

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE AMENDING CHAPTER 8.44 OF THE GLENDALE MUNICIPAL CODE, 1995, UPDATING STANDARDS FOR RECYCLING COLLECTION TO COMPLY WITH STATE REGULATIONS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE**

**SECTION 1.** Chapter 8.44 of the Glendale Municipal Code, 1995, entitled Refuse, Yard Trimmings and Recyclable Material Collection and Disposal, is to be retitled as Refuse, Organics and Recyclable Material Collection and Disposal:

**SECTION 2.** Chapter 8.44 of the Glendale Municipal Code, 1995, is amended to read as follows:

**8.44.010 Definitions.**

The following words and phrases, shall, for the purpose of this chapter and Chapters 8.56 and 8.58, have the meanings respectively ascribed to them in this section unless otherwise noted:

“AB 939 fee” means the fee collected by the City from solid waste service providers used to recover the costs of preparing, adopting and implementing the City’s integrated waste management plan developed pursuant to the state of California’s Integrated Waste Management Act of 1989 (AB 939).

“Automated collection program” means the City’s automated ~~R~~refuse, ~~R~~recycling, ~~organics~~, and/or Organics ~~automated yard trimmings~~ collection program.

“Automated container” or “automated cart” means a specially designed container capable of holding no more than one hundred (100) gallons, obtained exclusively through the City by those participating in the automated collection programs.

“Automated materials collection” means the collection of ~~garbage~~Refuse, ~~yard trimmings~~, Organics, and/or Recyclable materials by means of an automated collection truck servicing containers obtained exclusively through the City and set out for collection in a prescribed manner.

“Bulky items” means Solid Waste that cannot or would not typically be accommodated within a Cart because of its size or shape, including specifically furniture (including chairs, sofas, mattresses, and rugs) and appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as “white goods”).

“Business”, “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint stock company, corporation, or association, whether for-profit or

nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

“Commercial Hauler” means any person who loads, collects, hauls, or transports commercial solid waste, that was generated by another person or its employees or subcontractors in the course of providing its principal service, or manufacturing or constructing or assembling its major product; by use of any means, including, but not limited to, a dumpster truck, a side-load, front-load, or rear-load garbage truck, or a trailer, or a compactor.

“Director of public works” means the director of public works or his or her authorized representative.

“Generator” means a person or entity that is responsible for the initial creation of Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Green waste” or “Green material” means any plant material except food material, or as otherwise defined in 14 CCR Section 17852(a)(21). that is separated at the point of generation, and includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products and wood waste (excluding palm fronds).

“Gross receipts” means total payment received by solid waste service providers and certified mixed waste processors for the provision of solid waste services including, but not limited to, receipts for service, container rentals, disposal fees, processing charges and any pass-through fees collected pursuant to AB 939. Gross receipts do not include proceeds from the sale of recyclable materials to materials brokers, dealers, end users, or a combination thereof.

“Hazardous waste” means hazardous waste as defined as hazardous by Section 40141 of the Public Resources Code, Division 30, Part 1, Chapter 2, and as that section may be subsequently amended.

“Inert debris” means non-putrescible solid material which includes, without limitation, soil, rock, gravel, concrete, asphalt, brick, ceramics, and similar material that does not contain hazardous waste, radioactive waste, medical waste, soluble pollutants, or decomposable matter.

“Medical waste” means waste materials regulated pursuant to the Medical Waste Management Act, Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code This definition may be amended as necessary to comply with state regulations, and as that section may be subsequently amended.

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not

include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“Organics” and “Organic material” means Solid organic wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18882(a)(46).  
~~means food, yard trimmings, non-hazardous wood waste, and compostable paper (includes food soiled paper), and other material deemed inappropriate by the director of public works.~~

“Person” means an individual, association, firm, limited liability company, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever.

“Place of business” means the situs of any commercial, industrial, or private nonprofit enterprise, whether operating as a sole proprietorship, partnership, limited liability company, corporation, or otherwise, including, without limitation, any retail or wholesale outlet, hotel or motel, restaurant, market, hospital or other health care facility, or private school, church or club. Each tenant of a commercial building is a separate place of business.

