

# **CHAPTER 8**

## **REFUSE**

### **8.1 PURPOSE**

Pursuant to the provisions of the Health and Safety Code of the State of California, and it being in the best interests of the health and welfare of the residents of Mt. View Sanitary District to regulate the removal of Refuse by establishing rules and regulations for the accumulation, transportation, and disposal of Refuse within the District, provisions are adopted as set forth in this Chapter. (Ord. No. 50)

### **8.2 GENERAL PROVISIONS**

It shall be unlawful for any person, firm or corporation to:

**8.2.1** Collect or dispose of Refuse within the Mt. View Sanitary District except as set forth in this Chapter 8.

**8.2.2** Burn or bury any animal, fruit or vegetable Refuse or offal in any yard or open space within the Mt. View Sanitary District. (Ord. No. 50, Sec. 2)

### **8.3 REGULATION FOR ACCUMULATION**

It shall be unlawful for any person, firm or corporation to:

**8.3.1** Deposit, keep, accumulate, or permit to accumulate, cause or suffer any solid waste (excluding Recyclable Material and Garden Waste), to be deposited, kept or accumulated upon any lot or parcel of land, or upon any public or private place within the Mt. View Sanitary District, and it shall be the duty of each person having such solid waste (excluding recyclable material and garden waste), to see that the same be removed, so that it may be removed at least once every (7) days unless otherwise directed to be removed more often by the Mt. View Sanitary District, at which times it shall be removed as often as required by said sanitary regulations of said District. (Ord. No. 50, Sec. 2)

**8.3.2** Deposit, keep, accumulate, or permit to accumulate, cause or suffer any recyclable material and garden waste, upon any lot or parcel of land, or upon any public or private place within the Mt. View Sanitary District except as specifically authorized by the District, and it shall be the duty of each person having such Recyclable Material and Garden Waste, to see that it is accumulated, stored and removed in accordance with the District's currently authorized practices.

**8.3.3** To burn or bury any Refuse in any yard or open space within the Mt. View Sanitary District. (Ord. No. 50, Sec. 2, rev. Ord. No. 2013-111)

## **8.4 TRANSPORTATION**

It shall be unlawful for any solid waste to be carried on and along the streets and alleys within the Mt. View Sanitary District, except that the same be carried, conveyed or hauled in a conveyance so constructed as to be absolutely dustproof, leakproof and so arranged as not to permit dust or other matter to sift through or fall upon said streets and alleys. The contents of such conveyance must be further protected in order to prevent the same from being blown upon the streets, alleys and adjacent lands. Such conveyance shall be kept and maintained in a clean, sanitary condition, used and operated in a sanitary manner and in accordance with such rules and regulations as it may be from time to time established by the Mt. View Sanitary District. (Ord. No. 50, Sec. 3, rev. Ord. No. 2013-111)

## **8.5 VIOLATIONS**

Unless otherwise provided hereinafter, any person, including an Authorized Collector, violating any Sections of this Chapter shall be deemed guilty of a misdemeanor. Each day upon which a violation of this Chapter continues shall be deemed a separate offense hereunder and shall be punishable as such. (Ord. No. 2013-111)

## **8.6 OWNERSHIP OF REFUSE**

**8.6.1** All Refuse, upon being removed by the Authorized Collector from the premises where produced and accumulated, shall become and be the property of the District unless otherwise provided in a contract, license, or franchise agreement. (Ord. No. 2013-111)

**8.6.2** Unless otherwise provided in an agreement, the District maintains the right to salvage recyclable materials placed in Refuse containers for collection by the Authorized Collector. (Ord. No. 2013-111)

## **8.7 RULES AND REGULATIONS—APPEAL PROCESS**

**8.7.1** The General Manager, or his/her designated representative, may adopt such rules and regulations as may be necessary for the proper administration and enforcement of this Chapter. Such regulations may include: (1) the required frequency of collection from various types of places and premises; (2) the types of special containers required for certain classes of Refuse; (3) the types of special containers required for certain classes of places and premises; and (4) the licensing of Authorized Collectors and recyclers. (Ord. No. 2013-111)

**8.7.2** Unless otherwise provided in an agreement, the General Manager or his/her designated representative shall resolve all disputes concerning the administration or enforcement of this Chapter. Any affected person who is dissatisfied with the determination of the General Manager may appeal the same to the District's

Board of Directors in accordance with the provision for Appeals found in Chapter 11. (Ord. No. 2013-111)

## **8.8 INSPECTION FOR SANITATION**

The General Manager or other duly authorized representative of the District may cause all places or premises governed by this Chapter to be inspected from time to time to determine whether the provisions of this Chapter are complied with. Such inspections shall be conducted in accordance with the law. (Ord. No. 2013-111)

## **8.9 REMOVAL GENERALLY**

**8.9.1** All Refuse shall be collected according to a schedule established by the General Manager or his/her designated representative, or as provided by license, contract, or franchise agreement between an Authorized Collector and/or recycler and the District.

