

ORDINANCE NO. 173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE REPEALING AND RESTATING CANYON LAKE MUNICIPAL CODE CHAPTER 6.01: INTEGRATED WASTE MANAGEMENT PERTAINING TO THE CHANGES IN STATE LAW EFFECTING SOLID, RECYCLABLE AND ORGANIC WASTE COLLECTION AND DIVERSION

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CANYON LAKE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 6.01 of the Canyon Lake Municipal Code is amended as follows:

- 6.01.010 Purpose.
- 6.01.020 Delegation of authority.
- 6.01.030 Reserved.
- 6.01.040 Reserved.
- 6.01.050 Reserved.
- 6.01.060 Definitions.
- 6.01.070 Service to be provided by the City.
- 6.01.080 Mandatory subscription.
- 6.01.090 Collection of fees.
- 6.01.100 Refuse collection fee a debt.
- 6.01.110 Collection procedure for delinquent accounts creation of lien.
- 6.01.120 Standby assessment on vacant parcels.
- 6.01.130 Solid waste collection schedules.
- 6.01.140 Placement of containers.
- 6.01.150 Condition of waste for collection.
- 6.01.160 Ownership of waste materials.
- 6.01.170 Solid waste and recyclable containers.
- 6.01.180 Vehicles and contractor’s employees.
- 6.01.190 Complaint service.
- 6.01.200 Compliance with Solid Waste Legislation.
- 6.01.210 Penalties for violation.

6.01.020 Delegation of authority.

The Riverside County Department of Health Services shall act as the Health Officer for the City and shall enforce all health-related standards. The City of Canyon Lake shall enforce all non-health related standards (unless otherwise preempted by state law) including but not limited to the use of containers, ownership of recyclables or waste, and responsibility of the operator for containers furnished.

6.01.030 - 6.01.050 Reserved.

6.01.060 Definitions.

The following words and phrases shall, for the purposes of this Chapter, be defined as following, unless it is clearly apparent from the context that another meaning is intended.

(a) “Collection” means the act of collecting solid waste, recyclables, or organic recyclables at the place of generation by an approved public or private collection agency and is distinguished from “removal.”

(b) “Container” means any metallic or plastic vessel, can or receptacle with a close-fitting lid or cover, appropriate for collecting solid wastes, recyclables, or organic recyclables for removal, whether owned by the City, approved collection agent, property owner, tenant or other person in control of the premises.

(c) “Contractor” or “approved collection agent” or “collector” or “collection service” means any person, persons, firm, corporation or partnership that has been issued a contract or franchise by the

Cross-reference:
Requirements for pet waste disposal see Chapter 15.02

6.01.010 Purpose.

The purpose of this Chapter is to provide for the collection, removal and disposal of recyclable material, and solid waste as well as related services in accordance with state standards, laws and regulations and to otherwise provide for the determination and regulation of a solid waste contractor. This Chapter is necessary for the protection of the public health, safety and welfare and to mitigate any health hazards within the City.

City Council for the purpose of collecting, transporting and disposing of refuse.

(d) "Disposal" means the complete operation of treating as required and disposing of the accumulation of garbage, rubbish, waste and the product or residue arising from any such treatment.

(e) "Organic Waste" shall mean food waste, green waste, landscape and pruning waste, compostables, nonhazardous wood waste and minimal amounts of soiled paper waste that is mixed in with food waste. Organic Waste includes organic recyclables. Organic Waste does not include waste types specified as "Special Wastes" or "Hazardous Waste" as defined by California regulations.

(f) "Recyclable material" includes but is not limited to glass, newsprint, newspaper, aluminum, cardboard, certain plastics or metal.

(g) "Removal" means the act of taking solid wastes, recyclables, or organic waste from the place of generation by an approved collection agent or by a person in control of the premises.

(h) "Solid Waste" shall mean all discarded putrescible and non-putrescible solid and semi-solid wastes, including refuse, construction and demolition debris, bulky items, recyclable materials, organic waste or any combination thereof which are permitted to be disposed of in a Class III Landfill, and which are included in the definition of "Non-Hazardous Solid Waste" set forth in the California Code of Regulations but excludes:

(1) Discarded home or industrial appliances;

(2) Sewage collected and treated in a municipal or regional sewerage system;

(3) Recyclable material, or organic recyclables or other materials or substances that have been separated for reuse or resale;

(4) Hazardous refuse including household hazardous wastes and any compound, mixture, substance or article defined as hazardous under state or federal law or which if improperly used, handled, transplanted, processed or stored may constitute a hazard to health or cause property

damage or contamination or which is explosive, flammable, poisonous, corrosive, radioactive or otherwise harmful to the environment and includes household batteries; and

(5) Discarded (as distinguished from abandoned) automobile or truck parts or bodies, dirt, sod, rock, manure or stable waste or waste from building or construction operations.