“Recyclable material” and “recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43). ~~clean paper, cardboard, telephone books, plastic and glass containers, ferrous, and nonferrous metals, organics or any other items designated by the director of public works as being acceptable for recycling.~~

“Recycling container” or “Recycling cart” means any container authorized or provided by the City or the City’s authorized agent for the collection of recyclable material.

“Refuse” means garbage that may be mixed with or contain nonorganic material, processed industrial materials, plastics, or other recyclables with the potential for recovery. It includes residential, commercial, and institutional waste. “Refuse” does not include any construction and demolition debris generated from applicable projects as defined in Chapter 8.58 of this title.

“Self-Hauler” means a person, who hauls Refuse, Recyclables or Organic Material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). “Back-haul” means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

“Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid waste” means solid waste as defined in Section 40191 of the California Public Resources Code, Division 30, Part 1, Chapter 2, and as that section may be subsequently amended. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

“Universal waste” means household electronics and equipment that may be considered hazardous upon disposal, or as otherwise universal waste as defined in the California Code of Regulations (CCR) at Title 22 Social Security Division 4.5, Environmental Health Standards for the Management of Hazardous Waste, and as that section may be subsequently amended.

“Yard trimmings” means plant materials (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.) generated from maintaining yards and gardens, but excluding dirt, sod and rocks, palm fronds, tree limbs over six (6) inches in diameter, plastics and synthetic fibers of any kind.

“Yard trimmings container” means any container authorized or provided by the city or the city’s authorized agent for the collection of yard trimmings.

#### **8.44.020 Safe and sanitary storage.**

Each business establishment, industry, or other property, vacant or occupied, shall be responsible for the safe and sanitary storage, collection and disposal of all refuse in compliance with the regulations set forth in this chapter. The primary responsibility for proper handling of solid waste generated or accumulated on any premises shall be on the Generator of the solid waste. Should the Generator refuse, neglect or fail to provide for the proper handling of solid waste in accordance with this chapter, the owner of the premises within or upon which the solid waste had been generated or accumulated shall provide for proper handling of the solid waste in accordance with the provisions of this chapter.

No person shall dump, deposit, place, burn or bury in or upon any lot, public space, or in water or waterway, any refuse, green material, recyclable material, deleterious or offensive substances. This section shall not apply to any land used by the City as a disposal or reclamation site.

#### **8.44.030 Accumulation of material.**

Premises will be kept in a clean and sanitary condition, and any Refuse shall not be permitted to accumulate on premises for a period in excess of one calendar week, except as provided for in Section 8.44.040. Green material or recyclable material shall not be permitted to accumulate on premises for a period in excess of one calendar month; provided, however, that this provision shall not be construed to interfere with any person keeping building materials upon premises during the construction, reconstruction or repair of a building or structure thereon under a current valid building permit, keeping of wood neatly piled upon such premises for household use, nor managing a backyard composting area that is properly maintained.

#### **8.44.030040 Minimum collection schedules.**

To prevent propagation of nuisances, ~~r~~Refuse, Recyclables and Organic Material ~~except for inert materials~~, shall not be allowed to remain on the premises for more than ~~seven (7) days~~ the period allowed by Section 8.44.040, except when:

- A. Disruptions occur due to strike; or
- B. Severe weather conditions or "Acts of God" make collection impossible using normal collection equipment; or
- C. Official holidays interrupt the normal seven (7) day collection cycle in which case collection may be postponed until the next working day; or
- D. Where deemed necessary by the director of public works that more frequent removal of Rrefuse shall be required for the protection of public health.

#### **8.44.040 Combined collection.**

~~Persons shall deposit all Rrefuse, Rrecyclable material, yard trimmings and Organic materials in containers, which are non-absorbent, water-tight, vector-resistant, durable, easily cleanable, and designed for safe handling, having sufficient strength, water tightness and which are designed for the containment of Rrefuse. Containers should be of an adequate size and in sufficient number to contain all the Rrefuse, Rrecyclable material, yard trimmings and Organic material that a household or other establishment generates within the designated removal period. Containers when filled shall not exceed reasonable lifting weights for an average physically fit individual except where mechanical loading systems are used. Containers shall be maintained in a clean, sound condition free from putrescible residue. In all cases in which materials are combined, the standards for garbage Rrefuse shall prevail. The property owner or occupant shall store solid waste on the premises or property or shall require it to be stored or handled in such a manner so as to not promote the propagation, harborage, or attraction of vectors.~~