**8.9.2** It shall be unlawful for any person to handle, haul, collect, transport, store, transfer, process, accumulate, or dispose of Refuse in such a manner as to cause a nuisance. (Ord. No. 2013-111)

## **8.10 DISPOSAL AREAS AND TRANSFER STATIONS**

**8.10.1** The District shall have the right to designate a disposal area or areas for the disposal of refuse collected from within the District. (Ord. No. 2013-111)

**8.10.2** The District may designate one or more intermediary transfer or processing stations of its choice and direct any Authorized Collector to deposit collected Refuse in said facility. (Ord. No. 2013-111)

## **8.11 PROHIBITED DISPOSAL**

Except as authorized in this Chapter, it shall be unlawful for any person to:

**8.11.1** Throw, bury, deposit, or cause to be thrown or deposited, any Refuse, or allow any collection of same to remain in or upon any public right-of-way, watercourse, waterway, levees or banks of watercourses or waterways, or upon any premises whatsoever other than in an approved disposal area or collection station or an authorized solid waste container or approved recycling container. (Ord. No. 2013-111)

**8.11.2** Throw, cast, place, sweep, or deposit anywhere within the District, any Refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, parkway, or other public place, or onto any adjacent private premises within the District. (Ord. No. 2013-111)

**8.11.3** Deposit any Refuse in any District sewer or plumbing fixture or pipe connected thereto, except through a mechanical device (garbage disposal) which shreds or grinds solid waste material. (Ord. No. 2013-111)

**8.11.4** Burn Refuse within the District.

**8.11.5** Deposit any household or business Refuse into street litter receptacles which the District may place and maintain, or authorize to be placed and maintained, at such locations as are deemed necessary for public convenience. (Ord. No. 2013-111)

**8.11.6** Deposit Refuse in a container belonging to another person, or provided for premises in which the person does not reside, except with the permission of the owner of the container or premises. (Ord. No. 2013-111)

**8.11.7** Deposit any solid waste in a receptacle or container specifically identified for the collection of recyclable materials. (Ord. No. 2013-111)

**8.11.8** Deposit in any Refuse container any hazardous waste, explosive, highly inflammable or otherwise hazardous material or substance. (Ord. No. 2013-111)

**8.11.9** The District may, by resolution or amendment of this Chapter, add other materials as being prohibited from deposit in Refuse containers to protect the public's health and safety and to achieve state mandated waste diversion goals. (Ord. No. 2013-111)

## **8.12 EXCEPTIONS—DISPOSAL PERMITTED**

**8.12.1** Refuse may be fed to animals on the premises where such Refuse is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the General Manager or other authorized agent of the District; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable ordinances and regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated. (Ord. No. 2013-111)

**8.12.2** Refuse may be disposed and used in a compost operation, provided that such operation at all times conforms to the applicable ordinances and regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated. (2013-111)

**8.12.3** Refuse constituting hazardous materials shall be disposed of at a facility legally authorized to receive such materials. ( Ord. No. 2013-111)

**8.12.4** Refuse constituting recyclable materials may be disposed of by the Owner or other person under contract to the Owner, provided that such disposal shall be

done in a safe, healthy and timely manner and in accordance with all applicable County health, safety, and zoning regulations. (Ord. No. 2013-111)

### **8.13 MANDATORY SUBSCRIPTION REQUIRED**

**8.13.1** Except as otherwise provided by this Chapter, all occupied premises shall subscribe for solid waste collection service with the Authorized Collector as herein specified, and for such service a charge shall be collected as per a schedule of rates as shall be set by resolution of the District Board. (Ord. No. 2013-111)

**8.13.2** If any person should fail to subscribe for the collection and disposal of solid waste or violate any other provision of this Chapter, said violation shall be an infraction and shall be presumed to be a nuisance upon the premises. (Ord. No. 2013-111)

**8.13.3** The Authorized Collector shall give written notice to the General Manager or his/her designated representative of the address of any occupied premise within the District which is not subscribing to the collection and disposal of solid waste service provided by the Authorized Collector. (Ord. No. 2013-111)