(6) Special waste as defined by state law.

6.01.070 Service to be provided by the City.

(a) The City shall provide the service of collecting solid waste and recyclables within the City, either through its own employees or through an entity under exclusive or non-exclusive franchise or contract with the City for a term determined by the City. In the event the City determines to contract for such service, the City shall seek competitive bids and determine the standards for an exclusive contractor to collect both solid waste and recyclables. So long as the City provides such service either through its own employees or by contract or franchise, it shall be unlawful for any person to engage in the business of collecting solid waste or recyclables within the City unless such person has a valid franchise or contract with the City to do so. The City reserves its right to regulate aspects of solid waste handling including, but not limited to, level of services, times of collection, frequency of collection and waste diversion requirements.

(b) The approved contractor awarded a franchise or contract by the City shall comply with all local governmental licenses, permits, or written approval requirements applicable to the City as well as with any and all state or federal requirements for the collection and removal of solid waste, recyclable material, organic waste, hazardous waste or other waste as agreed between the City and approved contractor. The contractor also may be required to assist in meeting the requirements of AB 939, AB 32, AB 341, AB 1826, AB 1594 and other laws and regulations which have been or will be imposed upon the City.

(c) No franchise contract or subscription shall be required for: (i) the removal of vegetative cuttings or other solid waste not containing garbage or

manure to a legal place of disposal as a part of gardening or horticulture or for composting; (ii) contractors or builders removing debris, rubbish and trash from construction sites; (iii) any person removing large or oversized items from his or her premises; (iv) any person removing infectious or hazardous waste from his/her premises. All solid or hazardous waste self-hauled shall be contained, tied or enclosed to prevent leaking, spilling or blowing and shall be deposited only in a duly authorized location.

(d) In accordance with state regulations, the following items are required before a franchise or contract shall be awarded by the City:

(1) The filing of a faithful performance or surety bond with the City in an amount determined by the City unless otherwise waived by the City Council.

(2) Evidence that the collector has experience and assets sufficient to meet the needs of the customers within the jurisdiction.

(3) Acquisition of a permit for waste collection from the County of Riverside.

(4) The filing of insurance certificates from a company or companies acceptable to the City Manager showing the City as an additional named insured, where such insurance is primary and not contributing and is in an amount of at least \$10,000,000 combined single limit aggregate bodily injury and property damage, \$5,000,000 vehicle liability insurance, and workers compensation in an amount as required by law. Such insurance shall remain in full force and effect during the term of any agreement and the City shall be given 30 days advance notice of any modification, termination or suspension.

6.01.080 Mandatory subscription.

(a) Except as set out in Section 6.01.070(c) it shall be unlawful for any occupant or person in possession, charge or control of any residential premises within the City from which ordinary household garbage, solid waste, organic waste, or recyclables are or may be created, accumulated or produced, to fail to subscribe for the collection service provided by the City. When the joint or

multiple use of solid waste containers is provided on the residential premises, it shall be unlawful for the person in possession, charge or control of such containers, to fail to subscribe to the City's collection service.

(b) It shall be unlawful for any occupant and/or any contractor doing business on any premises or any person in possession, charge, or control of any nonresidential premises within the City from which solid waste, recyclables, or organic waste, are or may be created, accumulated or produced to fail to subscribe for collection of solid waste, recyclable material, or organic waste, with anyone other than the City's collection service, except as set out in Section 6.01.070(c).

(c) It is the duty of the approved collection agent to collect all solid waste, recyclable material, or organic waste, from premises within the City that subscribe to such service and to deposit such materials at the appropriate facility.

(d) Notwithstanding the foregoing, or Section 6.01.130 hereof, should conditions warrant at any residential, commercial, industrial or multi-residential unit, the City or the Health Officer may require increased frequency of collection. No accumulation of solid waste shall be allowed to create a public nuisance and such accumulation shall be a public nuisance where detrimental to public health and safety.

(e) The owner or occupant of any premises may contract for additional collection services in excess of those required or provided by contractor hereunder.

6.01.090 Collection of fees.

(a) Every person in the City who has the occupancy, charge or control of any place or premises, within the City where any ordinary household garbage, solid waste, recyclables, or organic waste accumulates or may accumulate, shall pay, or cause to be paid, to the City or its agent a charge in such amounts and in such manner as shall be established by the City for the service of having such ordinary household garbage, recyclables, or organic waste solid waste, collected and removed from the place or premises by the exclusive contractor. In the case of residential and commercial

rental units, the property owner of record ultimately shall be responsible for such charge.