#### **8.44.050 Collection—Manner of placing refuse, yard trimmings, organics and recyclable materials.**

~~—A.— Refuse Collection. Except as otherwise provided in this chapter for participants in the automated refuse collection program, the city shall collect and remove from all places or premises refuse which is contained in receptacles of the type or kind prescribed by the director of public works and placed as determined by the director of public works along the street curb in front thereof or along the alley in the rear thereof, depending upon whether the prescribed route is along the street or alley, except as may be otherwise permitted under the provisions of Section [8.44.060\(B\)](#).~~

~~—B.— Bulky or Special Item Pickup. Upon a residential occupant's advance notice to the city, the city shall also collect and remove from any residential premises refuse which has been placed for collection and which by reason of its character cannot practically be placed in such receptacles.~~

~~—C.— Automated Collection.~~

~~1.— Occupants of those places or premises that are included in the automated refuse collection program shall place refuse only in the specially designated container(s) to be obtained through the city for use in the automated refuse collection program. Refuse contained in any other type of container, bag or sack will not be collected and/or removed from the place or premises.~~

~~2.— Occupants of those places or premises included in the automated collection program shall place for collection only acceptable materials in the specially designated containers obtained through the city for use in the automated refuse collection program. The director of public works may revoke permission to participate in the automated yard trimmings, organics and/or recyclable materials collection programs and may remove any such automated containers.~~

~~3.— On the day designated by the director of public works for collection, occupants of those places or premises participating in the automated refuse collection programs shall place the automated containers along the street curb in front of the premises, or along the alley in the rear thereof, depending upon whether the prescribed route is along the street or alley, except as may be otherwise permitted under the provisions of Section [8.44.060\(B\)](#). Automated containers shall be placed at the edge of the curb on either side of the driveway in front of the premises at a minimum of three (3) feet from any parked car and at a minimum of one (1) foot between each automated container. If necessary, automated containers may be placed in the street against the curb. Such containers shall be placed so that the embossed arrow on the lid faces the street. No person shall place or cause to be placed such containers within the limits of any alley, unless directed to do so by the director of public works.~~

~~—D.— No person shall place or cause to be placed any refuse receptacle or automated container, or refuse, yard trimmings, organics or recyclable material in any public highway or alley at any place or in any manner other than on the days established by the director of public works for collection of refuse, yard trimmings, organics, or recyclable material on the particular route. No refuse, yard trimmings, organics or recyclable materials shall be placed for collection before 3:00 p.m. on the day immediately prior to the scheduled collection day. In the interest of public safety, no person shall permit any refuse receptacles or automated containers to remain on or immediately adjacent to a street or alley after 8:00 p.m. of the collection day.~~

#### **8.44.050 Ownership of materials.**

Title to materials becomes the property of the collector once placed in the collection containers and placed at an area for servicing by the collector. Title to any prohibited material placed in collection containers shall remain with the generator unless expressly accepted by the collector. All ownership and the rights to recyclable material shall be vested to the collector once such recyclables have been placed in the designated collection container by the resident or commercial entity. All ownership and title rights to recyclable materials shall be transferred to the authorized collector at the time the collector removes the material from the designated collection location. Scavenging is prohibited in the City.

#### **8.44.060 Prohibited material.**

A. No person shall place or deposit in any Refuse, Recyclable material, or Organic material container for collection pursuant to this article, hypodermic needles, medicines, pills, medical waste, rocks, electronic waste, human waste and other potentially infectious material, poisons, caustic acids, motor oils, liquids of any kind, explosives, asbestos or similar dangerous substances, or hazardous waste as defined in Public Resources Code Section 40141, or low level radioactive waste regulated under Chapter 7.6 of Division 20 of the Health and Safety Code, or medical waste regulated under Chapter 6.1 of Division 20 of the Health and Safety Code.

B. Under no circumstances shall clothing, bedding, or other articles from any home or place where any infectious or contagious disease has prevailed be deposited in such container. The owner or occupant of any premises where an infectious or contagious disease has prevailed shall forthwith notify the City and shall dispose of articles which are or might be affected in accordance with directions.

