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DEPARTMENT OF
PUBLIC WORKS
SOLID WASTE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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December 18, 1996

Law and Legislation
Sacramento, California

Honorable Members in Session:

SUBJECT: DIVERSION REQUIREMENTS FOR WASTE HAULERS AND FACILITY OPERATORS

LOCATION AND COUNCIL DISTRICT: City

RECOMMENDATION:

This report recommends that the Law and Legislation Committee forward the attached ordinance amendment and resolution to the City Council for adoption to:

- Transfer the City's permitting of private refuse haulers to the Sacramento Regional County Solid Waste Authority (SWA) for the purpose of requiring 30% diversion of the commercial waste stream.
- Require solid waste facilities within the City to conform to standard land use conditions for diversion of self-haul waste established by SWA.

CONTACT PERSON: Reina J. Schwartz, Manager, Solid Waste, 264-7043

FOR COMMITTEE MEETING OF: January 21, 1997

SUMMARY:

This report recommends adoption of ordinance changes to Title 19 of the Sacramento City Code, transferring the permitting of private refuse haulers to the SWA. This action effectively establishes waste diversion requirements for commercially collected waste within the City under newly adopted SWA regulations. This report also recommends adoption of the attached resolution establishing a policy to require all solid waste facilities within the City to conform to standard land use conditions and regulations promulgated by the SWA. This action effectively establishes minimum waste diversion requirements for self-hauled waste.

BACKGROUND:

In order for the City of Sacramento and Sacramento County to achieve diversion of 50% of our waste by 2000, it becomes necessary to require the diversion of specified percentages of commercial waste and self-hauled waste. As a result of the Supreme Court decision, *Carbone vs. Clarkstown*, it is not possible for municipal agencies to control the flow of waste for the purpose of guaranteeing waste processing and diversion at a level sufficient to guarantee compliance with AB 939 waste diversion mandates. Following an extensive and thorough process involving numerous public hearings and testimony from stakeholders including solid waste facilities and private waste haulers, the Solid Waste Authority has adopted a policy to obtain the necessary diversion through the regulation of commercial waste haulers and solid waste facilities.

The SWA has promulgated regulations for the permitting of commercial waste haulers within the City of Sacramento and the unincorporated area of the County of Sacramento. These regulations require all commercial waste haulers to achieve a minimum waste diversion requirement of 30%. The regulations also establish standard conditions regarding waste diversion pertaining to self-hauled waste disposed of at solid waste facilities within the City of Sacramento and the unincorporated area of the County.

Both the SWA and the Sacramento County Board of Supervisors have taken all necessary legal actions adopting a set of regulations, deferring the authority for enforcement of standard land use conditions for solid waste facilities and permitted haulers of commercial waste to the SWA. It is now the City's turn to take the same action in order to establish uniform land use conditions for solid waste facilities and diversion requirements for commercial waste haulers.

FINANCIAL CONSIDERATIONS:

The Sacramento County Waste Management and Recycling Division acts as the lead agency and staff to the SWA. Therefore, no City staff will be allocated for enforcement of the regulations. Enforcement costs for SWA regulations will be shared equally with the County through the SWA budget. However, fees established by the SWA for permitted haulers are intended to cover the cost of enforcement and monitoring.

In transferring the permit authority to SWA, the City will no longer collect annual fees from permitted haulers within the City. This will result in loss of revenue to the General Fund estimated to be \$8,000 - \$8,500 on an annual basis.

ENVIRONMENTAL CONSIDERATIONS:

An initial study was performed by the Sacramento County Department of Environmental Review and Assessment in support of a Negative Declaration. The environmental document for this project (Negative Declaration, Control No. 95-PWE-0517) was found adequate for this project by the SWA Board at its August meeting. This review resulted in the determination that the proposed project will not have a significant adverse impact on the environment.

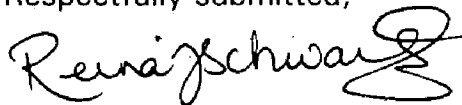
POLICY CONSIDERATIONS:

Adoption of the attached ordinance amendment and resolution will establish uniform requirements for the diversion of commercially generated and self-hauled waste within the City and the unincorporated area of the County. The regulations promulgated by the SWA are intended to achieve adequate diversion from the above waste streams sufficient to allow both the City and County to comply with State mandated waste diversion requirements of 50% by the end of the decade. In the absence of such requirements imposed upon commercial haulers and solid waste facilities, it will be impossible for the City of Sacramento to achieve the waste diversion mandated by AB 939. Compliance with AB 939 waste diversion requirements is consistent with City Council policies pertaining to recycling goals and objectives.

MBE/WBE:

MBE/WBE issues are not applicable since no goods or services are being purchased.

Respectfully submitted,



Reina J. Schwartz
Manager, Solid Waste

RECOMMENDATION APPROVED:



~~WILLIAM H. EDGAR~~
Deputy City Manager

APPROVED:



Michael Kashiwagi
Director of Public Works

TITLE 19. GARBAGE, RUBBISH, WEEDS AND WASTE MATTER

- Chapter 19.01. In General.
- Chapter 19.02. Repealed.
- Chapter 19.03. Refuse Collectors.
- Chapter 19.04. Garden Refuse
- Chapter 19.05. Downtown Collection Area
- Chapter 19.06. Penalty for Violation

Chapter 19.01. In General.

- 19.01.101. Definitions.
- 19.01.102. Division of solid waste--duty of collection.
- 19.01.102-1. Abatement of nuisances; collection and disposal of litter.
- 19.01.103. Division of solid waste--collection districts.
- 19.01.104. Division of solid waste--equipment and employees.
- 19.01.105. Division of solid waste--authority of solid waste manager.
- 19.01.106. Revenue division--duties.
- 19.01.107. Garbage collection service--use required.
- 19.01.108. Same--fees liability for payment.
- 19.01.108-1. Fees--include collection and disposal of litter.
- 19.01.108-2. Fees--civil debt; collection.
- 19.01.108-3. Fees--collection of fees with charges for other utility services.
- 19.01.109. Establishment of rates, charges and fees by resolution.
- 19.01.110. Same - minimum service.
- 19.01.111. Commercial garbage collection--Private service providers.
- 19.01.112. Removal of recyclable and salvageable materials placed for city sponsored recycling program prohibited.
- 19.01.113. Unauthorized collection and hauling.
- 19.01.114 to 19.01.120. Reserved by Ord. No. 90-031, 1.
- 19.01.121. Receptacles.
- 19.01.122. Placing receptacles for collection.
- 19.01.123. Depositing garbage, rubbish, etc., in streets and public places; reward for information as to violators.
- 19.01.124. Designated depositories must be used; use of waste matter to fill low areas.
- 19.01.125. Burying or burning garbage prohibited.
- 19.01.126. Burying or burning rubbish prohibited.
- 19.01.127. Depositing waste matter during construction.
- 19.01.128. Hazardous and infectious wastes.

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- 19.01.129. Director of public works to make rules and regulations.
- 19.01.130. Appeals--generally.
- 19.01.131. Appeals--time for filing.
- 19.01.132 to 19.01.134. Reserved.
- 19.01.135. Billing period--when new rates take effect.
- 19.01.136. No collection from underground receptacles.

19.01.101. Definitions.

The following words and phrases when used in this title shall, for the purposes of this title, have the meaning respectively ascribed to them by this section:

Automatic lift container: "Automatic lift container" means a plastic refuse receptacle with a hinged lid that is designed to be lifted, dumped and returned by refuse packers that have a compatible mechanical lifting device.

Bin: "Bin" is a metal receptacle for the deposit of garbage or rubbish which shall:

- (a) have a close-fitting cover;
- (b) be leakproof and flyproof;
- (c) have handles or other devices to permit movement;
- (d) be free of sharp, rough or jagged surfaces or edges likely to cause injury;
- (e) utilize casters or other means for easy movement;
- (f) be designed in a manner to be emptied mechanically by city collection vehicles.

Blanket: "Blanket" is a canvas or cloth with dimensions of 89 inches by 77 inches used for the collection of rubbish.

Cart: "Cart" is a canvas or cloth receptacle for the deposit of rubbish with dimensions of 30 inches by 28 inches by 40 inches.

Commercial: "Commercial" describes any property, premises or place which is not residential as that term is defined in this Section.

Compactor containers - roll off: A "Compactor Container" is a metal receptacle for

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the deposit and storage of garbage.

Drop box container - roll off: "Drop Box Container" is a metal receptacle for the deposit of solid waste and is designed in such a manner to be transferred and emptied by city vehicles.

Dwelling unit: "Dwelling unit" means any building or portion of a building used or designed for use as a residence by an individual or any group of individuals living together or as a family, but excepting therefrom units rented or leased for temporary residency, such as motel and hotel rooms.