(b) Nothing in this Section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments of refuse collection fees are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to the contractor.

(c) All fees for service shall be proposed by the contractor and approved by the City Council by resolution. Fees shall be based on the type of occupancy or use of the place or premises.

(d) All fees (and any penalty) for collection services shall be billed and collected in accordance with rules and regulations proposed by the contractor and established and adopted by the City Council. The City Council may collect residential fees on the tax roll pursuant to Section 6.01.110.

6.01.100 Refuse collection fee a debt.

The refuse collection fee shall be a civil debt owing the contractor and the City from the owner, occupant or person in possession, charge or control of the premises. A penalty may be charged for late payment. Should any person fail, refuse or neglect to pay a collection bill within 30 days after received, without a valid dispute therefore, the contractor may refuse to collect solid waste, organic waste or recyclables from the premises until the bill is paid or the matter otherwise is resolved.

6.01.110 Collection procedure for delinquent accounts - creation of lien.

Fees authorized pursuant to this Chapter, including those owing prospectively as well as those which remain unpaid as of April 1 of any year may be collected on the property tax roll by the City as provided in this Section.

(a) Annually, on or before July 1, of each year, the City shall cause a written report to be prepared and filed with the City Clerk. The report shall describe each parcel in the city receiving solid waste collection services and the charge for such services for the next fiscal year. For collection of delinquent accounts, the contractor shall cause a

report of delinquent fees or charges to be prepared annually after April 1. The report may contain both prospective and delinquent charges. Charges may be placed on the tax rolls for residential and/or commercial property.

(b) The Council shall fix a time, date and place for a hearing on the report and any objections or protests thereto.

(c) The City Council shall cause written notice of such hearing to be mailed to the landowners listed on the report not less than 15 days prior to the date of the hearing.

(d) At the hearing, the City Council shall hear any objections or protests of landowners liable to be assessed for fees and may make such revisions or corrections to the report as it deems just, after which, by resolution, the report may be confirmed. The City Clerk shall file the report with the County Auditor before August 10 of each year.

(e) The fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of such delinquent fees plus administrative costs. A certified copy of the confirmed report shall be filed with the County Auditor for amounts of the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the County recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and subject to the same procedures including sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to such assessments, except that if any real property to which such fees or charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed shall not attach to such real property and the fees or charges and interest shall be transferred to the unsecured roll for collection.

6.01.120 Standby assessment on vacant parcels.

Pursuant to the authority set out in Health & Safety Code Sections 5470 et seq., the City may by 4/5ths vote adopt an ordinance, levy and collect an annual standby charge on unimproved property for solid waste capacity and collection and to meet obligations under AB 939, as it may be revised from time to time. By resolution approved by 4/5ths vote of the City Council, such charges may be collected in the same manner, by the same persons and at the same time and together with real property general taxes. In such event, the City Council shall:

(a) Annually cause a written report to be filed with the City Clerk, describing each parcel and the amount of the charge;

(b) Give notice of the charge and a hearing thereon shall be given as set out in Health & Safety Code Section 5473.1;

(c) At the time of the hearing, hear and consider any and all protests to the report. In the event of a protest by the owners of a majority of separate parcels, the report shall not be approved;

(d) Absent a majority protest, approve the report and file it with the County Auditor as set out in Section 5473.4 of the Health & Safety Code; and

(e) The charges set out in the report shall constitute a lien on the property in the same manner as real property taxes.

All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

6.01.130 Solid waste collection schedules.

(a) Residential, industrial and commercial solid waste and recyclable material shall be collected at least once weekly. Collections shall not be made between 8 p.m. and 7 a.m. unless otherwise agreed in advance in writing by the City Manager. Organic waste shall be collected on the same schedule or as determined to be necessary by the City and the Contractor. Collections of discarded automobile or truck bodies or other bulky or heavy objects, dirt, sod, rock, manure or waste from any stable, and material resulting from building or construction charges shall occur within seven days from receipt of request for such collection unless needed sooner for health and safety reasons. Subject to such limitations as may be agreed to by the City and waste hauler, dead animals shall be removed without charge within 24 hours after oral request for such removal. Special clean-up shall occur as set out in Section 6.01.150(d). Neither bulky waste nor dead animals shall be set out for collection except as set out in Section 6.01.150(b).

(b) The contractor also may be required to provide at its expense waste collection bins or containers within City facilities or other public areas, including but not limited to Section 26 (the BLM parcel).