C. No person shall place the body of any dead animal in any street or park or in any solid waste, green material or recycling container. The bodies of any dead animals shall be promptly removed as directed by the regional health authority. In case the owner of such dead animal is known and removal is accomplished by the City, said owner shall pay the cost of removal of such animal. The City Manager shall fix the charges to be paid for the removal of dead animals.

D. No person shall place in the City residential collection service container any item which is too large or heavy to be included for regular refuse collection.

#### **8.44.070 Collection—Operation of public incinerator and dumping grounds.**

~~—The director of public works, with the approval of the council, may establish regulations governing the operations of any public incinerator or public dumping grounds operated by the city and fix the fees for disposing of refuse at such incinerators or for dumping on such grounds.~~

#### **8.44.070 Bulky Items and Universal Waste.**

~~Upon a residential occupant's advance notice to the City, residents shall be allowed to place waste the City shall also collect and remove from any residential premises refuse which has been placed for collection and which by reason of its~~

character cannot practically be placed in such receptacles, including Bulky Items and Universal Waste.

The City shall receive requests for and provide for the collection of certain Bulky Items and Universal Waste from residential customers of the City who shall request such service. Items unacceptable for Bulky Item collections include car bodies, auto parts, tires, construction and demolition debris, or items requiring at least three persons to remove. No Bulky Items or Universal Waste shall be collected from private property. All Bulky Items and Universal Waste shall be placed at and atop the curb, and not in the street or alley, and should be a minimum of five (5) feet away from any fixed object or parked vehicle.

#### **8.44.080 Collection Requirements -- All generators.**

- A. Waste Generators shall source-separate their waste into Recyclables, Organics, and Refuse, and place each type of material in a separate container designated for the collection of that type of material as defined in Section 8.44.050, unless the generator subscribes to a collection service where all materials are collected in a single stream and delivered to a high-diversion waste separation facility.
- B. No Generator may mix Recyclables, Organics or Refuse, or deposit one type in a collection container designated for another type, except as provided for in this Ordinance.
- C. Waste Generators shall subscribe to Refuse, Recycling and Organics collection services for all waste generated. Generators may additionally manage their waste by preventing or reducing waste, managing Organics on site, self-hauling, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- D. It shall be the responsibility of the Generator whose Solid Waste was not removed because it contained Recyclables or Organics to properly separate materials from the uncollected Refuse for proper recycling. Allowing such unseparated Solid Waste to accumulate as per Section 8.44.030 will be considered a violation of this Ordinance.
- E. The Generator is responsible for insuring that materials are confined in the collection container in a way that would prevent spillage on streets.

#### **8.44.081 Collection Requirements – Single-Family Generators.**

Single-Family Generators shall:

- A. On the collection day designated by the City, occupants of those places or premises participating in the City's automated refuse collection programs shall place the automated containers in the street, along the street curb in front of the premises, or along the alley in the rear thereof depending upon whether the prescribed collection route is along the street or alley. Automated containers shall be placed at the edge of the curb on either side of the driveway in front of the premises at a minimum of

three (3) feet from any parked car and at a minimum of one (1) foot between each automated cart. Such containers shall be placed so that the embossed arrow on the lid faces the street.

- B. No person shall place any container in any public highway, street, or alley at any place other than on the collection day established by the City on the particular route. No container shall be placed for collection before 3:00 p.m. on the day immediately prior to the scheduled collection day. No person shall permit the containers to remain on or immediately adjacent to a street or alley after 8:00 p.m. of the collection day.

#### **8.44.082 Collection Requirements – Commercial Generators.**

Generators that are Commercial Businesses, including Multi-Family Residential dwellings, shall:

- A. Subscribe and pay for collection services for all waste generated. Businesses that generate more than 2 cubic yards per week must subscribe to collection services for recyclable and organic material. Multi-Family Residential dwellings are not required to provide source separation programs that include residential food waste. Owners of such properties are responsible for any failure to subscribe to or pay for sufficient levels of collection service. Nothing in this section shall preclude an owner or tenant from self-hauling material generated at the property to a recycling facility or composting site.
- B. Provide an accessible location for sufficient levels of service with collector(s) for Refuse, Recyclables, and Organics, except as provided for in this Ordinance.
- C. Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, and tenants, consistent with the City's collection service requirements or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate the adequacy of capacity provided for each type of collection service for proper separation and containment of materials, and Businesses shall adjust their service level for their collection services as requested by the City.
- D. Excluding Multi-Family Residential dwellings, provide for the collection of Source-Separated Recyclable and Organic Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where Refuse disposal containers are provided for customers.