**8.13.4** The owner of each occupied premise shall subscribe for solid waste disposal services within 7 days of the occupancy of the premises. If the owner fails to subscribe for such service, the Authorized Collector shall give the owner written notification that such service is required. (Ord. No. 2013-111)

**8.13.5** Nothing in this Chapter shall prohibit an occupant or owner of any occupied premises from regularly disposing of solid waste at an authorized disposal facility or transfer station, either personally or through the uncompensated services of another, in lieu of subscribing for solid waste collection service with the District's Authorized Collector. Any person desiring exemption from this service shall make an application to the General Manager or his/her designated representative, indicating the reasons for such exemption. The General Manager shall grant such exemption if he/she finds that the proper sanitation of the District and the preservation of the health of the inhabitants thereof will not be affected by the exemption and is subject to the requirement that any person disposing of his/her/its solid waste at an authorized disposal facility or transfer station shall retain receipts issued by the disposal facility or transfer station for at least 1 year to demonstrate evidence of regular solid waste disposal without benefit of subscription to the solid waste collection services provided by the District's Authorized Collector. (Ord. No. 2013-111)

### **8.14 FAILURE TO PAY AUTHORIZED COLLECTOR**

It is unlawful for any person having Refuse collected and disposed of as provided in this District to willfully fail, neglect, or refuse to pay to the Authorized Collector the rate

determined pursuant to the provisions of the agreement between the District and the Authorized Collector. (Ord. No. 2013-111)

## **8.15 COLLECTION BILLING**

The Authorized Collector is responsible for the collection of rates determined pursuant to the provisions of the agreement between the District and the Authorized Collector. The collector may bill its customers in advance of service, but in no case more than 2 months in advance of service. (Ord. No. 2013-111)

## **8.16 COLLECTION SCHEDULE**

**8.16.1** Refuse collection by the Authorized Collector may take place on Monday through Saturday, excluding Sundays, between the hours of 6:00 a.m. and 7:00 p.m. in residential and commercial districts and in industrial districts by hours approved by the General Manager or his/her designated representative. (Ord. No. 2013-111)

**8.16.2** Collection may not occur on legal holidays unless approved by the District. The Authorized Collector shall be required to provide collection during the week of the holiday and shall be required to provide customers with advance notice of any change to scheduling. (Ord. No. 2013-111)

## **8.17 REFUSE LICENSING AND FRANCHISING REQUIREMENTS**

**8.17.1** Refuse shall only be collected and transported by an Authorized Collector unless otherwise specified in this Chapter.

**8.17.2** An Authorized Collector shall obtain a current license, contract, or franchise agreement, as determined by the District Board, authorizing the Authorized Collector to handle, haul, collect, transport, store, transfer or process Refuse within the District, except as otherwise provided by state or federal law. Such license, contract, or franchise agreement may be revoked by the District Board for noncompliance with the provisions of said license, contract, or franchise agreement or for violations of the provisions of this Chapter or any pertinent federal, state or local law. The terms and conditions under which an Authorized Collector is required to operate shall be specified in the applicable license, contract, and/or franchise, and shall be administered by the General Manager or his/her designated representative. (Ord. No. 2013-111)

**8.17.3** It shall be unlawful for any person to handle, haul, collect, transport, store, transfer or process Refuse within the District, except as otherwise provided in this Chapter or, in the case of an emergency, as authorized by the General Manager. (Ord. No. 2013-111)

## **8.18 EXCEPTIONS TO LICENSING AND FRANCHISING REQUIREMENTS**

No license, franchise or contract shall be required for the following:

**8.18.1** A resident handling, hauling, or transporting Refuse from his/her own residence for purposes of disposing of same at an authorized disposal area or transfer station, provided, however, that such Refuse is not produced, created, or accumulated in the course of any business operations and the person is not engaged in the business of handling, hauling, collecting, transporting, storing, transferring or processing Refuse. (Ord. No. 2013-111)

**8.18.2** Transporting Refuse over the streets of the District, where all of such Refuse so transported originates or originated: (a) outside the limits of the District; or (b) garden waste being transported to another location outside the District or to an authorized disposal area, compost operation, or transfer station. (Ord. No. 2013-111)

## **8.19 INTERFERENCE WITH AUTHORIZED COLLECTOR PROHIBITED**

It shall be unlawful for any person in any manner to interfere with the handling, hauling, collecting, transporting, storing, transferring, or processing of Refuse by an Authorized Collector. (Ord. No. 2013-111)

## **8.20 REQUIREMENTS GENERALLY FOR VEHICLES, CONVEYANCES, AND CONTAINERS**

All vehicles, conveyances or containers used for handling, hauling, collecting, transporting, storing, transferring or processing Refuse within or through the District shall:

**8.20.1** Be of such construction as to comply fully with all laws, rules and regulations of the State pertaining thereto;

**8.20.2** Be maintained in a clean and sanitary condition;

**8.20.3** Be uniformly painted;

**8.20.4** Prominently display the name and phone number of the Authorized Collector in letters not smaller than six (6) inches high. (Ord. No. 2013-111)

## **8.21 COLLECTION VEHICLES AND HAULING REQUIREMENTS FOR AUTHORIZED COLLECTORS**

An Authorized Collector who conveys, handles, hauls, collects, transports, stores, transfers or processes Refuse within or through the District shall comply with the following requirements:

**8.21.1** Refuse shall be hauled in all-metal, watertight bodied motor trucks, of sufficient strength to withstand fire within, without endangering persons or property, and to prevent spillage, leakage or escape of noxious gases. (Ord. No. 2013-111)

**8.21.2** Each truck shall be equipped with covering fully drawn over the load. Refuse in the truck shall be completely covered between the point of collection and the point of disposal, and in a manner so that the contents do not sift through or fall upon the street and do not blow upon the street or adjacent property. Any spillage of materials shall be immediately cleaned up at the sole expense of the Authorized Collector. (Ord. No. 2013-111)

**8.21.3** The trucks shall be registered with the Department of Motor Vehicles and shall be kept in good repair. (Ord. No. 2013-111)

**8.21.4** In addition to the name and phone number of the Authorized Collector, each collection truck shall also include the truck number in letters not smaller than six inches high. (Ord. No. 2013-111)

## **8.22 SOLID WASTE CONTAINER REQUIREMENTS**

It shall be unlawful for any person occupying any premises within the District, or any person owning, controlling, or maintaining any premises within the District where solid waste is created, produced, or accumulated upon such premises, to fail or neglect to procure a sufficient number of authorized solid waste containers, as specified in this section, for the receipt and holding, without spillage, leakage, or escape of solids, liquids, or noxious gases, all solid waste, except as otherwise provided in this Chapter. (Ord. No. 2013-111)

**8.22.1** An authorized solid waste container for residential use shall except when containers are furnished or approved by the Authorized Collector pursuant to regulations which the District may from time to time prescribe:

8.22.1.1 Be fully enclosed.

8.22.1.2 Have a tight-fitting cover with handle.

8.22.1.3 Have a handle or handles adequate for lifting, suitably located on the side or sides of the container.

8.22.1.4 Be covered continuously except when being filled or emptied.

8.22.1.5 Be kept in a good, usable, and sanitary condition.

8.22.1.6 Not exceed fifty (50) pounds in weight when filled for removal.

8.22.1.7 Meet all specifications as to size, capacity and type which the District may from time to time prescribe by regulation.

**8.22.2** An authorized solid waste container for multi-family units, and non-residential establishments and industrial uses shall:

8.22.2.1 Meet all specifications as to size, capacity and type which the District may from time to time prescribe by regulation.

8.22.2.2 Be kept in a good, usable and sanitary condition.

**8.22.3** With the permission of the respective owner, persons residing in a multi-family dwelling complex and tenants of a non-residential establishment may share in the use of containers furnished or approved by the Authorized Collector pursuant to regulations prescribed by the District. (Ord. No. 2013-111)

## **8.23 REFUSE CONTAINER PLACEMENT**

**8.23.1** No Refuse container, other than one authorized by the District, shall be placed or kept in or on any public street, side-walk, footpath or any public place whatsoever, or remain in public view from any public right-of-way. No person shall place a container so that either the sidewalk or street gutter is obstructed. (Ord. No. 2013-111)

**8.23.2** Authorized Refuse containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight hour period commencing at 12:01 a.m. on the day proceeding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up. (Ord. No. 2013-111)

**8.23.3** For curbside pick-up, the collection station shall be the street curb line adjacent to such premises and authorized solid waste containers shall be placed in that location by the occupant of such premises for collection by the Authorized Collector. (Ord. No. 2013-111)

**8.23.4** The number and location of collection stations for other than curbside collection shall be determined by the occupant of such premises, provided that the location shall be easily accessible to the Authorized Collector. (Ord. No. 2013-111)

**8.23.5** Each person who has a Refuse container shall keep the area where the container is located a clean, safe and sanitary condition. (Ord. No. 2013-111)

## **8.24 UNLAWFUL ACTS**

It shall be unlawful for any person in any manner to interfere with the collection or disposal of Refuse by any person who is properly authorized as herein provided to collect and dispose of the same. (Ord. No. 50, Sec. 6)