6.01.140 Placement of containers.

(a) Residential: Unless other appropriate arrangements are made between an owner/agent and the approved collector, due to special circumstances, all containers shall be placed for collection along the curb or paved alley as directed by the City. On streets without curbs, containers shall be placed in the parkway but not in the local flowline. No person shall place any solid waste, organic waste or recyclable material or any container containing such material at any place of collection before 5:00 p.m. of the day preceding its scheduled collection, or leave any such container at the place of collection after 9:00 p.m. on the day of actual collection.

(b) Industrial, commercial and multiple dwelling units: Industrial, commercial and multiple dwelling residential solid waste containers or containers for recyclable materials or organic waste installed outdoors shall be screened and located in compliance with City zoning regulations.

(c) Public nuisance of containers prohibited: When not placed for collection, solid waste containers shall be kept in an area which is not visible from the street and which will not be offensive to neighboring property so far as it is reasonably practicable to do so. Recyclable containers and Organic Waste containers shall be placed in the same manner.

6.01.150 Condition of waste for collection

(a) Solid waste in containers. Waste shall be kept and placed for collection in sturdy containers with tight-fitting lids which shall be of a size, type and number agreed to by the City and the contractor; but shall not exceed 50 lbs. in weight when placed for pickup.

(b) Waste not in containers.

(1) Single bulky items of solid waste or items not in containers shall be collected provided that no item exceeds three feet in length and one foot in diameter, or weighs over 50 pounds.

(2) Solid waste or organic waste in bundles shall be collected provided that each bundle is tied and does not exceed three feet in length and one foot in diameter, or weigh over 50 pounds, not to exceed three bundles in any one pick-up day.

(3) Bulky household items such as stoves, refrigerators, furniture, water heaters and similar material shall be collected according to the collection policies of the waste collector for such items.

(4) Cardboard or empty cardboard boxes shall be collected and not returned to property owners or tenants.

(5) Magazines shall be securely tied in bundles if not placed in containers.

(6) Fluorescent lamp tubes must be broken prior to pickup.

(7) When any refuse is not collected by the approved collection agent, he shall leave a tag, provided at its cost, at least 2" x 6" in size, on which is specifically stated the reason for the refusal to collect and stating the City regulation or provision of

the agreement which has been violated. Such tag shall contain thereon the name, address and telephone number of the approved collection agent and shall be securely fastened to the container or article. The approved collection agent shall maintain a record of the location where all and any such tags have been placed. In the event the reason for non-collection is not remedied or cured by the date of the next regular pickup for the location, the approved collection agent shall provide the City with written notice thereof, stating the full particulars of the reason for no collection and location thereof.

(c) Recyclables in containers: All recyclable materials shall be placed in containers provided by the approved collection agent specifically for that purpose. In the event that such containers are filled, additional recyclable material may be placed adjacent to the recycling container in another container, bag or box.

(d) The approved collection agent agrees to assist and cooperate, at least twice per year, at no additional cost, in a clean-up operation on dates to be mutually determined.

6.01.160. Ownership of waste materials.

Solid wastes subject to collection by the approved collection agent shall become the property of that agent. Recyclable materials, and organic wastes, shall become property of the City. No person other than the person generating the materials, City employees or the contractor acting within the scope of his or her agency or employment shall remove such materials once placed for collection.

6.01.170 Solid waste and recyclable containers.

(a) Care of all containers: All containers shall be returned upright to the curb where found. Containers or lids shall not be deposited in the street or on adjoining property. Collectors shall not in any way throw or roughly handle any container so as to cause damage. The approved collection agent shall return all bins, roll-off boxes and the like utilized for business establishments hereunder, to the enclosure(s) provided therefor on the property. In the event that a business establishment fails to utilize such enclosures, or if said enclosures are rendered unusable, the approved collection agent shall request

the business establishment to make the enclosure usable for bins, roll-off boxes and the like. If the business establishment fails or refuses to correct the situation, the approved collection agent shall notify the City.. The contractor immediately shall remove any and all material that is spilled.

(b) Replacement of faulty containers: Where the property owner or occupant provides the container, any container that leaks and is not watertight shall be replaced by the owner within ten (10) days after notice from the collector, stating the condition of such container. Such notice from the collector shall be made by attaching a tag to the container indicating its defective condition.

(c) Operator responsibility: Where the approved collection agent furnishes containers (whether for solid waste or recyclables), he is responsible for maintaining the containers in good condition, ordinary wear and tear excepted, unless they are furnished under other terms, conditions or agreements.