- E. Participate in collection service(s) by placing designated materials in designated containers.
- F. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Recycling, Green Waste, and Refuse collection service requirements or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program.
- G. Excluding Multi-Family Residential Dwellings, periodically inspect Recycling, Organic, and Refuse containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- H. Annually provide information to employees, contractors, tenants, and customers about waste diversion requirements and about proper sorting of Organic and Recyclable Materials.
- I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Organic and Recyclable Materials separate from Refuse (when applicable) and the location of containers and the rules governing their use at each property.
- J. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with this ordinance to confirm compliance with the requirements of this ordinance.

Nothing shall prohibit a Generator from:

- K. Placing all materials in one container, if the collection service is provided by a permitted hauler who collects material as a single-stream and delivers material to a high diversion facility.
- L. Self-hauling material, as long as the Generator meets the Self-Haul requirements of this ordinance.
- M. Preventing or reducing waste generation, managing waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

#### **8.44.083 Collection Service requirements at commercial special events.**

For a community special event requiring a commercial special event permit from the City, the permit holder shall provide recycling receptacles throughout the event venue. The number of recycling receptacles shall equal the number of solid waste receptacles, placed next to each other, and be clearly marked to identify recyclables to insure proper recycling. For events with a collection service provided by a single-stream hauler, outreach materials must provide information to that effect. The responsible permit holder shall ensure the delivery of materials to a recycling center or a certified

high-diversion material processing facility, and shall not be delivered to a landfill for disposal.

#### **8.44.090 Receptacles—General requirements.**

A. Except as provided in subsection B of this section, every person having charge or control of any place or premises in the City where refuse accumulates shall place and keep the same in a receptacle of the type or kind prescribed by the director of public works; provided, that where such refuse is of such character that it is impractical to place it in such receptacles, as determined by the director of public works, such refuse need not be placed therein. Persons having charge or control of such receptacles shall keep them clean, sanitary and free from all rough or jagged surfaces which would be likely to cause injury to persons lifting them.

B. Occupants of those places or premises that are included in the automated refuse collection program shall place and keep all Refuse, Recyclable material, and Organics material, ~~and yard trimmings~~ accumulating on such premises only in the designated automated refuse collection containers obtained exclusively through the City for use in the automated collection programs. Such automated containers shall remain at all times the property of the City. At no time and under no circumstances shall automated container(s) be moved or removed from the place or premises to which they were assigned. Such automated containers will be repaired and maintained by the City at no additional cost provided the damage is not due to customer abuse or negligence. Automated containers that are stolen will be replaced at no cost.

C. The director of public works shall have the discretion to determine the appropriate number and size of automated containers provided to participants in the automated collection programs.

#### **8.44.10091 Receptacles—Dimensions.**

A. Except as otherwise provided in this chapter, for participants in the automated refuse collection program, the receptacles in which refuse shall be placed and kept for collection by the City or by private collectors, shall be sturdy, of durable metal or plastic, tapered, and with tight-fitting lids or disposable paper or plastic bags manufactured for the purpose of keeping refuse as defined in Section 8.44.010. Each receptacle shall be of the type which does not permit the contents thereof to sift or pass through any openings therein. Each receptacle shall have a tight-fitting lid which secures to the receptacle in such a manner as to prevent as best as practicable the entry therein by coyotes, dogs, cats, rodents or other animals. Size or weight limitations do not apply to metal bins that are to be handled by mechanical means.

B. Occupants of those places or premises included in the automated collection program shall use only the approved automated refuse containers for such programs to be obtained exclusively through the City.

#### **8.44.11092 Receptacles—Name of businesses printed legibly.**

Except as otherwise provided in this chapter for participants in the automated refuse collection program, each receptacle used by a place of business shall have the name of the business painted clearly and legibly upon the receptacle's outer surface in letters at least two (2) inches in height.

