

ORDINANCE NO. 2498

AN ORDINANCE OF THE CITY COUNCIL OF CHICO AMENDING THE CHICO MUNICIPAL CODE, TITLE 8, HEALTH AND SANITATION, CHAPTER 8.04, ENTITLED “SOLID WASTE DISPOSAL – GENERAL PROVISIONS”

WHEREAS, the City Council of Chico (“City”) finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, the State of California has found and declared that the amount of garbage generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from landfilling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of the Act, directed the responsible State agency, and all local agencies, to promote disposal site diversion and to maximize the use of feasible garbage reduction, re-use, recycling, and composting options in order to reduce the amount of garbage that must be disposed of in disposal sites; and

WHEREAS, pursuant to California Public Resources Code Section 40059(a) as may be amended from time to time, the City has determined that the public health, safety, and well-being require that exclusive rights be awarded to qualified contractors to provide for collection of garbage, recyclable materials, and organic waste materials, except as may be excluded by the City’s Municipal Code, or other services specifically excluded as set forth in an exclusive franchise agreement; and

WHEREAS, the City further declares its intent to regulate and set the maximum rates a contractor will charge customers for the collection, transportation, processing, recycling, composting, and/or disposal of garbage, recyclable materials, and organic waste materials; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Chico:

SECTION 1. REPEALING OF CODE. Chico Municipal Code Title 8, Health and Sanitation, Chapter 8.04, entitled “Solid Waste Disposal – General Provisions” is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF CODE. Chico Municipal Code Title 8, Health and Sanitation, Chapter 8.04, entitled “Solid Waste Disposal – General Provisions” is hereby replaced by a new Chapter 8.04, entitled “Solid Waste Disposal – General Provisions” to read as follows:

Chapter 8.04

SOLID WASTE DISPOSAL – GENERAL PROVISIONS

Section:

- 8.04.010** **Definitions.**
- 8.04.020** **Promulgation of rules and regulations.**
- 8.04.030** **Enforcement.**

8.04.010 Definitions.

For the purposes of this chapter and Chapters 5.16, 8.08, 8.12, 8.14, and 9.22, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. **Biohazardous or Biomedical Waste.** A waste type consisting of any waste which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are waste resulting from the operation of medical clinics, hospitals, and other facilities processing wastes which may consist of, but are not limited to, human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, sharps, contaminated clothing and surgical gloves.
- B. **Brown Goods.** A waste type consisting of electronic equipment such as stereos, televisions, VCRs, Personal Data Assistants (PDAs), telephones, and other similar items not containing cathode ray tubes (CRTs).
- C. **Bulky Waste.** A waste type consisting of large items; large green waste; discarded furniture; carpets; mattresses; household appliances including refrigerators, ranges, washers, dryers, water heaters, and dishwashers and other similar items; large household goods including lawn garden equipment (drained of fluids), bicycles and other similar large personal items. Bulky Waste does not include Exempt Waste, and must be able to be safely lifted by two people into a collection vehicle.
- D. **Collection/Collect.** The process whereby solid waste garbage, recyclable materials, organic waste and C&D waste are removed and transported to a disposal or processing facility, as appropriate.
- E. **Construction and Demolition Debris (C&D).** A waste type consisting of commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, Formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures. Construction and Demolition Debris does not include Exempt Waste.
- F. **Disposal Facility.** A facility identified in a franchise agreement that is operated and legally permitted for the purpose of accepting materials for disposal.
- G. **E-Waste.** A waste type consisting of discarded electronics equipment such as cell phones, PDAs, computers, monitors, televisions, and other items containing cathode ray tubes (CRTs), LCD or plasma screens and monitors.
- H. **Exempt Waste.** A waste type consisting of biohazardous or biomedical waste (including sharps), hazardous waste, sludge, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.

- I. Food Waste. A waste type consisting of food scraps and trimmings and other putrescible waste that results from food production, preparation, storage, consumption or handling, and that has been separated at the source of generation from other types of solid waste including, garbage, recyclable materials and green waste. Food waste includes but is not limited to: meat, fish and dairy waste, fruit and vegetable waste, and grain waste, compostable paper products may be included as appropriate if processing facilities capable of processing such materials are used in the future and are commercially viable. Food waste does not include Exempt Waste.
- J. Front Yard Service. "Front Yard Service" shall mean collection of a waste type such as solid waste, solid waste recyclables, and recyclable organic waste in receptacles placed within five feet of the edge of the street (curbside) for collection.
- K. Garbage. A waste type consisting of:
 - 1. Every accumulation of animal, vegetable, or other matter that attends or results from the preparation, consumption, decay or dealing in, or storage of, meats, fish, fowl, birds, fruits, vegetables or other food products. The term "garbage" includes manure and other animal excrement;
 - 2. All putrescible and non-putrescible solid, semi-solid and associated liquid waste, as defined in California Public Resources Code Section 40191.Garbage does not include those items defined herein as recyclable materials, organic waste, or bulky waste that have been source-separated for purposes of diversion, or exempt waste.
- L. Green Waste. A waste type consisting of vegetative matter resulting from normal yard and landscaping maintenance that is not more than three (3) feet in its longest dimension or two (2) inches in diameter, and that has been separated at the source of generation from other types of solid waste including garbage, recyclable materials and food waste. Green waste includes plant debris, such as, ivy, grass clippings, leaves, pruning, weeds, branches, brush, non-flocked Christmas trees, and other forms of vegetative waste generated by and at the location of collection where collected. Green waste does not include items herein defined as exempt waste, or succulent plants, yucca, cactus, or fibrous plant materials determined to potentially cause damage to green waste collection or processing equipment.
- M. Hazardous Waste. A waste type consisting of any material which is defined, regulated or listed as "hazardous", "toxic", a "pollutant", or words of similar import, waste under California or United States law or any regulations promulgated pursuant to such law, as such state or federal law or regulations may be amended from time to time; and "designated waste" as defined in California Water Code Section 13173.
- N. Mixed paper. A waste type consisting of white and colored paper, magazines, phone books, paperback books, catalogs, junk mail, envelopes, manila folders, and paper grocery bags, but specifically excluding milk cartons and other waxed paper, hardcover books, blueprints or carbonless paper, and paper contaminated by food.
- O. Organic Waste. A waste type consisting of green waste, food waste, or both, separated at the source of generation from other waste types.
- P. Outer Banks. The term "outer banks," when used in the context of the outer banks of a creek, channel, or other watercourse, shall mean the upper elevation of land having a slope not exceeding ten percent which confines the water flowing in such creek, channel, or other watercourse during normal winter flows.

- Q. **Recyclable Materials.** A waste type consisting of discarded materials capable of being recycled (utilized again in the waste stream) which have been separated at the source of use or generation from other waste types. City may identify which recyclable materials are included in a City-approved recycling program including but not limited to: paper and paper products of all type and kinds; glass; metal and metal products; plastics (i.e., #1-7 plastics, except #6, that have commercial value regardless of form or mold). Recyclable materials do not include exempt waste.
- R. **Recyclable Solid Waste.** A waste type consisting of those discarded materials which are capable of being recycled and which have been separated at the source of generation from other types of solid waste. Recyclable materials included in the City-approved recycling program include: newsprint, mixed paper, glass, aluminum cans, tin cans, bimetal containers; plastic containers, cardboard boxes, and cartons.
- S. **Recyclable Yard Debris.** A waste type consisting of lawn cuttings, weeds, leaves, wood chips and shavings, nontreated or painted wood scraps, and remnants from tree or pruning which are less than four inches in diameter and are four feet long or less, excluding palm fronds, yucca plants and sod.
- T. **Rubbish.** A waste type consisting of painted or treated wood, woodenware, printed matter, cloth, straw or hay, leather, felt, plastic, and all other combustible solid waste.
- U. **Service Area.** An area defined and approved by city in a franchise agreement by which a solid waste collector may collect the waste type(s) as indicated in the franchise agreement.
- V. **Solid Waste.** All waste types, including, but not limited to, garbage, recyclable materials, organic waste, and C&D.
- W. **Waste Matter.** "Waste matter" consists of soil, earth, sand, clay, gravel, loam, stones, brick, plaster, cement, concrete, asphalt, crockery, screen wire, china, glass, glassware, ashes, cinders, shells, metals, and all other noncombustible material.

8.04.020 Promulgation of rules and regulations.

The city manager is hereby authorized to promulgate and establish administrative rules and regulations not in conflict with this chapter and Chapters 5.16, 8.08, 8.12 and 8.14 which the city manager may deem necessary to provide the most efficient administration of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14. Such rules and regulations when so declared and certified by the city manager and filed in the office of the city clerk, shall be deemed to be in full force and effect for all purposes of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14.

8.04.030 Enforcement.

It shall be the duty of the city manager to enforce the provisions of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Chico held on June 6, 2017 and was thereafter, at a regular meeting held on June 20, 2017 passed and adopted by the following vote:

AYES: Coolidge, Schwab, Sorensen, Stone, Filmer, Morgan

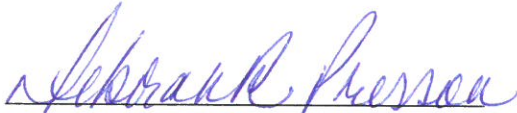
NOES: Ory

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None

ATTEST



Deborah R. Presson, City Clerk

APPROVED AS TO FORM*



Vincent C. Ewing, City Attorney

*Pursuant to the Charter of the City of Chico §906