(d) Use of container: No person shall tamper with, modify, remove from or deposit recyclables, solid wastes or organic waste in any container which has not been provided for his use without the permission of the container owner.

6.01.180 Vehicles and contractor's employees.

(a) The approved collection agent shall own or lease and maintain at its expense all equipment necessary to perform its duties as provided for under the Agreement, including sufficient radio equipment for office-to-field equipment communication.

(b) The contractor shall maintain all trucks and equipment used within the City in good mechanical condition and the same shall be clean and uniformly painted and numbered. All trucks and equipment shall have painted thereon, or affixed thereto, in letters and numerals at least six inches in height, the name and telephone number of the contractor, which name and telephone number shall be clearly visible at all times. Each vehicle utilized by the contractor shall be identified by numerals at least six inches in height in a location or locations on such vehicles to be specified by the City. A current list showing each vehicle so identified shall be supplied to the City at least annually.. All trucks and

equipment used in the performance of the agreement shall be available for and subject to inspection by the City. If the City finds that any truck or equipment requires correction of defects, it shall not be used by the contractor in the performance of the agreement until corrected to the reasonable satisfaction of the City. The contractor shall cause its vehicles to be inspected annually by the California Highway Patrol and the report of any and all California Highway Patrol inspections (annual or otherwise) shall be provided to the City within one week thereafter.

All truck bodies used by the contractor shall be watertight and leak-proof and so constructed as to prevent odors or falling, leaking or spilling refuse unless special arrangements are approved by the City for certain areas. Each piece of equipment used by Contractor shall carry at all times a broom and shovel to be used for the immediate removal of any spilled material as well as a fire extinguisher and first aid kit.

Each vehicle used within the City shall be washed at least once a week and steam-cleaned once a month and shall at no time constitute a nuisance or menace to public welfare, health and safety.

(c) The contractor at all times shall comply with state, federal and local rules and regulations applicable to its employees. All employees working within the City shall be bonded.

6.01.190 Complaint service.

(a) The approved collection agent shall maintain a telephone service with a local exchange area telephone number for the purpose of handling complaints or emergency service calls. The telephone service shall be operated between the hours of 8:00 a.m. and 5:00 p.m. of each day of the week during which collections are made.

(b) Complaints received by the approved collection agent shall be recorded in a log established for that purpose and shall specify the date and time of the complaint and the substance thereof. The disposition of the complaint and the date of disposition shall be recorded and a copy of said log shall be provided to the City monthly. The contractor shall use its best efforts to resolve all complaints within 48 hours from the time received.

(c) The approved collection agent shall have available, during the hours while the approved collection agent's telephone service is in operation, an emergency service vehicle to attend to complaints or emergency calls.

(d) The approved collection agent shall visit the City offices at such times as the City shall designate for the purpose of discussing any matters relating to, or any complaints which may be involved with, the performance of the agreement. The approved collection agent shall report back as directed on any action taken with reference to subject matter so discussed. Coordination of such check-in meetings is to be arranged by the City.

(e) Every effort will be made to provide a good quality of complaint service and follow up in the community.

6.01.200 Compliance with Solid Waste Legislation.

(a) The approved collection agent shall reimburse the City for the cost of developing a

Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) that meets all requirements of AB 939. The contractor shall collect with its bills the cost of implementing the SRRE and HHWE as set by the City. The contractor also shall provide a specific and detailed program approved by the City for such implementation in order to meet the waste-reduction goals of AB 939 including the financing of such program.

(b) The approved collection agent shall provide for the City to comply with all applicable current and future solid waste laws and regulations.

6.01.210 Penalties for violation.

Violations of this Chapter shall be punishable as an infraction in accordance with the Canyon Lake Municipal Code. Fines for such infractions shall be within the limits established by the Canyon Lake Municipal Code. In addition, any violation of this Chapter is deemed to be a public nuisance that may be abated by administrative or criminal action.

Section 2. To the extent the provisions of the Canyon Lake Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 3. This ordinance shall take effective 30 days from the date of its adoption.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

Randall P. Bonner, Mayor

Approved as to form:

Attest:

Stephanie Roseen, Deputy City Clerk

Elizabeth Martyn, City Attorney

State of California)
County of Riverside)ss
City of Canyon Lake)

I, Stephanie Roseen, City Clerk of the City of Canyon Lake, California do hereby certify that the foregoing Ordinance No. 173 was introduced at an adjourned meeting of the City Council held on the 12th day of July, 2017 and was duly adopted by the City Council of the City of Canyon Lake, California, at a regular meeting held on the XX day of XX, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Roseen, Deputy City Clerk