**8.44.120093 Receptacles—Commercial and industrial.**

Every waste collector who owns, rents or controls any container, bin or other equipment used for the storage of garbage, industrial waste, market refuse or rubbish shall place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals, not less than two (2) inches in height, such waste collector's name or firm name and telephone number.

**8.44.130094 Receptacles—Separate units required.**

A. Except as otherwise provided in this chapter, for participants in the automated refuse collection programs, each place of business and each Multi-Family dwelling or apartment house accumulating or producing refuse shall provide its own receptacle or receptacles or shall use the receptacles furnished by the City as provided in this chapter for keeping, depositing or accumulating refuse originating on the premises.

B. No receptacle common to two (2) or more such places shall be set out for collection by the City unless and until a permit therefore has been issued by the division of public works of the City.

C. No person shall cause to be deposited or shall deposit any refuse in any receptacle of a place of business or multiple dwelling or apartment house with which such person is not directly connected.

**8.44.140095 Receptacles—Cleaning.**

After each emptying, and before any garbage receptacles are again used, the same shall be thoroughly cleaned and all grease and adherent materials removed.

**8.44.150 Receptacles—Tampering with prohibited.**

~~No person shall tamper or meddle with any refuse receptacle. No person other than the owner thereof, the owner's agents or employees, or the city, or a licensed refuse collector shall remove the contents from any refuse receptacle. No person, other than the city or the city's authorized agent, shall remove recyclable materials which have been segregated from other wastes and placed at a designated collection location for the purpose of collection and recycling by the city or the city's authorized agent.~~

**8.44.160096 Receptacles—Maintenance of receptacle area.**

Every owner, tenant, occupant or person owning or having the care of any premises shall keep his or her premises in a clean and sanitary condition, and no person shall permit any sewage effluent, excrement, slop or stagnant water, butcher offal, market refuse, garbage, dead animals, rubbish, cans, wastepaper, filth of any kind or any other substance that may become offensive, to be deposited or remain in or upon any premises owned or occupied by him or her or under his or her control, except as otherwise provided by law.

**8.44.170100 Fees—Liability—Billing.**

The council finds that the periodic collection of refuse from all places in the City benefits all occupants of places and premises in the City and, therefore, all such occupants are made liable for the refuse collection fees prescribed by this chapter. In

the case of premises containing more than one (1) dwelling unit or place of business or both which are served by a single electric meter, such fees may be billed to the landlord who shall collect such fees levied against the occupants of the dwelling units or places of business located on such premises, and shall transmit the amount so collected to the City. In the event the landlord fails to collect such fees from any such occupant and remit the same to the City the landlord shall be liable to the City for payment of such fees.

**8.44.180110 Collection charges—Established by council.**

All charges for refuse collection shall be established or modified by resolution of the City council. The schedule of fees shall remain on file and be available in the office of the director of public works. The director of public works shall, with the approval of the City manager, recommend changes in the above fees when the cost of refuse collection makes it appropriate.

**8.44.190111 Collection charges—Payment.**

A. Payment by landlord or occupants of places of business for weekly collection in excess of ten (10) cubic feet per week shall be made monthly in advance to the City on the first day of the month.

B. Special service charges for other than regular collections shall be payable to the City's duly authorized representative upon presentation of a bill for such services.

**8.44.200112 Collection charges—Advance Payment—Refund.**

Minimum fees paid in advance may be refunded upon the approval of the director of public works for any calendar month or major fraction thereof during which the applicant for refund was not an occupant or in legal possession of the premises for which the fee was paid. Fees paid in advance for extra services to places of business may be refunded for any full calendar month after the City has received written notice to discontinue the extra service for which fees have been paid in advance; provided, that the minimum fee prescribed by this chapter shall be withheld by the City unless the applicant for refund is also entitled to a refund of the minimum fee as provided in this chapter. Application for refund shall be filed with the director of public works within six (6) months after expiration of the calendar month for which the refund is sought and shall be made upon forms prescribed by the director of public works.

**8.44.210120 Fee—Debt against occupant.**

A fee imposed by this chapter shall be a civil debt owing to the City from the occupant of the property receiving the service.

**8.44.060130 Collection—Authority.**

The director of public works shall supervise the collection and removal of all Refuse, Recyclable material, and Organics and ~~recyclable materials~~ in the City.

~~A. Routes and Days of Collection. The director of public works shall establish routes and days for collection and may change the same from time to time. When such routes and days are established or changed, the director of public works shall give such notice thereof as the director of public works may deem advisable.~~ A. Commercial

Hauler Collection Services. The director of public works shall have the authority to promulgate rules and regulations concerning the collection and management of materials by commercial haulers operating within the City.

~~B. Cases of Practical Difficulty. In cases where the director of public works finds that a practical difficulty exists in complying with the requirements of this chapter as to the placing of refuse, yard trimmings, organics or recyclable materials for collection by the City, the director of public works may designate an alternative location where such refuse, yard trimmings, organics or recyclable materials shall be placed or kept for collection by the City and the conditions under which the same shall be collected.~~

~~CB.~~ The director of public works may make such rules not inconsistent with the provisions of this Chapter as may be necessary, reasonable and proper to effect the expeditious, economical and efficient collection and removal of Rrefuse, Recyclable material, and Organicsyard trimmings, organics, and recyclable materials within the City.

#### **8.44.080131 Collection—Limitation on quantity.**

A. Except for participants in the automated refuse collection program, no person in charge of any place of business, which is paying only the minimum charge for collection of refuse, shall set out or cause to be set out for collection during any one (1) week more than ten (10) cubic feet of refuse. If collection of additional quantities of refuse is desired application shall first be made for additional service.

B. No person in charge of any place of business included in the automated refuse collection program, which is paying only the minimum charge for collection of refuse, shall set out for collection during any one (1) week more than one (1) one hundred (100) gallon automated container of refuse. Placement of container must receive prior approval of the director of public works. The person in charge of the place of business is responsible for the care and cleanliness of the container. The container remains the property of the City.

#### **8.44.140 Backyard composting and management of organics.**

Residents shall be allowed to compost organic waste in their backyards, or at City-designated regional gardens where compostable organics are managed. Residents who participate in backyard composting must maintain their composting area in accordance with acceptable standards and regulations set forth by the City and the Los Angeles County Health Department. Materials allowed for composting in backyards include all garden waste, food waste with the exception of diseased or insect infested plants, animal wastes or meat and dairy wastes. All composting areas must be maintained to minimize the potential for odors and rodents. Moisture should be regulated to eliminate any standing waste near or around the composting area. Nothing shall preclude a resident to allow the removal of green material from the property by a landscaper.

#### **8.44.150 Self-hauling of material**

Nothing in this Chapter shall limit the right of any person or business to donate, sell, or transport recyclable material that they generate to a facility that holds all applicable permits provided that any such activity is in accordance with the provisions of

this Chapter. The ownership of recyclable materials is considered the property of the generator, until the material is placed in the authorized collector's container.

A. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the City otherwise requires generators to separate for collection in the Jurisdiction's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the Jurisdiction. The records shall include the following information:

(1) Delivery receipts and weight tickets from the entity accepting the waste.

(2) The amount of material in cubic yards or tons transported by the generator to each entity.

(3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in subsection B to the City if requested.

D. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.

#### **8.44.160 Waivers for Generators**

A. De Minimis Waivers: The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below. Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation that either:

(a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic and Recycling materials subject to collection comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic and Recycling materials subject to collection comprises less than 10 gallons per week per applicable container of the business' total waste.

(2) Notify the City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(3) Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved a de minimis waiver.

B. Physical Space Waivers: The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements. A Commercial Business or property owner may request a physical space waiver through the following process:

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lack adequate space for Recycling or Green Waste containers including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has an approved application for a physical space waiver.

An application for a waiver shall be submitted to the City on a form prescribed by the City. After reviewing the request, the City shall either approve or disapprove the waiver request.

A business subscribed to a single-stream collection service by its hauler is not considered exempt from the diversion requirement since the material diversion service is being provided.

### **SECTION 3. Severability.**

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of the Ordinance without the invalid or unconstitutional provision.

**SECTION 4. Effective Date.**

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Adopted by the Council of the City of Glendale on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )    SS.  
CITY OF GLENDALE            )

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
City Clerk