Garbage: "Garbage" consists of dead animals, of not more than ten pounds weight each, and of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits and vegetables, and any matter that will putrefy. The term "garbage" does not include dishwater or waste water.

Hazardous wastes: "Hazardous wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of waste as defined in Article 2, Chapter 6.5, Section 25116 of the Health and Safety Code. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code) and under various federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any hazardous substance, together with any amendments of or regulations promulgated under such laws, and any other federal, state, or local law, statute, ordinance, or regulation in effect prior to the time of adoption of this Chapter or later enacted that pertains to occupational health or industrial hygiene, or the regulation or protection of the environment, including ambient air, soil, soil vapor, groundwater, surface water, or land use.

Infectious wastes: "Infectious wastes" include

- (a) equipment, instruments, utensils, and other fomites of a disposable nature from the rooms of patients who are suspected to have or have

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been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;

- (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (c) surgical operating room pathological specimens including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314 (d) of the California Administrative Code, Title 17; and
- (d) substances or matter which is defined as "infectious waste" under the California Code of Regulations.

Litter: "litter" consists of litter, garbage, rubbish, waste matter, junk, debris, vehicle parts, and all other materials, things or objects which are made available for collection in connection with the abatement of any public nuisance or other actions taken pursuant to the provisions of this title and/or Title 61 of this code.

Mobile trailer: "Mobile Trailer" is a towable receptacle for the deposit, storage and transport of solid waste.

Residential: "Residential" describes any property, premises or place on which is constructed one or more buildings or other structures containing less than five dwelling units, but including structures containing any number of residential condominiums.

Revenue division: "Revenue Division" means the division of the department of finance of the City of Sacramento responsible for customer records.

Revenue manager: "Revenue Manager" means the director of finance.

Refuse: "Refuse" includes waste paper, card-board, wood, rubbish, trash, waste matter, and all other similar matter, but does not include any matter included in the definition of garbage, hazardous wastes, and infectious wastes in this section.

Rubbish: "Rubbish" consists of wood, leaves, dead trees or branches thereof,

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chips, shoes, hats, crockery, glassware, ashes, cinders, metals, garden refuse, and all other material not included under the term "garbage" or "waste matter."

Solid waste manager: "Manager" means the manager of the solid waste division of the public works department.

Waste matter: "Waste matter" consists of natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, brickbats, plaster, or portland cement.

Wet garbage: Repealed by Ordinance No. 4363
(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §1; Ord. No. 82-049, §1; Ord. No. 85-078, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.102. Division of solid waste--duty of collection.

It shall be the duty of the division of solid waste of the public works department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this title, within the city. The city council may authorize and empower the city manager to dispose of the same in such manner as it may deem proper for the best interest of the city and in compliance with the rules and regulations of the health department. Except as otherwise provided in this title, it shall be the duty of the division of solid waste of the public works department to collect all garbage in the city at least once each week and at such other times as the necessities of the particular case require.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.102-1. Abatement of nuisances; collection and disposal of litter.

The department of neighborhood services shall make litter available for collection and disposal by the division of solid waste through the identification and abatement of public nuisances or through other actions taken pursuant to this title and/or Title 61 of this code.

(Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.103. Division of solid waste--collection districts.

For the purpose of collecting, recycling, reconstituting and recovering garbage, rubbish and waste matter as provided in this title, the division of solid waste may divide the city into as many districts as may be deemed necessary for the convenient collection, recycling, reconstituting and recovering of such garbage, rubbish and waste matter and may fix the day on which the same will be collected in such districts. The division of solid waste shall notify the occupant of each property within such districts of the collection day for that property by written notice.

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(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §2; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.104. Division of solid waste--equipment and employees.

The city manager is hereby authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the city and is hereby further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this title relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the public works department of the city.

(Ord. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.105. Division of solid waste--authority of solid waste manager.

Under direction of the director of public works, the manager of the division of solid waste shall have authority to make and enforce, with the approval of the city manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter pursuant to the provisions of this title.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.106. Revenue division--duties.

It shall be the duty of the revenue division of the department of finance to handle requests for starts and stops of sewer, water and residential solid waste services, to reconcile disputed bills, to handle public inquiries about bills, to collect delinquent accounts, to conduct field investigations for vacancies and setting of rates, and to maintain a master billing file. As to commercial solid waste services, the manager of solid waste shall handle requests for starts and stops of service, reconcile disputed bills, handle public inquiries about bills, conduct field investigations for vacancies and setting of rates, and maintain a master billing file.

(Ord. No. 3354, Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

(Ord. No. 3786 and Ord. No. 3795 repealed by Ord. No. 3813 before effective date of either ordinance.)

19.01.107. Garbage collection service--use required.

(a) It is hereby found and determined that the public health, safety and welfare of all the citizens of the city require that the accumulation, collection, removal and disposal of garbage from lands, buildings, apartments, hotels and all

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other premises within the city must be handled in a manner for the greatest good and the least possible inconvenience, cost and maintenance to the city and citizens thereof.

- (b) It shall be mandatory for all owners, occupiers and other persons in control of all residential property, places and premises in the city in or from which garbage is created, accumulated or produced to subscribe to the city's garbage collection service in the manner and according to the terms and provisions of this chapter.
- (c) Except as provided in subsection (d) of this Section, it shall be mandatory for all owners, occupiers and other persons in control of all commercial property, places and premises in the city in or from which garbage is created, accumulated or produced to subscribe to the city's garbage collection service in the manner and according to the terms and provisions of this chapter.
- (d) Owners, occupiers and other persons in control of commercial property, places and premises in the city may elect to subscribe to garbage collection services provided by private entities pursuant to Section 19.01.111, provided that upon the termination of such services provided by private entities, such owners, occupiers and other persons forthwith shall subscribe to the service of another private entity under this subsection (d) of this Section or to city services pursuant to subsection (c) of this Section.

(Ord. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.108. Same--fees liability for payment.

It is hereby found and determined that the periodic collection, removal, and disposal of garbage from all places and premises in the city benefits all owners of all places and premises in the city where garbage accumulates and requires removal therefrom and such owners are hereby made liable for the payment of garbage collection fees hereinafter prescribed, irrespective of the actual use of the garbage collection service provided by the city. The payment of such fees shall not be required from owners of commercial property, places and premises subscribing to non-city garbage collection services under Section 19.01.107(d). A person who is an occupant of or is in possession, charge or control of a place or premises which he does not own and which is not used for residential purposes may pay the garbage collections fees imposed by this chapter provided, however, acceptance of said payment shall not relieve the owner of said place or premise from liability for future payments of said fees. The owner shall not be responsible for garbage collection fees for service in excess of the minimum garbage service required by this chapter unless he shall have requested in writing that said additional service be provided

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to the premises, shall have consented in writing to the request of another that said additional service be provided, or the health department shall have ordered that said additional service be provided. The solid waste manager may exempt from the requirements of this section, property to which it would be impractical or unnecessary, to require and provide collection services. If any property is unoccupied for a period of at least one (1) month, upon request therefore, garbage collection service may be suspended and no charge for garbage collection service may be made during the period such property is unoccupied; provided, garbage collection service shall be immediately commenced when such property is again occupied.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §3; Ord. No. 4262, §1; Ord. No. 4363, §2; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.108-1. Fees--include collection and disposal of litter.

It is hereby found and determined that the public health, safety and welfare of all the citizens of the City require that the abatement, collection and disposal of litter from various places and premises in the City must be handled in a manner providing the greatest good and causing the least inconvenience and cost to the City and its citizens. It is further found and determined that the abatement, collection and disposal of litter from various places and premises in the City benefits owners of all places and premises in the City made liable hereunder for the payment of garbage collection fees, and that the costs of such abatement, collection and disposal should be collectively borne by such owners. To this end, the garbage collection fees shall include the costs of any actions taken pursuant to this title and/or Title 61 of this code to identify, abate, collect and dispose of litter.

(Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.108-2. Fees--civil debt; collection.

The fees imposed under this Title for garbage collection service provided by the city shall constitute a civil debt and liability owing to the City of Sacramento from the persons, firms or corporations using or chargeable for such services and be collectible in the manner provided by law.

(Ord. No. 3432, §2; Ord. No. 85-078, §2; Ord. No. 90-031, §1; Ord. No. 92-066, §1; Ord. No. 96-011, §1)

19.01.108-3. Fees--collection of fees with charges for other utility services.

The fees for garbage collection service shall be billed and collected pursuant to the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 3432, §1; Ord. No. 3685, §1; Ord. No. 84-031, §12; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

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19.01.109. Establishment of rates, charges and fees by resolution.

Notwithstanding any provision of this title or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this chapter shall hereafter be established by resolution of the city council.

(Ord. No. 83-060, §4; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.110. Same - minimum service.

The minimum level of service for those residential and commercial properties, places and premises shall be as set forth in this Title and other applicable Federal, state and local laws, including, without limitation, as follows:

- (a) One standard size (32-gallon or less) can per week shall be the minimum garbage service for each dwelling unit of a duplex, triplex, or fourplex unless designated for automatic lift container service. For purposes of this section, the director of public works or his/her designee may at his/her discretion, determine that a different standard size can and/or less than one standard size can per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex or fourplex. The minimum service for automatic lift container service shall be one automatic lift container as provided by the city per single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex. For purposes of this section, the director of public works or his/her designee may, at his/her discretion, determine that less than one automatic lift container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex. For purposes of this section, the director of public works or his/her designee may, at his/her discretion, exclude mobile home parks with 60 or less units from the minimum garbage service conditions placed on single-family residences.
- (b) Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.
- (c) Except as otherwise provided under Section 19.01.107(d), the owners of all properties, places and premises upon which garbage is produced or accumulated shall be given the type and frequency of service, according to the rates herein set forth, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week.

(Ord. No. 3432, §2; Ord. No. 85-078, §2; Ord. No. 90-031, §1; Ord. No. 92-066, §1;

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Ord. No. 96-011, §1)

19.01.111. Commercial garbage collection--Private service providers.

Notwithstanding any other provision of this Title, private entities may provide services for the collection of garbage created, accumulated or produced in or from commercial property, places and premises pursuant to the following provisions:

- (a) Each private entity must obtain and maintain a private collector's permit pursuant to ~~Chapter 19.03 of the City Code;~~ Solid Waste Authority Ordinance No. 1, as amended from time to time;
- (b) Each private entity must conduct their collection services in compliance with this Title 19 and all other Federal, state and local law and regulations. ~~Failure to comply with such law and regulations shall be grounds for revocation of a private collector's permit;~~
- (c) The service provided by a private entity under this Section shall be adequate under the standards established by the director of public works pursuant to this Title, including, without limitation, pursuant to Section 19.01.129; and
- (d) Each private entity shall inform the director of public works, or his or her designee, of each commercial property, place or premises for which such private entity's garbage collection services has been terminated for any reason, within three (3) days of such termination.

(Ord. No. 96-011, §1)

19.01.112. Removal of recyclable and salvageable materials placed for city sponsored recycling program prohibited.

It shall be unlawful and an infraction for any persons, other than the City or the City's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the City of Sacramento.

(Ord. No. 88-032, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.113. Unauthorized collection and hauling.

Except as otherwise provided in chapter 19.03 of this title it shall be unlawful for any person to collect garbage, rubbish or refuse within the City or transport the same through the streets, alleys and public ways in the City. ~~unless such person has been licensed to do so by contract or otherwise by the city manager on the recommendation of the solid waste manager of the public works department.~~ Nothing herein shall be construed to prohibit any

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person from hauling ~~garbage~~; rubbish or refuse which has been produced on the premises actually occupied by the persons in his own vehicle, by himself or an employee. Nothing herein shall be construed to prohibit any person from hauling or disposing of waste matter as defined in section 19.01.101.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.114 to 19.01.120. Reserved by Ord. No. 90-031, 1.

19.01.121. Receptacles.

- (a) It shall be the duty of every owner or tenant, lessee or occupant of any private dwelling house, apartment house, flat, restaurant, eating house, boarding house, or other building where meals are furnished and where garbage is produced or accumulated to provide without expense to the City and at all times to keep within the building or on the lot on which the building is situated, suitable and sufficient watertight cans or other suitable receptacles with suitable bales or handles, each such receptacle fitted with a tight fitting cover, for receiving and holding, without leakage or escape of odor, and without being filled within four (4) inches of the top of any such receptacle, all garbage which will normally accumulate on the premises within a one (1) week period.
- (b) Residential dwellings designated as having automatic lift container service will be provided with a receptacle or receptacles as required without a direct charge for the container or containers. Only the city-provided receptacles may be used for residential service in full service automatic lift container service areas. Automatic lift containers will not be provided in non-automatic lift container service areas. All such receptacles shall be maintained in good order and repair so that such receptacles shall have no sharp, rough or jagged edges likely to cause injury. The city will repair or replace an automatic lift container if it is damaged, missing or stolen. Such receptacles shall be placed at ground level and shall be located such that they will not be a public nuisance or in any degree offensive. Such garbage receptacles shall be emptied by the collectors at least once a week.
- (c) The director of public works may adopt standards for the capacity and type of receptacle to be used for all property, places and premises upon which garbage, rubbish or waste matter is produced or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of solid waste produced or accumulated; and

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the location, construction or other physical characteristics of such property, places and premises. The director of public works may adopt standards for the capacity and type of receptacle to be used to facilitate the collection of recyclable items.

- (d) No receptacle for receiving garbage, rubbish or waste matter shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with rules and regulations established under this title for the collection of same.
- (e) It shall be unlawful to keep, place or deposit garbage, rubbish or waste on any private property, grounds or premises whatsoever, except in receptacles as designated in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon. (Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §6; Ord. No. 85-078, §3; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.122. Placing receptacles for collection.

Receptacles used for the collection of garbage shall be placed as set forth in this Section.

- (a) If there is more than one collection can, the cans shall be placed closely together in one location and shall be placed within two feet of the curb in a manner such as to be in front of any fence or other barrier or enclosure, and readily accessible from the street or alley on which the collectors conduct their route.
- (b) Automatic lift containers shall be placed at least two (2) feet from any obstruction, including an adjacent automatic lift container.
- (c) The can or cans shall be placed for collection no earlier than twelve hours prior to the scheduled collection time and only for such additional period as may be incident to collection. The can or cans shall be moved back to their normal storage location not later than twelve hours after collection. No can placed for collection shall be placed on any public sidewalk or street in a manner which impedes traffic or drainage or in any manner which creates a hazard. Any can or cans placed for collection shall be placed in a manner which will provide the collector at least thirty-two inches unimpeded access thereto.

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(d) For properties, places and premises serviced by the city, any can placed for collection to qualify for the rates set forth in the city's fee and charge manual shall be placed in the manner set forth in this Section.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §7; Ord. No. 82-049 §1; Ord. No. 85-078, §4; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.123. Depositing garbage, rubbish, etc., in streets and public places; reward for information as to violators.

It shall be unlawful for any person to throw or deposit any putrescible waste, rubbish, or waste matter, or to cause the same to be thrown or deposited upon any public place, private place, in any private receptacle not belonging to such person, within the city except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this title.

A reward of \$500.00, lawful money of the United States, will be paid by the city to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such reward shall be paid to the person furnishing information leading to the arrest immediately upon conviction of the person arrested.

(Ord. No. 3354, §1; Ord. No. 3875, §8; Ord. No. 4363, §5; Ord. No. 82-049, §1; Ord. No. 90-031, §1; Ord. No. 93-002, §1; Ord. No. 96-011, §1)

19.01.124. Designated depositories must be used; use of waste matter to fill low areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the city limits, except at a place designated by the director of public works and approved by the city manager for the purpose of disposal. Waste matter, if not removed beyond the city limits, may be made use of upon receiving written permission from the director of public works with approval by the city manager, for filling in of low areas within the city limits.

(Ord. No. 3354, §1; Ord. No. 4363, §6; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.125. Burying or burning garbage prohibited.

It shall be unlawful for any person to bury or burn garbage at any place within the city.

(Ord. No. 3354, §1; Ord. No. 4363, §7; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.126. Burying or burning rubbish prohibited.

It shall be unlawful for any person to bury or burn rubbish at any time within the city.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

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19.01.127. Depositing waste matter during construction.

Waste matter created by construction activities may be deposited in or on a private property when such deposit is made necessary by reason of building construction or alteration; provided, however, that the person so depositing shall cause its removal as soon as possible after the necessity ceases.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.128. Hazardous and infectious wastes.

The division of solid waste shall not collect hazardous wastes either alone or mixed with other matter which would normally be collected. The division of solid waste shall collect and remove infectious wastes in accordance with rules and regulations governing the collection and removal thereof established by the health department, the manager of the division of solid waste, and according to other applicable law.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §9; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.129. Director of public works to make rules and regulations.

The director of public works shall have the power (a) to determine minimum required and adequate garbage, refuse and waste matter collection services for any property, place or premises within the city based on the amount of waste generated and adopt rules and regulations based upon such determination, and (b) and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this title.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.130. Appeals--generally.

