

ORDINANCE NO. 2499

AN ORDINANCE OF THE CITY COUNCIL OF CHICO AMENDING THE CHICO MUNICIPAL CODE, TITLE 8, HEALTH AND SANITATION, CHAPTER 8.08, ENTITLED “SOLID WASTE DISPOSAL – STORAGE AND COLLECTION”

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. REPEAL OF CODE. Chico Municipal Code, Title 8, Health and Sanitation, Chapter 8.08, entitled “Solid Waste Disposal – Storage and Collection” is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF CODE. Chico Municipal Code Title 8, Health and Sanitation, Chapter 8.08, entitled “Solid Waste Disposal – Storage and Collection” is hereby replaced by a new Chapter 8.08, entitled “Solid Waste Disposal – Storage and Collection” to read as follows:

Chapter 8.08

SOLID WASTE DISPOSAL – STORAGE AND COLLECTION

Section:

- 8.08.010** **Definitions.**
- 8.08.020** **Disposal generally.**
- 8.08.030** **Disposal of recyclable solid waste.**
- 8.08.040** **Accumulation on residential property.**
- 8.08.050** **Accumulation of recyclable solid waste.**
- 8.08.060** **Accumulation on multiple-family residential, commercial and industrial property.**

8.08.010 Definitions.

The definitions contained in Section 8.04.010 of this code apply to the provisions of this chapter.

8.08.020 Disposal generally.

It shall be unlawful for any person to dispose of any garbage, rubbish, waste matter, or waste of any waste type in the city other than at a disposal site established by the city council or designated by the city manager, excepting that the same may be placed in receptacles and in the manner as provided by this chapter, Chapters 5.16, 8.04 and 8.12.

8.08.030 Disposal of recyclable solid waste.

It shall be unlawful for any solid waste collector to dispose of recyclable solid waste, collected pursuant to the residential recycling program required pursuant to Chapter 5.16 of this code, in a landfill disposal site, or to dispose of such recyclable solid waste in a manner which results in other than the marketing of such solid waste for re-use.

8.08.040 Accumulation on residential property.

- A. Garbage, rubbish and waste matter accumulated on property used for single and two family residences shall be placed in receptacles or stored for collection in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. All receptacles used for the storage of garbage, rubbish and waste matter accumulated on such property shall be emptied and the contents thereof removed and disposed of when:
 1. Said contents are within four inches or less from the top of the receptacle; and
 2. At least once a week.
- C. Garbage, rubbish and waste matter accumulated on such property may be combined in the same receptacle.
- D. Rubbish and waste matter not easily placed in receptacles shall be neatly tied in bundles with a maximum length of four feet and a maximum diameter of two feet.

8.08.050 Accumulation of recyclable solid waste.

- A. Recyclable solid waste shall be placed in a designated recycling container system in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. Recyclable solid waste shall not be allowed to overflow recycling containers.
- C. Recycling containers shall contain recyclable solid waste only, and no other garbage, waste matter, or rubbish.
- D. Notwithstanding anything in this section to the contrary, recyclable cardboard boxes and cartons not easily placed in recycling containers shall be neatly tied in bundles with a maximum length of 4 feet, and a maximum thickness of 2 feet, and placed on the ground adjacent to recycling containers.

8.08.060 Accumulation on multiple-family residential, commercial and industrial property.

- A. Garbage, rubbish, and waste matter accumulated on properties used for multiple-family residential, commercial and industrial uses shall be placed in receptacles or stored for collection in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. All receptacles used for the storage of garbage, rubbish and waste matter accumulated on such property shall be emptied and the contents thereof removed and disposed of when:
 - 1. Said contents are within four inches or less from the top of the receptacle; and
 - 2. At least once a week.
- C. Garbage, rubbish and waste matter accumulated on said property may be combined in the same receptacle.
- D. Garbage, rubbish and waste matter accumulated on such property in large quantities may be stored for collection in covered and watertight receptacles in excess of thirty-two-gallon capacity of a type approved by the city, provided, that mechanical means of hoisting and emptying the same are provided by a licensed solid waste collector or by the person operating the uses upon said property.

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, Fillmer, Morgan

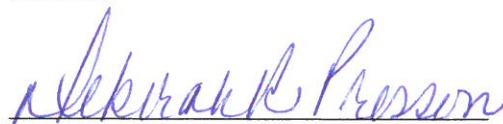
NOES: Ory

ABSENT: None

ABSTAIN: None

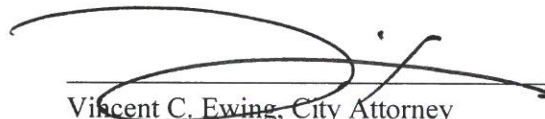
DISQUALIFIED: None

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