.60, SECTIONS 8.60.020 (DEFINITIONS) AND 8.60.310 (SCAVENGING) OF THE PASADENA MUNICIPAL CODE TO ADD DEFINITIONS AND CLARIFY SCAVENGING PROHIBITIONS.

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 as follows: Chapter 8.60 (Solid Waste) will be amended to add critical definitions and to prohibit scavenging from all collection containers serviced by the city or franchise haulers.

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.

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 collection, 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.

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.

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

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

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.

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

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.

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.

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.

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 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.

R. "Large venue" means a permanent venue facility that seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter, a venue facility includes, but is not limited to a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, conference or civic center, performing arts center, museum, theater, or other public attraction facility. For purposes of this chapter, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site is a single large venue.

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

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

~~U~~**V.** "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.

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

~~W~~**X.** "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.

~~X~~**Y.** "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.

YZ. "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.

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

BB. "Scavenging" is the unauthorized collection, removal, or possession of solid waste, recyclables or organic material that is placed in residential or commercial City collection containers, including all collection containers serviced by the City of Pasadena or the City's franchise haulers and any permanent or temporary receptacles utilized at special events and large venue events, by any person or entity other than the City or a City-authorized collector.

AACC. "Self-hauler" means, for the purpose of this chapter, any person engaged in 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.

BBDD. "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.

EE. "Special events" means events that are open to the general public and take place within the public right-of-way or are located within a park and/or are coordinated through the City of Pasadena's special event permit process.

CGFF. "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. Chapter 8.60, Section 8.60.310, Scavenging - is amended to read as follows:

"8.60.310 – Scavenging.

A. 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, **collect, or have in their possession** any recyclable from the public right-of-way or **a residential or commercial City of Pasadena solid waste collection container, including any collection container serviced by the City of Pasadena or the city's franchise haulers and any permanent or temporary receptacles utilized at special events and large venue events**, or transport over the public streets of the city any recyclable material so removed. **Recyclables include but are not limited to: bottles and cans, mixed paper, cardboard, metals, bulky items, electronics, white goods or appliances, used motor oil, organics and other compostable materials.**

B. It is unlawful to scavenge materials within an area that is ten feet in or around **a residential or commercial City of Pasadena solid waste collection container, including any collection container serviced by the City of Pasadena or the City's franchise haulers and any permanent or temporary solid waste receptacle utilized at special events and large venue events.**

C. **The City may confiscate any materials scavenged from residential or commercial City of Pasadena solid waste collection containers, including all collection containers serviced by the City of Pasadena or the City's franchise haulers and any permanent or temporary receptacles utilized at special events and large venue events.**

D. Any private/informal recycling agreements between commercial/multifamily entities and independent recyclers may not allow for collection to occur on the day the City of Pasadena or a City authorized collector provides collection services to that commercial/multifamily entity and may not include material placed inside residential or commercial City collection containers including all collection containers serviced by the City of Pasadena or the City's franchise haulers.

E. Drivers and/or registered owners of vehicles observed to be participating in scavenging of materials from residential or commercial City of Pasadena solid waste collection containers, including all collection containers serviced by the City of Pasadena or the City's franchise haulers and any permanent or temporary receptacles utilized at special events and large venue events, may be cited for scavenging.”

SECTION 4. 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 5. 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 6. This Ordinance shall take effect 30 days upon publication.

SECTION 7. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

Signed and approved this _____ day of _____, 2015.

Terry Tornek
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:

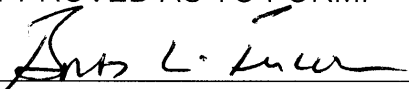
ABSENT:

ABSTAIN:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney