

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPTION OF ORDINANCE NO. 419, MODIFYING CHAPTER 6.20 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, SOLID WASTE REGULATIONS.

Summary Statement:

At its regular meeting on February 8, 2011, the Town Council approved a resolution confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties. This action is a normal procedure in order to ensure the Town is made whole for these outstanding costs through property tax payments.

Town Attorney John Brown was asked by Councilman Emick to verify the legal grounds for recovering from property owners the unpaid cost for trash disposal service that had been provided tenants. The Finance Department already requires that all trash disposal service is in the name of the property owner(s). With the owner's agreement the tenant can be billed for the service, however, the property owner is still obligated for the cost.

Best, Best & Krieger have recommended certain modifications to the Municipal Code to clarify each property owner's obligation for costs of disposal service. Other non-substantive changes are also recommended at this time in order to achieve consistency within the chapter. All the changes accomplished by the attached ordinance are indicated on the attached red-lined revision of Chapter 6.20 of the Municipal Code.

Recommended Action:

1. Move to waive the reading of Ordinance No. 419 in its entirety and read by title only.
2. Move to introduce Ordinance No. 419, amending Chapter 6.20 of the Town of Apple Valley Municipal Code regarding solid waste and recycling.

Proposed by Diana McKeen **Item Number** _____

T. M. Approval: _____ **Budgeted Item** Yes No N/A

ORDINANCE NO. 2011-419

AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 6.20 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO SOLID WASTE AND RECYCLABLES COLLECTION

WHEREAS, the Town Council of the Town of Apple Valley desires to clarify responsibility for solid waste and recyclable collection fees within the Town, as codified in the Town of Apple Valley Municipal Code (“Town Municipal Code”).

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.20.010 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.010 Definitions.

As used in this chapter:

(a) “Authorized recycling agent” means a person that the Town authorizes to collect its recyclables. An authorized recycling agent may be a municipal collection service, private solid waste hauler, private recycling enterprise or private nonprofit corporation or association.

(b) “Contractor” means any person, persons, firm, corporation or partnership that has been issued a contract or franchise by the Town Council for the exclusive purpose of handling collecting, transporting and recycling solid waste or recyclables.

(c) “Curb Collection” means the collection of solid waste or recyclables placed in a location at curbside of a residence so as not to obstruct the flow of traffic.

(d) “Designated recycling collection location” means the place where an authorized recycling agent has contracted with the Town to pick up recyclables segregated from other waste material. Designated recycling collection location includes, but is not limited to, the curbside of a residential neighborhood, or the service alley or trash enclosure of a commercial enterprise.

(e) “Detachable container service” means the collection of solid waste and recyclables from a container serviced by mechanical means located at a commercial establishment where such material is produced, kept or accumulated.

(f) “Dwelling, single family” or “Single family dwelling” means a detached building designed for occupancy by one family and consisting of a single living unit.

(g) “Dwelling, multiple family” or “Multiple family dwelling” means a residential building designed for occupancy by more than one family and consisting of more than one living unit even when there is not more than one water meter on such premises, but excluding hotels, motels and other premises designed for transient occupancy.

(h) “Exclusive solid waste handling services” means any action by the Town, whether by franchise, contract, license, permit or otherwise whereby the Town itself or one or more other local agencies or solid waste enterprises has the exclusive right to provide solid waste or recyclables handling services of any class or type within all or any of the territory of the local agency.

(i) “Franchise” or “Contract fees” means a sum equal to 5% of the gross annual receipts.

(j) “Hazardous waste” means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer or which generates pressure through decomposition, heat or other means if such waste or mixture of wastes may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code including “infectious waste”.

(k) “Health officer” means the Town Manager or his designated representative.

(l) “Industrial waste” means solid waste resulting from industrial processes and manufacturing operations including, but not limited to, wholesale and volume food processing waste, boiler house cinders, lumber scraps and shavings, metal scraps and shavings and chemical wastes.

(m) “Municipal waste stream” means solid waste, recyclables and otherwise disposed of materials commonly found in general collection process systems within a municipal jurisdiction.

(n) “Processing” means the reduction, separation, recovery, conversion or recycling of solid waste or recyclables.

(o) “Property owner” means the person, persons, partnership or corporation to whom the taxes on the property are assessed, as shown on the last equalized assessment roll of the County of San Bernardino, or alternatively, from such other records of the County Assessor or Tax Collector as contain more recent information.

(p) “Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(q) “Recyclables” means the materials segregated from the waste stream which can be processed and returned to the economic mainstream in the form of feedstock for new, reused or reconstituted

products which meet the quality standards necessary to be used in the marketplace.

(r) “Recyclables handling” means the collection, transportation, storage and transfer of recyclables.

(s) “Recyclables handling services” means the collection, transportation, storage and transfer of recyclables for residential, commercial, institutional or industrial users or customers.

(t) “Segregated from other waste material” means any of the following:

(1) The placement of recyclables in separate containers;

(2) The binding of recyclables separately from other waste material;

(3) The physical separation of recyclables from other waste material.

(u) “Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste as defined by the State or low-level radioactive waste. Solid waste does not include medical waste which has not been treated for disposal at a solid waste facility.

(v) “Solid waste disposal” means the final disposition of solid wastes onto land, into the atmosphere or into the waters of the State.

(w) “Solid waste enterprise” means any individual, partnership, joint venture, unincorporated private organization or private corporation regularly engaged in the business of providing solid waste handling services.

(x) “Solid waste handling” or “handling” means the collection, transportation, storage and transfer of solid wastes.

(y) “Solid waste handling services” means the collection, transportation, storage and transfer of solid wastes for residential, commercial, institutional or industrial users or customers.

(z) “Standard container” means a metallic or plastic can with a close-fitting cover, cover handle and side bails of 36 gallons or less gross capacity and weighing not more than 65 pounds when filled; or such other container as may be approved by the Town to be provided by the solid waste handling service and by the authorized recycling agent.

SECTION 2. Subsection (d) of Section 6.20.015 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“(d) It is further in the best interests of the public health, safety and welfare that solid waste and recyclables collection, transfer and disposal

services within the Town be provided either by Town officers and employees directly or by exclusive contract with a qualified provider of such services.”

SECTION 3. Section 6.20.020 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.020 Collection and disposal; to be provided for and supervised by Town.

The Town shall provide for the collection and disposal of all solid waste and recyclables from all premises within the Town at least once each calendar week. Such provisions may be made either by letting a contract or franchise, with or without advertising for bids, for a period not to exceed six years with renewal periods not to exceed three years. The Town Manager shall have charge and supervision of such collection and removal of solid waste, recyclables, and any other waste materials from the various parts of the Town so as to conform to the provisions of this chapter and may change the same from time to time. When such routes or days of collection are established or changed, he shall give notice thereof in such manner as he deems best. Every person shall place and keep the same in such receptacles as are required in this Chapter.”

SECTION 4. Section 6.20.021 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.021 Mandatory participation.

Every person who owns or who has the occupancy charge or control of any occupied residential household within the Town limits of the Town of Apple Valley must participate in the Town’s solid waste and recyclables handling services program as provided in this Chapter. This mandatory participation in the Town’s solid waste and recyclables handling services program is subject to either of the following limited variations from the provisions of this Chapter:

- (a) Residential dwelling units during such period or periods in which they are continuously unoccupied for more than 60 consecutive days.
- (b) Applicants issued permits authorizing variations from the provisions of this Chapter pursuant to Section 6.20.170 of this Chapter to the extent authorized under said permits.”

SECTION 5. Section 6.20.025 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.025 Solid waste and recyclables handling services; to be provided for and supervised by Town.

(a) The Town shall provide for solid waste and recyclables handling services which shall include collection of all solid waste and recyclables from all premises within the Town as may be specified by agreement. The Town may determine all of the following:

(1) Compliance in disposal of solid waste and recyclables in a manner described herein shall be mandatory for all waste generators within the Town of Apple Valley.

(2) Aspects of solid waste and recyclables handling which are of local concern including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees and nature, location and extent of providing solid waste and recyclables handling services.

(3) Whether the services are to be provided by means of non-exclusive franchise or contract, either with or without competitive bidding, or if, in the opinion of the Town Council, the public health, safety and well-being so require, the authority to provide solid waste and recyclables handling services may be granted under terms and conditions prescribed by the Town Council by resolution or ordinance. The Town Council may grant an option for an additional period for such solid waste and recyclables handling services.

(4) The Town Manager or his designee shall have charge and supervision of such solid waste and recyclables handling services from the various parts of the Town so as to conform to the provisions of this Chapter. When such routes or days of collection are established or changed, he shall give notice thereof in such a manner as he deems best. Every person shall place and keep solid waste material from any premise in the Town in receptacles as are required in this Chapter.”

SECTION 6. Section 6.20.030 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.030 Solid waste and recyclables processing services; to be provided for and supervised by Town.

(a) The Town may provide solid waste and recyclables processing services which may include solid waste and recyclables from all premises within the Town. Such services may include designation of an authorized recycling agent. The Town may determine all of the following:

(1) Aspects of solid waste and recyclables processing which are of local concern including, but not limited to, recyclables segregation from other solid waste, designated solid waste and recyclables collection locations, level of services, charges and fees and nature,

location and extent of providing solid waste and recyclables processing services;

(2) Whether the services are to be provided by means of non-exclusive franchise or contract, either with or without competitive bidding, or if in the opinion of the Town Council, the public health, safety and well-being so require the authority to provide solid waste and recyclables processing services may be granted under terms and conditions prescribed by the Town Council by resolution or ordinance. The Town Council may grant an option for an additional period for such solid waste and recyclables processing services.

(3) The Town Manager shall have charge and supervision of authorized solid waste and recyclables processing services from the various parts of the Town so as to conform to the provisions of this Chapter. When such routes or days of collection are established or changed, he shall give notice thereof in such manner as he deems best. Every person in the Town shall place solid waste and recyclables in such designated receptacles as are required in this Chapter for collection at designated solid waste and recyclables collection locations.”

SECTION 7. Section 6.20.035 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.035 Persons authorized to collect, transport or dispose of solid waste and recyclables.

The Town and its duly authorized agents, servants and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefore, and the agents, servants and employees of such contractors, while any such contract shall be in force, shall have the exclusive right to provide solid waste and recyclables handling services from all premises in the Town; and no person other than those above specified shall provide solid waste and recyclables handling services, convey or transport any solid waste or recyclables in, along or over any public street, alley or highway in the Town, or take any solid waste or recyclables from any receptacle in which the same may be placed for collection or removal, or interfere with or disturb any such receptacle, or remove any such receptacle from any location where the same is placed by the owner thereof, except as follows:

(a) Contractors or builders removing solid waste or recyclables from their construction sites; or

(b) Any person holding a valid Town business license to engage in the nursery or gardening business or to any person removing shrubbery, grass, tree cuttings, tree trimmings or other agricultural debris from any property owned or occupied by such person; or

(c) Any person removing industrial wastes or industrial recyclables, as defined in Section 6.20.010; or

(d) Any person removing large or oversized items of solid waste or recyclables from their premises; or

(e) Any person applying and obtaining a permit in writing from the Town for removing solid waste or recyclables; or

(f) Any person may recycle his or her own recyclables generated within his or her principle residence to the extent permitted by law.

SECTION 8. Section 6.20.060 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.060 Persons authorized process solid waste and recyclables.

The Town and its duly authorized agents, servants and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefore, and the agents, servants and employees of such contractors, while any such contract shall be in force, shall have the exclusive right to provide solid waste and recyclables processing services from all premises in the Town; and no person other than those above specified shall provide solid waste and recyclables processing services, convey or transport any solid waste or recyclables in, along or over any public street, alley or highway in the town, or take any solid waste or recyclables from any receptacle in which the same may be placed for collection or removal, or interfere with or disturb any such receptacle, or remove any such receptacle from any location where the same is placed by the owner thereof, except as follows:

(a) Contractors or builders removing solid waste and recyclables from their construction sites;

(b) Any person holding a valid Town business license to engage in the nursery or gardening business or to any person removing shrubbery, grass, tree cuttings, tree trimmings or other agricultural debris from any property owned or occupied by such person, for the purpose of composting;

(c) Any person removing industrial waste or industrial recyclables as defined in Section 6.20.010 or any person removing large or oversized items of solid waste or recyclables from their premises; or

(d) Any person applying and obtaining a permit in writing from the Town for removing solid waste or recyclables; or

(e) Any person may recycle his or her own recyclables generated within his or her principal residence to the extent permitted by law.”

SECTION 9. Section 6.20.065 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.065 Owner may contract for excess collection.

Any owner or occupant of any premises may contract with the contractor for special services for handling solid waste and recyclables in excess of regular services.”

SECTION 10. Section 6.20.070 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.070 Collection schedule.

All solid waste and recyclables shall be collected and removed at least weekly. All solid waste accumulated in hotels, restaurants and markets within the Town shall be collected and removed at least twice weekly.”

SECTION 11. Section 6.20.075 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.075 Collection hours.

All solid waste and recyclables collection shall be made as quietly as possible. The Town Council may fix and determine the hours of collection by resolution.”

SECTION 12. Section 6.20.080 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.080 Contract fees.

The Town shall be responsible for collecting all sums due for solid waste and recyclables collection services as set by rates adopted by resolution of the Town of Apple Valley and shall remit to the Contractor on a monthly basis all moneys collected, less franchise or contract charges, administrative service fees, dump site fees and any liquidated damage fees assessed under the contract or franchise set by the Town.”

SECTION 13. Section 6.20.085 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.085 Fees to be based on types of occupancies; types of occupancies defined.

The fees to be paid for solid waste and recyclables handling and processing services shall be placed on the type of occupancy and use of the place or premises in the Town. The different occupancies and uses are defined as follows:

(a) “Commercial use” is premises upon which is located at any type of business requiring a business license under the provisions of this Code or other ordinances of the Town and multi-family dwelling units.

(b) “Residential use” is premises upon which is located only one dwelling unit.

SECTION 14. Section 6.20.090 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.090 Collection fees.

(a) The property owner or owners of record of any place or premises within the Town, where any solid waste or recyclables accumulate shall pay, or cause to be paid, to the Town a fee in such amounts and in such manner as shall be established or required by the Town Council for the service of having such solid waste or recyclables collected and removed from the place or premises. Any account set up and maintained for the collection of solid waste and recyclables collection fees contemplated by this chapter shall be in the name of the property owner or owners of record only, and the property owner or owners of record shall be solely responsible for payment of the fees established.

(b) Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments of solid waste and recyclables 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 of record's obligation to the contractor or the Town for the refuse collection fees.

(c) All solid waste and recyclables collection fees shall be billed and collected in accordance with rules and regulations adopted by the Town Council.”

SECTION 15. Section 6.20.095 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.095 Solid waste and recyclables collection fee a debt.

The solid waste and recyclables collection fee shall be a civil debt owing the Town from the owner or owners of record of any place or premises within the Town where any solid waste and recyclables accumulate. If an invoice for solid waste and recyclables collection service is unpaid 60 days after mailing, a penalty of ten percent (10%) shall be charged and an additional 1-1/2% (one and one-half percent) per month shall be charged until the charges and penalties are paid in full. If court action is taken to enforce non-payment of charges, the property owner or owners of record shall pay all reasonable attorney fees incurred by the Town.”

SECTION 16. Subsections 6.20.100(b) and 6.21.100(c) of Chapter 6.20 of the Town Municipal Code are hereby amended in their entirety to read as follows:

“(b) The Town Council shall cause notice of hearing to be mailed to the property owner or owners listed on the report not less than fifteen (15) days prior to the date of hearing.

(c) At the hearing, the Town Council shall hear any objections or protests of the property owner or owners liable to be assessed for delinquent fees. The Town Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.”

SECTION 17. Section 6.20.105 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.105 Disposal, recycling and processing; locations and conditions.

All solid waste and recyclables collected in the Town for disposal, recycling or processing shall be delivered by the contractor to such locations and under such conditions as the Town Council may designate.”

SECTION 18. Section 6.20.115 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.115 Vehicle requirements.

All solid waste shall be transported in metal lined containers that are leak proof and so constructed as to prevent solid waste from falling, leaking, spilling or escaping or any odor therefrom. The solid waste, from the time that the last pickup of the solid waste is placed upon the truck and to the point of disposal, shall be covered by a tarpaulin or other suitable covering. Every truck so used for the hauling of solid waste shall be washed at least once a week and steam-cleaned once a month and kept in a well-painted condition. All solid waste shall be removed, conveyed and disposed of in such a manner as not to be a nuisance, menace or danger to the public peace, health and safety and shall be in accordance with any rules or obligations as provided by the Town Council.”

SECTION 19. Section 6.20.120 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.120 Container for solid waste.

The Town shall provide a watertight container for holding solid waste and recyclables. It shall be the responsibility of the resident to maintain containers provided by the Town. Containers shall have a close-fitting cover to prevent insects, including flies, rodents and other animals, from coming into contact with contents. No container shall have irregular surfaces or be in a condition which is likely to cause injury to persons moving or lifting them. Such receptacles shall be standard containers as defined in Section 6.20.010. Handling of solid waste and recyclable containers where weight limits are exceeded shall be made in accordance with special rules and regulations provided by resolution of the Town Council. It shall be the duty of every person served to keep the receptacles used in the service of such person in a clean and sanitary condition.”

SECTION 20. Section 6.20.125 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.125 Uses for containers provided.

The Town shall provide two or more containers for the expressed and respective purpose of recycling and disposal of solid waste. The container for recyclables shall be identified by color. Recyclables shall be placed in a commingled fashion and may include, but not limited to, all rigid plastic containers, glass jars, all paper, newsprint and glossy paper, cardboard, tin cans and aluminum. All solid waste shall be placed in a separate container designated by color for disposal.”

SECTION 21. Section 6.20.130 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.130. Uses for containers provided, condemnation.

If the provisions of Sections 6.20.120 and 6.20.125 are not fully complied with, the collector shall place a red tag on the container. No collection shall be made therefrom until such container is fully cleaned, sanitized or otherwise repaired.

SECTION 22. Section 6.20.135 of Chapter 6.20 of the Town Municipal Code is hereby amended in its entirety to read as follows:

“6.20.135. Container; removal and storage.

(a) Pursuant to California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5, Section 17331(H), all refuse created, produced or accumulated in or about a residential unit in the Town shall

be removed from the premises at least once each week. It is unlawful and a misdemeanor for the occupant of any of the above-described premises to fail or neglect to provide for the removal of solid waste at least as often as prescribed in this section. Each day's violation of this section shall be treated and considered as a separate and distinct offense.

(b) It is unlawful and a misdemeanor for any person to burn, bury or dump solid waste within the Town at any time unless a special permit for such burning, burial or dumping has been issued pursuant to authority conferred by the Town Council and/or the agency providing fire protection services within the Town.

(c) Pursuant to California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5, Section 17331(H), it is unlawful and a misdemeanor for any person to store or accumulate any refuse in any container or at any location other than as hereinabove set forth, or for any length of time other than as follows:

(1) Solid waste shall not be stored or accumulated for a period of time in excess of one week (seven days).

SECTION 23. Subsections 6.20.170(a) and 6.20.170(b) of Chapter 6.20 of the Town Municipal Code are hereby amended in their entirety to read as follows:

“ (a) Financial. Any owner or occupant of a single family residence may be eligible for a reduction in fees associated with the solid waste collection and disposal program upon satisfying the following criteria:

(1) Complete and submit a Town of Apple Valley Financial Hardship Application along with a copy of the most recent Southwest Gas or Southern California Edison bill showing eligibility for a current financial hardship status.

(2) The approved applicant will be eligible to receive solid waste collection at the reduced bi-monthly hardship rate for a period of 1 year. The application will automatically expire after 1 year. It will be the responsibility of the applicant to submit a Town of Apple Valley Financial Hardship application annually to avoid interruption of the reduced hardship rate.

(b) Physical Hardship Exemption. An applicant may be exempted from the provisions of the solid waste collection and disposal ordinance requiring placement of solid waste and recyclables barrels at curbside or roadside upon a showing and/or certification by a physician of a physical condition which would not allow the applicant to carry or otherwise transport such barrels from the dwelling unit to the curb or roadside. In the event such exemption is granted, arrangements will be made by the trash collection contractor to collect the solid waste and recyclables at the dwelling unit.”

SECTION 24. Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 25. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 26. This ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 27. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2011.

MAYOR

ATTEST:

TOWN CLERK

APPROVED AS TO FORM:

TOWN ATTORNEY

Chapter 6.20

SOLID WASTE REGULATIONS

Sections:

- 6.20.010 Definitions.
- 6.20.015 Declaration of policy.
- 6.20.020 Collection and disposal; to be provided for and supervised by Town.
- 6.20.021 Mandatory participation
- 6.20.025 Solid waste and recyclables handling services; to be provided for and supervised by ~~supervised by-~~ supervised by Town.
- 6.20.030 ~~Recycling and~~ Solid waste and recyclables processing services; to be provided for ~~and-~~ and supervised by Town.
- 6.20.035 Persons authorized to collect, transport or dispose of solid waste and recyclables.
- 6.20.040 Insurance required.
- 6.20.045 Surety Bond Required.
- 6.20.050 Contractor to indemnify and hold harmless the Town.
- 6.20.055 Worker's compensation insurance.
- 6.20.060 ~~Person's~~ Persons authorized to ~~provide recycling and~~ process solid waste services and recyclables.
- 6.20.065 Owner may contract for excess collection.
- 6.20.070 Collection schedule.
- 6.20.075 Collection hours.
- 6.20.080 Contract fees.
- 6.20.085 Fees to be based on types of occupancies; types of occupancies defined.
- 6.20.090 Collection fees.
- 6.20.095 Solid waste and recyclables collection fee a debt.
- 6.20.100 Collection procedure for delinquent accounts; creation of lien.
- 6.20.105 Disposal, recycling and processing; locations and conditions.
- 6.20.110 Disposal, recycling and processing, to be on same day as collection.
- 6.20.115 Vehicle requirements.
- 6.20.120 Container for solid waste.
- 6.20.125 Uses for containers provided.
- 6.20.130 Uses for container provided; condemnation.
- 6.20.135 Container; removal and storage
- 6.20.140 Uses for container provided; hazardous waste not allowed.
- 6.20.145 Solid waste; placement for collection.
- 6.20.150 Container, manner of placement.
- 6.20.155 Inspection and supervision.
- 6.20.160 Placement of trash bins; screened.
- 6.20.165 Information to be furnished to Finance Department by contractor each month.
- 6.20.170 Special permits in hardship cases.

6.20.175 Violations of chapter declared a nuisance.
6.20.176 Annual review.

6.20.010 Definitions. ~~As used in this chapter:~~

As used in this chapter:

(a) "Authorized recycling agent" means a person that the Town authorizes to collect its ~~recyclable waste material~~ recyclables. An authorized recycling agent may be a municipal collection service, private ~~refuse solid waste~~ hauler, private recycling enterprise or private nonprofit corporation or association.

(b) "Contractor" means any person, persons, firm, corporation or partnership that has been issued a contract or franchise by the Town Council for the exclusive purpose of handling collecting, transporting and recycling solid waste or recyclables.

(c) "Curb Collection" means the collection of solid waste ~~recycle material~~ or recyclables placed in a location at curbside of a residence so as not to obstruct the flow of traffic.

(d) "Designated recycling collection location" means the place where an authorized recycling agent has contracted with the Town to pick up ~~recyclable material~~ recyclables segregated from other waste material. Designated recycling collection location includes, but is not limited to, the curbside of a residential neighborhood, or the service alley or trash enclosure of a commercial enterprise.

(e) "Detachable container service" means the collection of solid waste and ~~recycle material~~ recyclables from a container serviced by mechanical means located at a commercial establishment where such material is produced, kept or accumulated.

(f) ~~"Dwelling, single family."~~ or "Single family dwelling" means a detached building designed for occupancy by one family and consisting of a single living unit.

(g) "Dwelling, multiple family" or "Multiple family dwelling" means a residential building designed for occupancy by more than one family and consisting of more than one living unit even when there is not more than one water meter on such premises, but excluding hotels, motels and other premises designed for transient occupancy.

(h) "Exclusive solid waste handling services" means any action by the Town, whether by franchise, contract, license, permit or otherwise whereby the Town itself or one or more other local agencies or solid waste enterprises has the exclusive right to provide solid waste or recyclables handling services of any class or type within all or any of the territory of the local agency.

(i) "Franchise" or "Contract fees" means a sum equal to 5% of the gross annual receipts.

(j) "Hazardous waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer or which generates pressure through decomposition, heat or other means if such waste or mixture of wastes may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code including "infectious waste".

(k) "Health officer" means the Town Manager or his designated representative.

(l) "Industrial waste" means solid waste resulting from industrial processes and manufacturing operations including, but not limited to, wholesale and volume food

processing waste, boiler house cinders, lumber scraps and shavings, metal scraps and shavings and chemical wastes.

(m) “Municipal waste stream” means solid waste, ~~reyclable~~recyclables and otherwise disposed of materials commonly found in general collection process systems within a municipal jurisdiction.

(n) “Processing” means the reduction, separation, recovery, conversion or recycling of solid waste or recyclables.

(o) “Property owner” means the person, persons, partnership or corporation to whom the taxes on the property are assessed, as shown on the last equalized assessment roll of the County of San Bernardino, or alternatively, from such other records of the County Assessor or Tax Collector as contain more recent information.

(p) “Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(q) “Recyclables” means the materials segregated from the waste stream which can be processed and returned to the economic mainstream in the form of feedstock for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(r) “Recyclables handling” means the collection, transportation, storage and transfer of recyclables.

(s) “Recyclables handling services” means the collection, transportation, storage and transfer of recyclables for residential, commercial, institutional or industrial users or customers.

(t) “Segregated from other waste material” means any of the following:

(1.) The placement of ~~reyclable materials~~recyclables in separate containers;

(2.) The binding of ~~reyclable material~~recyclables separately from other waste material;

(3.) The physical separation of ~~reyclable materials~~recyclables from other waste material.

(u) “Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste as defined by the State or low-level radioactive waste. Solid waste does not include medical waste which has not been treated for disposal at a solid waste facility.

(v) “Solid waste disposal” means the final disposition of solid wastes onto land, into the atmosphere or into the waters of the State.

(w) “Solid waste enterprise” means any individual, partnership, joint venture, unincorporated private organization or private corporation regularly engaged in the business of providing solid waste handling services.

(x) “Solid waste handling” or “handling” means the collection, transportation, storage and transfer of solid wastes.

(wv) "Solid waste handling services" means the collection, transportation, storage and transfer of solid wastes for residential, commercial, institutional or industrial users or customers.

(wz) "Standard container" means a metallic or plastic can with a close-fitting cover, cover handle and side bails of 36 gallons or less gross capacity and weighing not more than 65 pounds when filled; or such other container as may be approved by the Town to be provided by the solid waste handling service and by the authorized recycling agent.

6.20.015 Declaration of policy.

(a) In compliance with State Legislation Assembly Bill 939 (1990), the Town shall recover, through recycling, 25% of its waste stream by 1995 and 50% by the year 2000. Following practice common to high volume recovery of recyclable commodities found in municipal waste streams, the Town must control the complete flow and thereby collect 100% of the municipal waste stream.

(b) The Town shall provide for solid waste handling services including, but not limited to, the collection, transfer and disposal of solid waste within the Town. The Town Council finds that to give practical effect to his policy, a comprehensive system for the periodic collection, removal and disposal of solid waste from all premises in the Town is essential and benefits all occupants of premises in the Town and, therefore, all such occupants, unless exempt, are made liable for the solid waste collection charges established by the Town Council for solid waste handling services.

(c) The Town may also provide for recycling and solid waste processing services which may include recycling of solid waste from any or all premises within the Town. The Town Council finds that provision of recycling and solid waste processing services benefits all occupants or premises in the Town and, therefore, all such occupants, unless exempt, are liable for recycling and solid waste processing service charges established by the Town Council for recycling and solid waste processing.

(d) It is further in the best interests of the public health, safety and welfare that ~~refuse~~solid waste and recyclables collection, transfer and disposal services within the Town be provided either by Town officers and employees directly or by exclusive contract with a qualified provider of such services.

6.20.020 Collection and disposal; to be provided for and supervised by Town.

The Town shall provide for the collection and disposal of all solid waste and ~~waste material~~recyclables from all premises within the Town at least once each calendar week. Such provisions may be made either by letting a contract or franchise, with or without advertising for bids, for a period not to exceed six years with renewal periods not to exceed three years. The Town Manager shall have charge and supervision of such collection and removal of solid waste, recyclables, and any other waste materials from the various parts of the Town so as to conform to the provisions of this chapter and may change the same from time to time. When such routes or days of collection are established or changed, he shall give notice thereof in such manner as he deems best. Every person shall place and keep the same in such receptacles as are required in this Chapter.

6.20.021 Mandatory participation.

Every person who owns or who has the occupancy charge or control of any occupied residential household within the Town limits of the Town of Apple Valley must participate in the Town's solid waste and recyclables handling services program as provided in this Chapter. This mandatory participation in the Town's solid waste and recyclables handling services program is subject to either of the following limited variations from the provisions of this Chapter:

(a) Residential dwelling units during such period or periods in which they are continuously unoccupied for more than 60 consecutive days.

(b) Applicants issued permits authorizing variations from the provisions of this Chapter pursuant to Section 6.20.170 of this Chapter to the extent authorized under said permits.

6.20.025 Solid waste and recyclables handling services; to be provided for and supervised by Town.

(a) The Town shall provide for solid waste and recyclables handling services which shall include collection of all solid waste and recyclables from all premises within the Town as may be specified by agreement. The Town may determine all of the following:

(1) Compliance in disposal of solid waste and recyclables in a manner described herein shall be mandatory for all waste generators within the Town of Apple Valley.

~~1-~~(2) Aspects of solid waste and recyclables handling which are of local concern including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees and nature, location and extent of providing solid waste and recyclables handling services.

~~2-~~(3) Whether the services are to be provided by means of non-exclusive franchise or contract, either with or without competitive bidding, or if, in the opinion of the Town Council, the public health, safety and well-being so require, the authority to provide solid waste and recyclables handling services may be granted under terms and conditions prescribed by the Town Council by resolution or ordinance. The Town Council may grant an option for an additional period for such solid waste and recyclables handling services.

~~3-~~(4) The Town Manager or his designee shall have charge and supervision of such solid waste and recyclables handling services from the various parts of the Town so as to conform to the provisions of this Chapter. When such routes or days of collection are established or changed, he shall give notice thereof in such a manner as he deems best. Every person shall place and keep ~~refuse or~~ solid waste material from any premise in the Town in receptacles as are required in this Chapter.

6.20.030 ~~Recycling and~~ Solid waste and recyclables processing services; to be provided for and supervised by Town.

(a) The Town may provide ~~recycling and~~ solid waste and recyclables processing services which may include ~~recycling~~ solid waste and recyclables from all premises within the Town. Such services may include designation of an authorized recycling agent. The Town may determine all of the following:

(1-) Aspects of ~~recycling and~~ solid waste and recyclables processing which are of local concern including, but not limited to, ~~recycle material~~recyclables segregation from other ~~material~~solid waste, designated ~~recycling~~solid waste and recyclables collection ~~location~~locations, level of services, charges and fees and nature, location and extent of providing solid waste and recyclables processing services;

(2-) Whether the services are to be provided by means of non-exclusive franchise or contract, either with or without competitive bidding, or if in the opinion of the Town Council, the public health, safety and well-being so require the authority to provide ~~recycling and~~ solid waste and recyclables processing services may be granted under terms and conditions prescribed by the Town Council by resolution or ordinance. The Town Council may grant an option for an additional period for such ~~recycling and~~ solid waste and recyclables processing services.

(3-) The Town Manager shall have charge and supervision of authorized ~~recycling agency~~solid waste and recyclables processing services from the various parts of the Town so as to conform to the provisions of this Chapter. When such routes or days of collection are established or changed, he shall give notice thereof in such manner as he deems best. Every person in the Town shall place ~~recycle materials in such~~solid waste and recyclables in such designated receptacles as are required in this Chapter for collection at designated ~~recycling~~solid waste and recyclables collection locations.

6.20.035 Persons authorized to collect, transport or dispose of solid waste and recyclables.

The Town and its duly authorized agents, servants and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefore, and the agents, servants and employees of such contractors, while any such contract shall be in force, shall have the exclusive right to provide solid waste and recyclables handling services from all premises in the Town; and no person other than those above specified shall provide solid waste and recyclables handling services, convey or transport any solid waste ~~material~~or recyclables in, along or over any public street, alley or highway in the Town, or take any ~~refuse or~~solid waste material for or recyclables from any receptacle in which the same may be placed for collection or removal, or interfere with or disturb any such receptacle, or remove any such receptacle from any location where the same is placed by the owner thereof, except as follows:

(a) Contractors or builders removing ~~debris, rubbish and trash from~~solid waste or recyclables from their construction sites; or

(b) Any person holding a valid Town business license to engage in the nursery or gardening business or to any person removing shrubbery, grass, tree cuttings, tree trimmings or other agricultural debris from any property owned or occupied by such person; or

(c) Any person removing industrial wastes or industrial recyclables, as defined in Section 6.20.010; or

(d) Any person removing large or oversized items of ~~rubbish~~solid waste or recyclables from their premises; or

(e) Any person applying and obtaining a permit in writing from the Town for removing ~~debris and~~ solid waste or recyclables; or

(f) Any person may recycle his or her own recyclables generated within his or her principle residence to the extent permitted by law.

6.20.040 Insurance Required:

(a) The contractor shall provide the Town Clerk with certificates from insurance companies, acceptable to the Town Manager, showing that the Town is named as an additional insured, that the insurance is primary and not contributing with any other insurance available to the Town and that the liability coverage provides the following minimum limits:

1. Bodily injury \$10,000,000.00 each person
\$10,000,000.00 each occurrence;
2. Property Damage \$10,000,000.00 each person
\$10,000,000.00 each occurrence; or
3. Combined single \$10,000,000.00 aggregate bodily limit injury
and property damage.

(b) Such insurance shall be in full force and effect during the terms of the contract.

(c) The Town reserves the right to increase the amounts of insurance consistent with the terms and conditions of contract, and the contractor shall immediately comply with said increase.

6.20.045 Surety Bond Required.

The contractor who contracts with the Town for the removal and disposal of garbage, rubbish and swill shall be required to furnish a surety bond to the Town in the sum of Twenty-five Thousand Dollars (\$25,000), conditioned upon the faithful performance of the contract and the provisions of this Chapter, to collect all garbage, rubbish and swill in the Town and transport the same through the streets and public ways of the Town to such destination as provided in this Chapter.

6.20.050 Contractor to indemnify and hold harmless the Town.

The contractor shall indemnify and hold harmless the Town, its officers, agents and employees for and from any and all claims, losses, liabilities, demands, actions or suits of every kind or nature arising or resulting from the contract, excepting Town take-over and operation of contractor's equipment, or any operation of the contractor hereunder or in exercising any license or privilege granted to him by the contract or by an ordinance of the Town. Contractor shall upon demand of the Town, at his sole cost and expense and with attorneys selected by the Town, provide a defense for the Town and its officers, agents, and employees against any and all claims, actions or suits brought against the Town or its officers, agents and employees arising or resulting from or in any connection with the operations of contractor pursuant to the contract.

6.20.055 Worker's Compensation Insurance.

The contractor and his subcontractors, if any, shall obtain and maintain in full force and effect throughout the entire term of the contract, full worker's compensation insurance in accordance with the provisions and requirements of the Labor Code of the State of California and any other applicable law. Certificates of such insurance, subject to approval by the Town Attorney, shall

be filed with the Town Clerk. Said certificate shall provide that the Town shall be given 30 days written notice by certified or registered mail prior to cancellation.

6.20.060 Persons authorized ~~to provide recycling and~~ process solid waste and recyclables.

The Town and its duly authorized agents, servants and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefore, and the agents, servants and employees of such contractors, while any such contract shall be in force, shall have the exclusive right to provide ~~recycling and~~ solid waste and recyclables processing services from all premises in the Town; and no person other than those above specified shall provide ~~recycling and~~ solid waste and recyclables processing services, convey or transport any ~~recyclable~~solid waste ~~material~~or recyclables in, along or over any public street, alley or highway in the town, or take any ~~recyclable~~solid waste ~~material~~or recyclables from any receptacle in which the same may be placed for collection or removal, or interfere with or disturb any such receptacle, or remove any such receptacle from any location where the same is placed by the owner thereof, except as follows:

- (a) Contractors or builders removing ~~recyclable~~solid waste ~~material~~and recyclables from their construction sites;
- (b) Any person holding a valid Town business license to engage in the nursery or gardening business or to any person removing shrubbery, grass, tree cuttings, tree trimmings or other agricultural debris from any property owned or occupied by such person, for the purpose of composting;
- (c) Any person removing industrial ~~recyclable~~ waste ~~material~~or industrial recyclables as defined in Section 6.20.010 or any person removing large or oversized items of ~~recyclable~~solid waste ~~material~~or recyclables from their premises; or
- (d) Any person applying and obtaining a permit in writing from the Town for removing ~~recyclable~~solid waste ~~material~~or recyclables; or
- (e) Any person may recycle his or her own recyclables generated within his or her principal residence to the extent permitted by law.

6.20.065 Owner may contract for excess collection.

Any owner or occupant of any premises may contract with the contractor for special services for handling solid waste and ~~recycle material~~recyclables in excess of regular services.

6.20.070 Collection schedule.

All solid waste and recyclables shall be collected and removed at least weekly. All solid waste accumulated in hotels, restaurants and markets within the Town shall be collected and removed at least twice weekly.

6.20.075 Collection hours.

All ~~refuse~~solid waste and recyclables collection shall be made as quietly as possible. The Town Council may fix and determine the hours of collection by resolution.

6.20.080 Contract Fees.

The Town shall be responsible for collecting all sums due for ~~garbage~~solid waste and ~~rubbish~~recyclables collection services as set by rates adopted by resolution of the Town of Apple Valley and shall remit to the Contractor on a monthly basis all moneys collected, less franchise or contract charges, administrative service fees, dump site fees and any liquidated damage fees assessed under the contract or franchise set by the Town.

6.20.085 Fees to be based on types of occupancies; types of occupancies defined.

The fees to be paid for solid waste and recyclables handling ~~services~~ and ~~reeycling~~processing services shall be placed on the type of occupancy and use of the place or premises in the Town. The different occupancies and uses are defined as follows:

- (a) "Commercial use" is premises upon which is located at any type of business requiring a business license under the provisions of this Code or other ordinances of the Town and multi-family dwelling units.
- (b) "Residential use" is premises upon which is located only one dwelling unit.

6.20.090 Collection Fees.

(a) ~~Every person in the Town who has the occupancy, charge or control~~The property owner or owners of record of any place or premises, ~~with the exception of residential and commercial rental units,~~ within the Town, where any ~~refuse accumulates,~~solid waste or recyclables accumulate shall pay, or cause to be paid, to the Town a fee in such amounts and in such manner as shall be established or required by the Town Council for the service of having such ~~refuse~~solid waste or recyclables collected and removed from the place or premises. ~~In the case of residential and commereial rental units,~~Any account set up and maintained for the collection of solid waste and recyclables collection fees contemplated by this chapter shall be in the name of the property owner or owners of record only, and the property owner or owners of record shall be solely responsible for payment of the fees established.

(b) Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments of ~~refuse~~solid waste and recyclables 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~~owner of record's obligation to the contractor or the Town for the refuse collection fees.

(c) All ~~fees for residential services~~solid waste and recyclables collection fees shall be billed and collected in accordance with rules and regulations adopted by the Town Council.

~~(d) All fees for commercial service shall be billed and collected in accordance with rules and regulations adopted by the Town Council.~~

6.20.095 Solid waste and recyclables collection fee a debt.

The solid waste and recyclables collection fee shall be a civil debt owing the Town from the owner, ~~occupant or person in possession, charge or control of a residential unit~~ or owners of record of any place or premises within the Town where any solid waste and recyclables accumulate. If an invoice for ~~refuse~~solid waste and recyclables collection service ~~is~~ is unpaid 60 days after mailing, a penalty of ten percent (10%) shall be charged and an additional 1-1/2% (one and one-half percent) per month shall be charged until the charges and penalties are paid in full. If court action is taken to enforce non-payment of charges, the ~~user of~~ property owner or owners of record shall pay all reasonable attorney fees incurred by the Town.

6.20.100 Collection Procedure for Delinquent Accounts -- Creation of Lien.

Any fees authorized pursuant to Section 6.20.090 which remain unpaid after the delinquent date as set forth in Sections 6.20.095 may be collected thereafter by the Town as provided in this Section.

(a) The Town Council shall cause a report of delinquent solid waste handling and recycling fees to be prepared periodically. The Council shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The Town Council shall cause notice of hearing to be mailed to the ~~landowners~~property owner or owners listed on the report not less than fifteen (15) days prior to the date of hearing.

(c) At the hearing, the Town Council shall hear any objections or protests of ~~landowners~~the property owner or owners liable to be assessed for delinquent fees. The Town Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent 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 Town for the amount of the respective assessments against 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, a certified copy of the Resolution of Confirmation. The assessment may be collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of Town ad valorem property taxes shall be applicable to such assessment.

6.20.105 Disposal, recycling and processing; locations and conditions.

All solid waste and ~~recycle material~~recyclables collected in the Town for disposal, recycling or processing shall be delivered by the contractor to such locations and under such conditions as the Town Council may designate.

6.20.110 Disposal, recycling and processing; to be on same day as collection.

Solid waste shall be delivered to the place provided for the disposal thereof, as provided for in this Chapter, on the same day that such solid waste is collected.

6.20.115 Vehicle requirements.

All ~~refuse~~solid waste shall be transported in metal lined containers that are leak proof and so constructed as to prevent ~~refuse~~solid waste from falling, leaking, spilling or escaping or any odor therefrom. The ~~refuse~~solid waste, from the time that the last pickup of the ~~refuse~~solid waste is placed upon the truck and to the point of disposal, shall be covered by a tarpaulin or other suitable covering. Every truck so used for the hauling of ~~refuse~~solid waste shall be washed at least once a week and steam-cleaned once a month and kept in a well-painted condition. All ~~refuse~~solid waste shall be removed, conveyed and disposed of in such a manner as not to be a nuisance, menace or danger to the public peace, health and safety and shall be in accordance with any rules or obligations as provided by the Town Council.

6.20.120 Container for Solid Waste.

The Town shall provide a watertight container for holding solid waste and ~~reeycling~~recyclables. It shall be the responsibility of the resident to maintain containers provided by the Town. Containers shall have a close-fitting cover to prevent insects, including flies, rodents and other animals, from coming into contact with ~~solid waste~~contents. No container shall have irregular surfaces or be in a condition which is likely to cause injury to persons moving or lifting them. Such receptacles shall be standard containers as defined in Section 6.20.010. Handling of solid waste and recyclable containers where weight limits are exceeded shall be made in accordance with special rules and regulations provided by resolution of the Town Council. It shall be the duty of every person served to keep the ~~solid waste receptacle~~receptacles used in the service of such person in a clean and sanitary condition.

6.20.125 Uses for containers provided.

The Town shall provide two or more containers for the expressed and respective purpose of recycling and disposal of ~~garbage~~solid waste. The container for recyclables shall be identified by color. ~~Reeyelable commodities~~Recyclables shall be placed in a commingled fashion and may include, but not limited to, all rigid plastic containers, glass jars, all paper, newsprint and glossy paper, cardboard, tin cans and aluminum. All ~~garbage material~~solid waste shall be placed in a separate container designated by color for disposal.

6.20.130. Uses for container, condemnation.

If the provisions of ~~-Section~~Sections 6.20.120 and 6.20.125 are not fully complied with, the collector shall place a red tag on the container. No collection shall be made therefrom until such container is fully cleaned, sanitized or otherwise repaired.

6.20.131 - Added per Ord. 123; deleted per Ord. 128, adopted 11-09-93

6.20.135. Container; removal and storage.

(a) Pursuant to California ~~Administrative Code of Regulations~~, Title 14, Division 7, Chapter 3, Article 5, Section ~~17.33117331~~(H), all refuse created, produced or accumulated in or about a residential unit in the Town shall be removed from the premises at least once each week. It is unlawful and a misdemeanor for the occupant of any of the above-described premises to fail or neglect to provide for the removal of ~~refuse~~solid waste at least as often as prescribed in this section. Each day's violation of this section shall be treated and considered as a separate and distinct offense.

(b) It is unlawful and a misdemeanor for any person to burn, bury or dump ~~refuse~~solid waste within the Town at any time unless a special permit for such burning, burial or dumping has been issued pursuant to authority conferred by the Town Council and/or the agency providing fire protection services within the Town.

(c) Pursuant to California ~~Administrative Code of Regulations~~, Title 14, Division 7, Chapter 3, Article 5, Section ~~17.33117331~~(H), it is unlawful and a misdemeanor for any person to store or accumulate any refuse, ~~rubbish or miscellaneous debris~~ in any container or at any location other than as hereinabove set forth, or for any length of time other than as follows:

~~(1.)~~ RefuseSolid waste shall not be stored or accumulated for a period of time in excess of one week (seven days).

6.20.140 Uses for container provided; hazardous waste not allowed.

It is unlawful for any person to deposit hazardous waste or household hazardous waste, as defined by the State, in any container to be collected for disposal by the Town's solid waste handler. The Town's solid waste handler shall not provide solid waste handling for any hazardous waste or household hazardous waste.

6.20.145 Solid waste; placement for collection. (Entire Section repealed Ordinance 245 10/9/2001).

6.20.150 Container; manner of placement.

Each solid waste container shall be kept or placed in the following manner: It shall be kept on the premises of the person receiving the contained. It shall be placed for collection as follows: On the curb (or at the street) in front of the premises occupied by the person placing the same or on the curb (or at the street) at the side of the premises where the premises are adjacent to more than one street. Each container containing solid waste shall be so placed for each respective collection period not later than the hour upon which the collection is scheduled to so commence in the district in which the premises are located for this period, and shall not be placed earlier than 12 hours prior to the time that the collection is scheduled to so commence and shall not remain when placed at the curb for more than 12 hours after the time of collection.

6.20.155 Inspection and supervision.

It shall be the duty of the Town Manager, or his designee, to inspect and supervise all trucks, carts or other vehicles used by the contractor in the collection and disposal of solid waste and see that the same are kept clean and sanitary. The Town Manager, or his designee, shall enforce the provisions of this Chapter, inspect any and all premises where solid waste is kept or accumulated

for the purposed of determining sanitary conditions and investigate whether the provisions of this Chapter and all laws and ordinances of the Town and the State are in compliance.

6.20.160 Placement of trash bins; screened.

A. All trash **bins** and enclosures shall **be** located out of easement areas, public rights of way, and the clear sight triangle.

B. Trash bins and enclosures shall not be located in a manner that requires the waste handier to park perpendicular to the roadway while emptying the bins.

C. All trash bin and enclosure locations must be approved and built to Town standards.

D. Every person utilizing bin service shall sign a liability waiver form.

E. Paved access shall not be required. However, when the bin cannot be serviced because of inadequate access, the bin may be replaced with carts or paving may be required.

F. Failure to comply with the provisions of this ordinance shall result in the removal of the bin and placement of carts at a minimum ratio of one green trash cart and one blue commingled recycle cart per residential unit.

G. In the event that a property has adequate space and access, a bin may be left unenclosed and placed behind the structure where it is not visible from the frontage street.

H. Commercial/Industrial Use.

1. Existing commercial or industrial use property shall be evaluated with each tenant improvement application to determine if an intensification of use is to occur. Upon the determination of an intensified and/or expanded use, then a masonry block enclosure will be required to be installed to the Town standards prior to the issuance of a Certificate of Occupancy.

2. in the event there is inadequate land area behind the structure or paved access does not exist for the placement of bins and/or enclosures behind the setbacks, approval may be applied for to place a bin enclosure within the required setback.

I. Multiple family residential use.

1. All existing multiple family residential property shall be required to enclose bins per Town standards.

2. Gates shall not be required on enclosures that are constructed perpendicular to the roadway.

3. In the event there is inadequate land area behind the structure or paved access does not exist for the placement of bins and/or enclosures behind the setbacks, approval may be applied for to place a bin enclosure within the setback.

4. As an alternative to property constructed and located bin enclosures, multiple family residential property may use carts provided by the waste hauler at a minimum ratio of one green trash cart and one blue commingled recycle cart per residential unit. The Town Manager or his designee may, upon petition by the property owner, consider alternative numbers of the blue recycling carts.

5. For multiple family residential developments, annual inspections of compliance will occur at the time of the Property Maintenance Inspection conducted by the Town.

J. Single Family Residential Use.

1. Single family residential use properties utilizing bin/dumpster service shall be required to maintain the bin in compliance with this code. The bin shall not be stored on the frontage street or directly in front of the residence, except as allowed by paragraph (c) below:

a. Single family residential properties less than two and one-half acres shall be required to locate the bin in accordance with one of the following:

- (1) The bin may be located behind the residence.
- (2) The bin may be located against the residence wall or a garage wall;
- (3) The bin may be located so that it abuts the front setback.

b. Single family residential properties two and one-half acres or more may place the bin, with an enclosure, in front of the residence and in compliance with this code.

c. For purpose of this section, a legal nonconforming use is one which lawfully existed prior to the effective date of this sub-paragraph c. The continuance of the legal nonconforming use will be allowed for any single family residence with an existing enclosure constructed prior to February 26, 1998. If a legal nonconforming use is discontinued for thirty (30) consecutive days or longer, it shall lose its legal nonconforming status hereunder.

2. Single family residential use properties that locate the bin behind the structure shall move the bin to the front of the property on collection day and replace it behind the structure after it is emptied.

3. Nothing in this section shall be construed to relieve bin service customers from required recycling using the blue recycling barrels in accordance with Section 6.20.015 (c) of this chapter.

K. Minimum Clearance.

All trash bins are required to be located a minimum of five feet from all combustible construction.

L. New Construction.

Nothing in this Ordinance shall nullify or supersede an ordinance or standard for enclosures for bin placement for new construction. The placement of trash containers and enclosure standards

herein shall apply to existing commercial, industrial, multiple residential, and single family residential properties.

M. Authority and Enforcement.

The provisions of this Chapter shall be enforced by the Town Manager or designee.

N. Removal Frequency.

The Town Manager or his designee may require a greater number of collections per week or larger capacity bin(s) or cart(s) upon finding that an unhealthy, unsightly, or public nuisance condition is created by adhering to the minimum collection frequency.

O. Violations and Penalties.

Any person who violates any provision or fails to comply with any of the requirements of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1.01.200 through Section 1.01.230 Chapter 1.01 of Title 1 of this Code.

6.20.165 Information to be furnished to Finance Department by contractor each month.

(a) It shall be the duty of the Town's solid waste handling services contractor to furnish, on or before the fifteenth (15th) day of each calendar month, to the Finance Department or to other officials of the Town, the names and addresses of all persons who shall be liable for the payment of fees under this Chapter. In addition, all commercial accounts will include size and number of containers and the scheduled number of pickups per week.

(b) It shall be the duty of the Town's authorized recycling agent contractor to furnish, on or before the fifteenth (15th) days of each calendar month, to the Finance Department or to other proper officials of the Town, the names and addresses of all persons who shall be liable for the payment of fees under this Chapter.

In addition, all commercial accounts will include type and quantity of materials diverted for each previous month. Type and quantity of materials diverted from all other accounts for each previous month also shall be reported.

6.20.170 Special Permits in Hardship Cases.

Where practical difficulties make it impossible or extremely difficult to carry out the strict letter of this Chapter with respect to any particular premises, the Town Manager may issue special written permits authorizing variations from the provision of this Chapter subject to satisfying the requirements below so that the spirit of this Chapter shall be observed, public health and safety secured and substantial justice done.

(a) Financial. Any owner or occupant of a single family residence may be eligible for a reduction in fees associated with the ~~refuse~~solid waste collection and disposal program upon satisfying the following criteria:

(1) Complete and submit a Town of Apple Valley Financial Hardship Application along with a copy of the most recent Southwest Gas or Southern California Edison bill showing eligibility for a current financial hardship status.

(2) The approved applicant will be eligible to receive ~~rubbish~~solid waste collection at the reduced bi-monthly hardship rate for a period of 1 year. The application will automatically expire after 1 year. It will be the responsibility of the applicant to submit a Town of Apple Valley Financial Hardship application annually to avoid interruption of the reduced hardship rate.

(b) Physical Hardship Exemption. An applicant may be exempted from the provisions of the ~~refuse~~solid waste collection and disposal ordinance requiring placement of ~~refuse~~solid waste and recyclables barrels at curbside or roadside upon a showing and/or certification by a physician of a physical condition which would not allow the applicant to carry or otherwise transport ~~refuse~~such barrels from the dwelling unit to the curb or roadside. In the event such exemption is granted, arrangements will be made by the trash collection contractor to collect the ~~trash~~solid waste and recyclables at the dwelling unit.

(c) **Other.** An applicant may be exempted from collection and disposal fees where other special circumstances exist under which the Town Manager finds that the criteria and purposes contained in this section are met.

6.20.175 Violations of Chapter Declared a Nuisance.

All violations of any portion of this Chapter are declared to be a nuisance and may be abated as such in the manner provided by law.

6.20.176 Annual Review.

The Town Council will annually review the Town's recycling program and activities, including performance of recycling and solid waste processing services including contractors, franchises and authorized recycling agents.

Summary Report:	
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Move To	0
Table Insert	0
Table Delete	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
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