Any person adversely and directly affected by any determination made or action taken by the director of public works or solid waste manager pursuant to the provisions of this title may appeal said determination to the city manager pursuant to the procedures set forth in Section 19.03.323.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.131. Appeals--time for filing.

The notice of appeal must be filed with the city manager not later than 10 days following the determination by the director of public works or solid waste manager. The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the manager.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

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§ 19.02.201

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- 19.03.312. ~~Private collector's inspection fee.~~ Repealed by Ord. No.
- 19.03.313. Repealed by Ord. No. 90-031, §1.
- 19.03.314. ~~Vehicle identification--private collectors.~~ Repealed by Ord. No.
- 19.03.315. Repealed by Ord. No. 90-031, §1
- 19.03.316. Hours of collection.
- 19.03.317. ~~Insurance~~ Repealed by Ord. No.
- 19.03.318. ~~Bond.~~ Repealed by Ord. No.
- 19.03.319. ~~Vehicle requirements and inspection.~~ Repealed by Ord. No.
- 19.03.320. ~~Revocation of permit; refusal to renew permit.~~ Repealed by Ord. No.
- 19.03.321. ~~Revocation of vehicle number or vehicle sticker.~~ Repealed by Ord. No.
- 19.03.322. ~~Effective date of appealed action.~~ Repealed by Ord. No.
- 19.03.323. ~~Appeals procedure.~~ Repealed by Ord. No.
- 19.03.324. ~~Identification of containers.~~ Repealed by Ord. No.
- 19.03.325 to 19.03.399. Reserved.

- 19.03.301. Purpose of chapter; definitions.
 - (a) Purpose: This chapter is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Sacramento.
 - (b) Definitions: As used in this chapter, unless the context requires otherwise:
 - (1) The words "private collector" means any person who has a valid private collector's permit issued in accordance with the provisions of ~~this chapter.~~ Solid Waste Authority Ordinance No. 1, as amended from time to time. A private collector may collect rubbish and waste matter from residential and non-residential property anywhere within the city, and garbage from commercial property, places and premises anywhere within the city pursuant to sections 19.01.107(d) and 19.01.111 of this Title.
 - (2) The words "fiscal year" shall mean the period of time beginning on the first day of July of any year and ending on the thirtieth day of June of the following year.
 - (3) The word "landfill" means any place where refuse may be lawfully deposited and ultimately disposed.

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- (4) A "private collector's permit" means the permit issued pursuant to this Chapter. Solid Waste Authority Ordinance No. 1, as amended from time to time.
- (5) A "private refuse collector's permit" means the permit issued to private refuse collector's pursuant to this Chapter prior to the adoption by the City Council of Ordinance No. 94-039.
- (6) The word "vehicle" means any truck, trailer, semi-trailer or other equipment used to collect refuse or to haul or transport garbage, refuse or waste matter over a public street or highway.
- (7) The words "enforcement agency" shall mean the enforcement agency duly appointed by the City pursuant to Government Code Title 7.3, Chapter 3 commencing with Section 66796, and the Solid Waste Authority.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 94-039, §1; Ord. No. 96-011, §2)

19.03.302. General requirements; exceptions from chapter.

- (a) No person shall collect, transport or dispose of any garbage, refuse or waste matter produced, kept or accumulated in the City except in accordance and compliance with, and as authorized by, the provisions of this chapter and other applicable laws.
- (b) Each holder of a private refuse collector's permit or a private collector's permit shall comply with the provisions of this Title 19.
- (c) Municipal corporations and other governmental agencies shall be exempt from the provisions of this chapter.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.303. Permit--Required.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in, operate as, or represent himself to the public as a collector, transporter or disposer of garbage, refuse or waste matter within the City unless he has a valid private collector's permit issued to him pursuant to the provisions of this chapter. ~~Such permits shall be issued for a period not to exceed one year, and to expire at the end of the fiscal year for which they were issued. All such permits may be renewed as provided~~

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~~in this chapter. Solid Waste Authority Ordinance No. 1, as amended from time to time.~~

- ~~(b) Any community, charitable or philanthropic organization may collect, transport and dispose of garbage, refuse or waste matter without a permit, so long as no fee or gratuity is accepted for the collection of the same.~~
- ~~(e)(b) This section shall not be construed to prevent householders from hauling occasional loads of refuse or waste matter, not containing garbage, from their own premises to a legal point of disposal.~~
- ~~(d)(c) Persons or organizations exempt under the provisions of subsections (b) and (e) above shall collect, transport and dispose of such garbage, refuse or waste matter in accordance with the provisions of Sections 19.03.316 and 19.03.319 of this code. Solid Waste Authority Ordinance No. 1, as amended from time to time.~~

~~(Ord. No. 3204, §1; Ord. No. 3213, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

~~19.03.304. Permit interest in multiple permits prohibited. Repealed by Ord. No.~~

~~No person shall have an interest in more than one private refuse collector's permit issued pursuant to the provisions of this chapter. For the purposes of this section, the word "interest" includes ownership or control of more than five percent of any joint venture, partnership or limited partnership or of the outstanding stock of a corporation.~~

~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

~~19.03.305. Repealed by Ord. No. 90-031, §1.~~

~~19.03.306. Permit application; applicant to be fingerprinted, etc., by police department. Repealed by Ord. No.~~

- ~~(a) Applicants for a permit or a renewal of a permit issued pursuant to the provisions of this chapter may file an application on the form provided by the revenue manager which shall provide the following information and declarations:~~

- ~~(1) The name, permanent home and business address of the individual applying and of the organization or persons on whose behalf the application is made.~~

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- ~~(2) If the organization on whose behalf the application is made is a joint venture or a partnership or limited partnership, the names and permanent addresses of all partners, and their percentage of participation. If the organization is a corporation, the names and permanent addresses of all officers and the names and permanent addresses of all stockholders owning or controlling in excess of five percent of the outstanding stock, and their percentage of participation.~~
 - ~~(3) A declaration that the applicant has arranged for the disposal of all garbage, refuse or waste matter collected by him at a landfill or transfer station.~~
 - ~~(4) The location of such landfill or transfer station.~~
 - ~~(5) The address where all vehicles will be kept and the land use classification under the zoning ordinance of such locations.~~
 - ~~(6) A declaration that the applicant owns or has under his control in good mechanical condition sufficient equipment to adequately conduct the business of garbage, refuse or waste matter collection if granted a permit.~~
 - ~~(7) A declaration that such equipment conforms to all applicable provisions of this chapter and the California Motor Vehicle Code.~~
 - ~~(8) Other identification and information as the revenue manager may require in order to discover the truth of the matters set forth in the application.~~
 - ~~(9) Other information as the revenue manager may require which demonstrates that the applicant is able to render efficient garbage, refuse and waste matter collection service and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant.~~
 - ~~(10) Whether the applicant has ever had any application for a like permit denied, revoked, suspended, or canceled by any public entity, and the reason given therefore.~~
- ~~(b) Each applicant, or its principal executive officer, shall be fingerprinted and~~

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~~photographed by the police department of the City of Sacramento:
(Ord. No. 3204, §1; Ord. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.306-1. ~~Permit-application fees:~~ Repealed by Ord. No.

~~Every application for a permit hereunder shall be accompanied by a non-refundable fee established by resolution of the City Council. This fee shall be in addition to any other fee or tax imposed upon the applicant.~~

~~(Ord. No. 4095, §10; Ord. No. 4356, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.307. ~~Permit-issuance of private collector's permit.~~ Repealed by Ord. No.

~~(a) In the event the number of private collector's permits which may be issued pursuant to Section 19.03.309 of this Code exceeds the number of such permits which are presently held, the city revenue manager shall mail notice of this fact to all persons whose names appear on the list maintained by the city revenue manager for this purpose. Nothing contained herein shall be deemed to in any way render the city liable by reason of the failure of the City to send or the failure of any person to receive notice pursuant to the provisions of this section.~~

~~(b) The city revenue manager shall accept an application for a private collector's permit or renewal thereof, where the number of permits which may be issued pursuant to Section 19.03.309 of this Code exceeds the number of permits presently held, where the applicant then holds a valid commercial refuse collector's revenue manager's permit, or where the applicant has received approval from the City for the transfer of a permit to him.~~

~~(c) The city revenue manager shall act on such applications only after the enforcement agency has determined that the applicant is able to render efficient collection service in accordance with the provisions of this chapter or if the applicant then holds a valid commercial refuse collector's revenue manager's permit or a private collector's permit, and that the public health, safety, welfare, convenience and necessity require the granting of the permit to the applicant. Should the enforcement agency determine that the applicant is not able to render efficient collection service in accordance with the provisions of this chapter, or that the public health, safety, welfare, convenience and necessity do not require the issuance of a private collector's permit to the applicant this determination shall be noted on the application and returned to the applicant at the address shown on the application. All other applications shall be marked approved and returned to the city revenue manager.~~

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- ~~(d) The city revenue manager shall then act on those applications approved by the enforcement agency by issuing a private collector's permit to each applicant who:~~
- ~~(1) Then holds a valid private refuse collector's permit, and has submitted his application within sixty days prior to the date of expiration of such permit, and has not transferred said permit pursuant to the provisions of Section 19.03.310 of this Code;~~
 - ~~(2) Then holds a holds a valid private collector's permit, and has submitted his application within sixty days prior to the date of expiration of such permit, and has not transferred said permit pursuant to the provisions of Section 19.03.310 of this Code; or~~
 - ~~(3) Has submitted his application within ninety days following the mailing of notice of approval of the transfer of a permit to him, and has attached to this application a declaration by the transferee that he has not transferred his permit to any other person.~~
- ~~(e) After acting on all applications in the manner provided in subsections (c) and (d) above, the city revenue manager shall issue the remaining permits, if any, to those applicants whose names were first added to the waiting list maintained for this purpose by the city revenue manager; provided, however, that should any action taken under subsections (c) or (d) of this section be appealed pursuant to the provisions of Section 19.03.323 of this Code, the city revenue manager shall not act pursuant to this subsection until the decision on appeal becomes final as provided therein.~~
- ~~(f) Notwithstanding the other provisions of this Section, the city revenue manager shall not issue a private collector's permit to an applicant if the enforcement agency has directed the city revenue manager to refuse to renew the permit of that applicant, nor shall the city revenue manager's issue a private collector's permit to a transferee of the permit.~~
- ~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.308. Repealed by Ord. No. 90-031, §1.

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19.03.309. ~~Permit--limitation on number of private collector's permits. Repealed by Ord. No.~~

~~Inasmuch as the amount of refuse to be collected and disposed of is in direct proportion to the population of the City, the City Council finds that in order to provide better and more efficient garbage, and waste matter collection service to the citizens of the City the total number of private collector's permits be limited to one for each twelve thousand seven hundred and fifty inhabitants of the City as shown by the last official U.S. census.~~

~~The limitation on the number of private collector's permits may be changed by the City Council following a public hearing on the proposed change. Notice of this hearing shall be published once in the official newspaper of the city at least ten days prior to the date of hearing. The city council may, after a finding that public convenience and necessity require a change in the limitation of the number of private collector's permits per capita within the city, order such change by ordinance.~~

~~(Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.310. ~~Permit--Transfer; Property Value. Repealed by Ord. No.~~

~~(a) No permit shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly to any person except upon application to, and approval by the City. Such approval shall be given where the enforcement agency finds that the applicant is able to render efficient garbage, refuse and waste matter collection service in accordance with the provisions of this chapter, and that the public health, safety, convenience and necessity would benefit from the granting of a permit to this applicant.~~

~~(b) Any potential transferee may apply to the enforcement agency for a determination that a permit would be issued to him upon the transfer of a permit.~~

~~(c) A nonrefundable fee established by resolution of the City Council shall be charged for each application submitted pursuant to the provisions of this section.~~

~~(d) The word "transfer" as used in this section includes the exchange of more than five percent interest in the holder of a permit, whether by one or more persons, and does not include the succession to an interest in a permit by an estate or by a bankruptcy court.~~

~~(e) A private collector's permit shall not have any property value to the permittee.~~

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(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 4356, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.311. ~~Subcontracting: Repealed by Ord. No.~~

~~(a) No private collector shall subcontract for the collection of any garbage, refuse or waste matter produced, kept or accumulated in the City, except as provided herein. A private collector may subcontract with one or more other private collectors to the extent of fifty percent of his total collections in any fiscal year, as measured by his gross income for that year.~~

~~(b) The word "subcontract" as used in this section includes any arrangement whereby the permittee does not have a supervisory role over the transportation or disposal of the garbage, refuse or waste matter he collects and where the permittee does not receive the entire profits from the particular collection; provided, however, that this term does not include any arrangement whereby one permittee contracts with another permittee for the transportation and disposal of garbage, refuse and waste matter from a transfer station to a landfill.~~

~~(Ord. No. 3204, §1; Ord. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.312. ~~Private collector's inspection fee: Repealed by Ord. No.~~

~~Except as otherwise provided in this section, each and every person who has been issued a private refuse collector's permit shall pay an annual inspection fee in the sum established by resolution of the City Council for each vehicle number issued pursuant to the provisions of Section 19.03.314 of this Code. Those persons holding valid private refuse collector's permits as of March 1, 1996 shall not be required to pay such private collector's inspection fee for so long as such remains valid. This fee shall be due on the first day of the fiscal year, or on the date the vehicle number is issued, whichever is later. Fees collected pursuant to this section are in addition to taxes provided for in any other provisions of this Code.~~

~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 4356, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.313. ~~Repealed by Ord. No. 90-031, §1.~~

19.03.314. ~~Vehicle identification--private collectors: Repealed by Ord. No.~~

~~Each private collector shall have a vehicle number for each vehicle used to collect, transport or dispose of garbage, refuse and waste matter pursuant to his permit. The city revenue manager shall issue a vehicle number upon payment of the fee required by~~

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~~Section 19.03.312 of this Code, and upon a determination that the vehicle complies with other provisions of this chapter. The permittee shall have painted on the side of each vehicle in plain view, in letters two inches in height, the name of the permittee, business address, telephone number, and vehicle number of the vehicle. Any vehicle number issued herein shall be transferable without payment of additional fees to any other vehicle owned by the holder of such permit, upon five days written notice to the city revenue manager, providing such other vehicle complies with the other provisions of this Code.~~

~~Notwithstanding the foregoing the city revenue manager may authorize a private collector to use a vehicle which does not have a vehicle number to collect, transport or dispose of garbage, refuse or waste matter. The city revenue manager shall authorize such use upon a determination that (1) the applicant has requested the authorization in a manner satisfactory to the city revenue manager, (2) the applicant has a vehicle with a vehicle number which will be repaired during the period the vehicle without a vehicle number will be used, and (3) the vehicle without the vehicle number complies with the provisions of Section 19.03.319 of this Code.~~

~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.315. Repealed by Ord. No. 90-031, §1

19.03.316. Hours of collection.

No garbage, refuse or waste matter shall be collected within the city except between the hours of 4:00 A.M. and 7:00 P.M. (or 8:00 P.M. during daylight saving time) of the same day.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.317. Insurance: Repealed by Ord. No.

~~A private refuse collector shall maintain, during the term of his permit, public liability insurance in an amount not less than one hundred thousand dollars for injury or death to one person and in an amount not less than three hundred thousand dollars for injury or death to more than one person arising out of any one accident and property damage insurance in an amount not less than fifty thousand dollars. The City, its officers, agents and employees shall be designated as an additional insured in such policy. A copy of the insurance policy or its certificate of insurance shall be filed with the City prior to the issuance of any permit to collect garbage, refuse or waste matter. All policies shall contain a provision requiring that ten days' notice must be given to the city collector prior to cancellation, modification or reduction of the limits of the policy by the insured.~~

~~(Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord.~~

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No. 94-039, §1; Ord. No. 96-011, §2)

19.03.318. Bond. Repealed by Ord. No.

~~Before issuing any private collector's permit under the provisions of this chapter, the city shall require the applicant as a condition to the issuance of the permit to post with the city a cash bond in the required amount, or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state payable to the City. A private collector shall post a cash bond or surety bond in the sum of one thousand dollars. Such bond shall be conditioned upon the full and faithful performance by the permittee of his duties under the applicable provisions of this chapter, and shall be kept in full force and effect by the permittee throughout the life of the permit and all renewals thereof.~~

~~(Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 95-011, §2)~~

19.03.319. Vehicle requirements and inspection. Repealed by Ord. No.

~~Any vehicle used by a holder of a private collector's permit to collect, transport or dispose of garbage, refuse and waste matter produced, kept, or accumulated in or from commercial property, places or premises shall have a bed of impervious material which can be cleaned, and such bed shall be kept clean and disinfected in accordance with the rules and regulations of the county health department of environmental management. The permittee shall provide adequate means to prevent the collected matter from escaping the vehicle.~~

~~All such vehicles shall be subject to inspection at all times by the City, by the County of Sacramento, or the enforcement agency for the purpose of determining, in the discretion of the City, the County of Sacramento, or the enforcement agency, as the case may be, whether or not the vehicles comply with the sanitary and safety requirements of the county health department, the provisions of the California Motor Vehicle Code, and the provisions of this Title. Such inspection shall be made at a time and place designated by the authorized inspector.~~

~~(Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.320. Revocation of permit; refusal to renew permit. Repealed by Ord. No.

~~In the event that any person holding a private collector's permit shall make or have made a false declaration in his application, or violate any condition of his permit, or any provisions of this Code relating to or regulating the collection, transportation or disposal of garbage, refuse or waste matter, or shall collect, transport or dispose of such matter in an unlawful, improper or unsanitary manner, the enforcement agency may, in its discretion, in addition to the other penalties provided by this chapter, revoke such permit or direct the~~

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city revenue manager to refuse to renew the permit.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.321. ~~Revocation of vehicle number or vehicle sticker. Repealed by Ord. No.~~

~~In the event that any vehicle used to collect, transport or dispose of garbage, refuse or waste matter pursuant to the provisions of this chapter, violates the standards provided for in Section 19.03.319, the enforcement agency may, in its discretion, in addition to the other penalties provided by this chapter, revoke the vehicle number or vehicle sticker issued to that vehicle.~~

~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.322. ~~Effective date of appealed action. Repealed by Ord. No.~~

~~Any action which may be appealed under the provisions of this chapter shall be effective upon the expiration of the time for appeal; provided, however, that should timely appeal be filed, such action shall be effective upon final determination of such appeal. Where an appeal is taken by a present holder of a valid permit from a decision denying his application to renew such permit, the applicant may continue to operate under his permit until a final determination is made on his appeal.~~

~~(Ord. No. 3204, §1; Ord. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.323. ~~Appeals procedure. Repealed by Ord. No.~~

~~Any person dissatisfied with any action taken by the city revenue manager or the enforcement agency pursuant to the provisions of this chapter may appeal to the city manager within ten days following the date of such action by filing with the city revenue manager a notice of appeal on the form provided for that purpose. The person appealing shall attach a statement to the notice of appeal setting forth the basis on which he believes the action should be reversed or modified.~~

~~———— The city revenue manager shall transmit to the city manager the notice of appeal, all pertinent records, the attached statement in support of appeal, if any, and a statement setting forth the basis for the action taken.~~

~~———— Within thirty days after the filing of a timely notice of appeal, the city manager shall render his decision. The city manager may affirm, reverse or modify any action taken pursuant to the provisions of this chapter. This decision shall be mailed to the person appealing at the address shown on the notice of appeal. The city manager shall return all pertinent records, together with a statement of the action taken by him to the city revenue manager. The city revenue manager shall act in accordance with this decision except as otherwise provided herein.~~

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~~Any person dissatisfied with any action taken by the city manager pursuant to the provisions of this chapter may appeal such action by filing with the city clerk within ten days after the date of the mailing of the decision a request that the matter be set for an appeal hearing by the city council.~~

~~The city clerk shall notify the city revenue manager of the filing of such appeal and the city revenue manager shall transmit to the council all records pertaining to the action being appealed. Notice of the hearing by the city council shall be given in writing by the city clerk at least five days prior to the date of the hearing and shall state the time and place where such hearing will be held. Such notice shall be served upon the appealing party by mailing it to his address as shown on the notice of appeal.~~

~~The city council may affirm, reverse or modify any action taken pursuant to the provisions of this chapter. This decision shall be final forthwith, and the city revenue manager shall act accordingly.~~

~~(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)~~

19.03.324. Identification of containers.

Any container having a capacity of one (1) cubic yard or more owned by any private collector shall be identified with the name and telephone number of the person who owns the container.

(Ord. No. 3875, §10; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.325 to 19.03.399. Reserved.

Chapter 19.04 Garden Refuse

19.04.400 Reserved.

19.04.401 Garden refuse - defined.

19.04.402 Lawn and garden service-defined.

19.04.403 Property classification-defined.

19.04.404 Legislative findings.

19.04.405 Deposit of rubbish and waste matter regulated.

19.04.406 Deposit of garden refuse authorized-residential property.

19.04.407 Maximum amount of deposit.

19.04.408 Time of deposit.

19.04.409 Garden refuse from non-residential properties.

19.04.410 Lawn and garden service fee established--residential properties.

19.04.411 Rate of tax--residential properties.

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19.04.412 Rate of fee--non-residential property.

19.04.413 Optional fee--multi-family residential properties.

19.04.414 Optional fee--collection of fees.

19.04.415 Neighborhood cleanup programs.

19.04.416 Bare lot and multiple use property classifications; fees; lawn and garden service fees; lawn and garden service fee classification board.

19.04.400 Reserved.

19.04.401 Garden refuse - defined.

As used in this chapter the term "garden refuse" means leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed, shrubbery and tree trimmings of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter or forty (40) pounds in weight.

(Ord. No. 3685, §4; Ord. No. 3786, §10; Ord. No. 3795, §1; Ord. No. 3813, §1; Ord. No. 3875, §11; **MEASURE A ADOPTED 09-27-77 STATES THIS SECTION CANNOT BE AMENDED OR REPEALED WITHOUT A MAJORITY VOTE OF THE ELECTORS OF THE CITY OF SACRAMENTO**)

19.04.402 Lawn and garden service-defined.

As used in this chapter the term "lawn and garden service" means the periodic collection by the department of public works of garden refuse from City streets, the disposal of said garden refuse, and the periodic sweeping of those streets.

(Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.403 Property classification-defined.

As used in this chapter, property is classified as follows:

(a) **Residential:**

Single-family residences: each property where there is only one dwelling unit on one parcel of property which is used primarily for single-family purposes.

Two-family residences: each property used primarily for two-family residential purposes.

Multi-family residences: each property used primarily for residential purposes having more than two but less than 51 dwelling units.

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Multiple family residences containing more than 50 dwelling units shall be considered as being property used primarily for non-residential purposes.

- (b) **Non-residential:** each property used primarily for non-residential purposes. For purposes of this chapter, any residential condominium, residential planned development, residential stock cooperative, or mobile home park shall be classified as non-residential property.

(Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.404 Legislative findings.

The City Council finds and determines:

- (a) That the public health, safety and welfare of all the citizens of the City requires that the accumulation and disposal of garden refuse from properties within the City be handled in a manner producing the greatest good and least public inconvenience, cost and maintenance to the City and its citizens.
- (b) That depositing garden refuse in the streets in front of properties within the City for periodic collection, disposal and street sweeping by the department of public works is a service afforded by the City which is of substantial benefit to owners of all properties within the City to which the service is extended.
- (c) That the costs to the City in providing for the periodic collection, disposal of garden refuse from the streets in front of properties within the City, and sweeping of said streets should be collectively borne by the owners of said properties through the collection of a lawn and garden service fee.
- (d) That depositing garden refuse in the streets of the City for periodic collection and disposal by City forces should be limited and restricted to:
- (1) The owners of those residential properties with concrete curbs and gutters.
 - (2) The owners of those residential properties without concrete curbs and gutters, who have requested the service, been approved by the director of public works, and have agreed to pay the required fee.
 - (3) The owners of those non-residential properties with concrete curbs and gutters who have requested the service and have agreed to pay

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the required fee based upon the amount deposited in the street.

- (e) That depositing garden refuse in the streets of the City in front of properties not provided the periodic garden refuse collection and disposal services by City forces is prohibited.
- (f) That street sweeping services are to be continued for, and charged to, all properties, (residential and non-residential), having concrete curbs and gutters.
- (g) That the city manager, in order to promote the public health, safety and welfare, should have the authority to prohibit the placement of garden refuse in the streets and at curbside upon the occurrence of adverse environmental conditions. If the city manager determines that a prohibition on placement of garden refuse would facilitate effective drainage, storm water runoff, prevention of flooding, or other public interest, he or she should have the authority to accomplish the prohibition by publicly declaring that such adverse conditions have arisen.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1; Ord. No. 95-052, §2)

19.04.405 Deposit of rubbish and waste matter regulated.

It shall be unlawful and an infraction punishable by a fine not to exceed \$500.00 for any person to deposit rubbish, waste matter, or garden refuse in the streets of the City in a manner other than that expressly authorized by this chapter.

(Ord. No. 3685, §4; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.406 Deposit of garden refuse authorized-residential property.

(a) Garden refuse produced on residential properties with concrete curbs and gutters may be deposited in the streets of the city at the times and in the manner prescribed by this chapter. Garden refuse from eligible residential property shall be placed in the street in front of and contiguous to the properties from which the garden refuse is removed. Any eligible residence on a corner parcel may place garden refuse in the street in front of or on the side of and contiguous to the property.

(b) Service to properties without concrete curbs and gutters.

(1) Owners of residential properties without concrete curbs and gutters who wish to have periodic collection and disposal of garden refuse

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from the streets in front of their properties may petition the director of public works to have their property serviced. The director of public works will grant or deny the petition based on feasibility, cost, and efficiency requirements of the City. Any petition granted under this Section will bind the property owner to continue the service for the remainder of time the property owner owns the property.

- (2) The director of public works will notify the property owner of the granting of the petition and of the irrevocability of the provision of service. Those owners of residential properties without concrete curbs and gutters whose petitions are approved by the director of public works under this Section shall receive the service at the times and in the manner prescribed by this chapter for owners of residential properties with concrete curbs and gutters, or in such other manner as mandated by the director of public works.
- (c) Garden refuse produced on residential properties not provided garden refuse collection and disposal services by City forces shall not be deposited in the streets of the City of Sacramento.
- (d) No garden refuse shall at any time be placed for collection in a manner which shall:
 - (1) impede traffic or constitute a hazard to traffic;
 - (2) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or
 - (3) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible.
- (e) No garden refuse shall be placed for collection within a set of undulations.
- (f) The placement of garden refuse in the street or at curbside shall be prohibited at the direction of the city manager if and when:
 - (1) the city manager finds that such prohibition is reasonably necessary to facilitate effective storm drainage and runoff, to prevent flooding, to counteract adverse environmental conditions, or to promote other

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public interest;

- (2) the city manager issues a declaration of emergency specifying the condition or conditions necessitating such prohibition and describing the prohibited activities and the duration of the prohibition; and
- (3) the city manager distributes a press release containing said declaration of emergency to local broadcast media, the Sacramento bee newspaper, and local radio stations.

In addition to the foregoing prohibition, garden refuse in the street or at curbside at the time the city manager makes a declaration of emergency as set forth herein shall be removed from the street and curbside so as not to impede the flow and drainage of water.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §12; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1; Ord. No. 95-052, §3)

19.04.407 Maximum amount of deposit.

The maximum amount of garden refuse that may be deposited in the streets during a calendar week is as follows:

- (a) For single and two-family residential structures . . . 2 cubic yards
 - (b) For multi-family residential structures containing at lease three (3) dwelling units and not more than 50 dwelling units . . . 1 cubic yard . . per dwelling unit
- (Ord. No. 3685, §4; Ord. No. 3875, §15; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.408 Time of deposit.

Garden refuse may be deposited in the streets in front of residential properties within the City at any time.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §16; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.409 Garden refuse from non-residential properties.

No person shall deposit garden refuse from non-residential properties in the streets of the City without first obtaining the prior written authorization of the director of public works. The failure of any person to obtain such written authorization shall not absolve him/her from liability for any fee assessed for collection of unauthorized deposits of garden refuse. The director of public works may refuse to authorize the deposit of garden refuse

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for collection if a determination is made by the director of public works that the property lacks concrete curbs and gutters, or that the collection by the City could be impractical, uneconomic, or otherwise create problems involving public health or safety.

In authorizing the deposit in City streets of garden refuse from non-residential properties the director of public works shall specify the time, manner, and place of the deposit.

(Ord. No. 3685, §4; Ord. No. 3727; Ord. No. 3813, §1; Ord. No. 3875, §17; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.410 Lawn and garden service fee established--residential properties.

It is hereby found and determined that availability of the service allowing the deposit of garden refuse from residential properties in the streets of the City for the collection, disposal, and street sweeping by City forces is a benefit to the owners of all eligible residential properties within the City and such owners are hereby made liable for the payment of the lawn and garden service fee imposed by this chapter irrespective of their actual use of City streets for deposit of garden refuse

- (a) Said fee shall be and is imposed on all properties within the City and on any newly constructed residence to commence at the beginning of the third full month after such newly constructed residence obtains garbage and water service.
- (b) The fee shall not exceed the cost of making available and providing the service, as determined by the director of public works, utilizing normal and reasonable accounting procedures, and taking into account the future needs of the division responsible for garden refuse collection.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 4207, §1, Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.411 Rate of tax--residential properties.

Notwithstanding any provision of this title or any other provision of the City Code to the contrary, the rates, fees, and charges for residential purposes as established or provided for in this chapter shall hereafter be established by resolution of the City Council. In establishing the said rates, fees, and charges, the portion of the lawn and garden service fee attributable to street sweeping shall be separately set forth and established.

(Ord. No. 3685, §4; Ord. No. 3721, §1; Ord. No. 3813, §1; Ord. No. 3875, §18; Ord. No. 4090, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

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19.04.412 Rate of fee--non-residential property.

The lawn and garden service fee imposed upon depositing garden refuse in City streets from any non-residential property, where authorized by the director of public works pursuant to Section 19.04.409, shall be based upon the approximate average monthly quantity of garden refuse so deposited from the property. All non-residential properties shall be liable for the portion of the lawn and garden service fee attributable to street sweeping, as established from time to time in accordance with the provisions of this Section.

The approximate average monthly quantity of garden refuse deposit shall be determined by the director of public works and may be revised from time to time to reflect actual approximate average quantities deposited in the City streets from the properties to which the service is provided. Any garden refuse placed for collection pursuant to this Section shall be subject to the chapters herein specifying the time, manner and place for placement for collection of garden refuse from residential properties.

Notwithstanding any provision of this title or any other provision of the City Code to the contrary, the rates, fees, and charges established or provided for in this chapter shall hereafter be established by resolution of the City Council. In establishing the said rates, fees and charges, the portion of the lawn and garden service fee attributable to street sweeping shall be separately set forth and established.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §19; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.413 Optional fee--multi-family residential properties.

The owner of any residential property on which three or more dwelling units are located may elect to be charged the lawn and garden service fee as if it were being used primarily for non-residential purposes for the sole purpose of establishing the rate to be paid for such property; provided, in no event shall any such election establish an exemption from the lawn and garden service fee. Said election shall be filed with the director of public works on such form as may be prescribed by the director of public works and said election shall remain in effect until revoked in writing by the owner or the owner's successors in interest. Provided further that said election shall not exempt the owner from payment of the portion of the fee attributable to street sweeping, which portion shall be billed to and paid by the owner.

(Ord. No. 3685, §4; Ord. No. 3875, §20; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

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19.04.414 Optional fee--collection of fees.

The lawn and garden service fee shall be billed and collected in accordance with the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.415 Neighborhood cleanup programs.

Rubbish and waste matter may be deposited in the City streets for collection and removal by City forces when such deposits are expressly authorized by the director of public works in connection with a neighborhood cleanup program. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be deposited, shall be determined by the director of public works and shall be communicated by the director of public works to the neighborhood in which the program is to be conducted.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.416 Bare lot and multiple use property classifications; fees; lawn and garden service fees; lawn and garden service fee classification board.

(a) **Definition.** For the purpose of this Section only, the term "residential property" shall mean and refer to residential property classified for the purposes of this Chapter 19.04 in a classification established by Section 19.04.403 excluding multiple family dwelling units having 51 and greater dwelling units.

(b) **Application.** Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this Section. Any such application shall be filed on forms provided by the City and shall be filed with the revenue division of the City.

(c) **Lawn and garden service fee classification board.** The lawn and garden service fee classification board shall be composed of two members, one of whom shall be from the department of finance and one of whom shall be from the department of public works. The membership of the board shall be appointed by, and shall serve at the pleasure of the city manager. The board shall process all applications under and make the classifications of property described by this section.

(d) **Classifications.** In addition to the classifications established by Section 19.04.403(a), there shall be two additional classifications of residential

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property. These two classifications shall be:

Bare lot: The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any garden refuse. The term "outside the dwelling unit" shall mean outside the surface of the exterior surfaces. The term "exterior surfaces" shall mean those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple use lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g. residential and commercial) such that two or more different lawn and garden service fees according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or fee.

(e) **Fees.** Any property classified on the bare lot classification shall pay the lawn and garden service fee imposed by this chapter of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the lawn and garden service fee imposed by this chapter equal to the single highest fee which would be imposed on any one structure located on the property according to the other classifications in this chapter. Such fee shall be charged to the owner of the entire parcel of property.

(f) **Processing applications and classifications.** The board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the department of public works which shall inspect the property and report the results of such inspection to the board. The board shall evaluate each application based on the information contained in such application and the department of public works report and shall determine the proper classification for each such property. In the event the board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue

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division. In the event the lawn and garden service fee collected by the City after the effective date of the classification exceeds the fee prescribed by this chapter, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.

(g) **Notices and hearings.** In the event a property for which application for classifications is made pursuant to this Section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the board. Any applicant who receives such notice who desires to have the application reconsidered by the board may apply for a hearing before the board. Any such application must be filed with the revenue division within fifteen calendar days of the date of the notice that the property was not reclassified. The board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the department of public works and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the board may obtain a supplemental inspection report from the department of public works. Written notice of the action of the board shall be given to the applicant and the classification established by the board shall be final except as herein otherwise provided.

(h) **Reclassification upon changed circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification.

(Ord. No. 3685, §4; Ord. No. 4089, §1; Ord. No. 88-072, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

Chapter 19.05 Downtown Collection Area

19.05.501 Purpose and findings.

19.05.502 Definitions.

19.05.503 Special requirements.

19.05.504 Violations--property receiving collection service from City Property

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receiving collection service from private refuse collector.

19.05.505 Downtown collection area appeals board.

19.05.506 Penalties collected.

19.05.507 Collection of penalties; penalties and procedures for delinquency.

19.05.508 Deleted by Ord. No. 94039, §3.

19.05.501 Purpose and findings.

The purpose of this chapter is to protect and maintain the health, safety and welfare of the downtown area by establishing special requirements and procedures applicable to garbage and refuse collection service received or provided in the area defined herein as the "downtown collection area." The Council finds and determines:

- (a) That excessive litter, debris, garbage and refuse consistently accumulates in the alleys where collection service is received or provided in the downtown collection area. Such excessive accumulation of litter, debris, garbage and refuse does not occur in other areas of the City where collection service is received or provided.
- (b) That the excessive accumulation of litter, debris, garbage and refuse in the downtown collection area alleys adversely affects the health, safety and welfare of the downtown area by creating an unclean and malodorous condition.
- (c) That this unclean and malodorous condition is caused, in part, when persons who do not subscribe to collection service in accordance with this title, deposit excessive amounts of garbage and refuse in containers located in the downtown collection area alleys. This unclean and malodorous condition also results when garbage and refuse is removed from said containers and deposited in the alleys by persons looking for food, recyclable materials or other such items.
- (d) That although the activities described in the preceding paragraph are prohibited and deemed to be infractions under this title, the excessive accumulation of litter, debris, garbage and refuse in the downtown collection area alleys continues, so that additional methods of preventing such accumulation are needed.
- (e) That establishing special requirements and procedures to prevent the excessive accumulation of litter, debris, garbage and refuse in the downtown

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collection area alleys will more effectively protect and maintain the health, safety and welfare of the downtown area.

(Ord. No. 91-086, §1)

19.05.502 Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them by this Section:

- (a) **Downtown collection area:** "**Downtown collection area**" means that area located in the City of Sacramento and consisting of the area bounded by I Street on the north, 7th Street on the west, J Street on the south, and 8th Street on the east; J Street on the north, 8th Street on the west, K Street on the south and 13th Street on the east; and the area bounded by K Street on the north, 7th Street on the west, L Street on the south, and 12th Street on the east.
- (b) **Owner:** "Owner" shall mean the owner of property in the downtown collection area receiving service in accordance with this title.
- (c) **Tenant:** "Tenant" shall mean the occupant, where different than the owner, of any property receiving collection service in the downtown collection area in accordance with this title.
- (d) **Collection service:** "Collection service" shall mean garbage or refuse collection service to any owner or tenant in the downtown collection area, provided either by the City or by a private refuse collector in accordance with the provisions of this title.
- (e) **Private refuse collector:** "Private refuse collector" shall mean a person or entity, other than the City, authorized to collect refuse in accordance with the provisions of this title.
- (f) **Container:** "Container" means automatic lift containers and bins, as those terms are defined in Section 19.01.101 of this title, where garbage or refuse is deposited in the downtown collection area.

All other terms used in this chapter shall have the same meaning as provided elsewhere in this title.

(Ord. No. 91-086, §1)

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19.05.503 Special requirements.

In addition to any and all requirements which apply to the collection of garbage and refuse throughout the City under this title, collection service received or provided in the downtown collection area shall be subject to the following additional special requirements:

- (a) All containers within the downtown collection area shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected in accordance with the provisions of this title.
- (b) All containers within the downtown collection area shall be equipped with a jacket containing an identification card stating the name, address and telephone number of the owner and tenant.
- (c) No container within the downtown collection area shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above requirements shall be the sole responsibility of the owner and tenant. Guidelines to implement and enforce the above requirements shall be adopted by the City department of public works and approved by the city manager.

(Ord. No. 91-086, §1)

19.05.504 Violations--property receiving collection service from City Property receiving collection service from private refuse collector.

In the event any owner or tenant of property receiving collection service from the City shall violate any of the requirements set forth in Section 19.05.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (b) For the section violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (c) For the third violation, the owner and tenant shall be mailed a written notice stating the date and type of violation. For the third violation, the rate for receiving collection service at the property where the violations occurred shall be increased to three times the normal monthly rate for a period of three months.

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- (d) For the fourth violation, the owner and tenant shall be issued a written notice stating the date and type of violation. For the fourth violation, the rate for receiving collection service at the property where the violations occurred will be permanently billed at three times the normal monthly rate, as long as the same owner is recorded on the property tax roll, or the same tenant occupies the property. In the event of a change in property ownership or occupancy, the subject collection service rate may revert to the regular monthly rate upon review and approval by the downtown collection area appeals board.

The penalties described above shall be cumulative to any other penalties set forth or authorized in this title.

In the event any owner or tenant of property receiving garbage collection service from a private refuse collector shall violate any of the requirements set forth in Section 19.05.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violation.
- (b) For the second violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date of type of violation.
- (c) For the third violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violations, and declaring the property where the violations occurred ineligible to receive continued collection service from a private refuse collector. Thereafter, the property shall receive collection service from the City, and any and all provisions of this Section, Chapter and Title which govern such service shall thereafter apply.

(Ord. No. 91-086, §1)

19.05.505 Downtown collection area appeals board.

- (a) Any owner or tenant who is mailed a notice of violation pursuant to Section 19.05.504 may appeal any determination made or action taken by the City to the downtown collection area appeals board, by presenting the appeal, in writing, within 30 days of the date of the notice. Appeals shall be presented, and hearings shall be conducted, according to procedures adopted by the department of public works and approved by the city manager.

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(b) The downtown collection area appeals board shall be composed of two members, one of whom shall be from the department of finance and one shall be from the department of public works. The members of the board shall be appointed by and shall serve at the pleasure of the city manager. The boards shall process all appeals under this chapter. The board's determinations shall be final and conclusive.

(Ord. No. 91-086, §1)

19.05.506 Penalties collected.

Any penalties collected by the City in accordance with this chapter shall be placed in the downtown alley maintenance district fund, to be used to defray the costs of cleaning the alleys within said district in accordance with Title 55 of this Code.

(Ord. No. 91-086, §1)

19.05.507 Collection of penalties; penalties and procedures for delinquency.

Penalties imposed pursuant to Section 19.05.504 shall be billed and collected together with the fees for collection service, pursuant to the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 91-086, §1; Ord. No. 94-039, §2)

19.05.508 Deleted by Ord. No. 94-039, §3.

Chapter 19.06 Penalty for Violation

19.06.601 Violation of an infraction.

19.06.601 Violation of an infraction.

Any person violating any provision of this Title is guilty of an infraction.

(Ord. No. 83-153, §21; Ord. No. 90-031, §1; Ord. No. 91-086, §1)

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DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE ADOPTED
REVISING CHAPTER 19.01 - 19.06 OF THE CITY CODE
WITH RESPECT TO REQUIRING COMMERCIALY GENERATED
AND SELF-HAUL WASTE TO MEET MINIMUM DIVERSION REQUIREMENTS
TO BE ENFORCED BY
THE SACRAMENTO REGIONAL COUNTY SOLID WASTE AUTHORITY**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Purpose and intent of ordinance.

1. The purpose of this ordinance is to require minimum waste diversion from commercial haulers and solid waste facilities for the diversion of self-hauled waste. It is the intent of this ordinance to enact changes in Chapter 19.01 - 19.06 of the City Code to consistent with regulations adopted by the Sacramento Regional County Solid Waste Authority and the County of Sacramento for enforcement of the diversion requirements.

Section 2. Findings.

The City Council finds and declares as follows:

1. It is necessary to regulate commercial waste haulers for the purpose of requiring minimum diversion in order to meet AB 939 waste diversion mandates.
2. It is necessary to regulate solid waste facilities to require minimum diversion regarding self-hauled waste for consistency with #1 above.
3. Deferring enforcement of minimum waste diversion standards to the Sacramento Regional County Solid waste Authority will create uniform standards throughout both the City and the incorporated area of the County.
4. Regulation of the self-hauled waste and commercial waste haulers to achieve minimum waste diversion levels is consistent with City Council policy regarding the achievement of waste diversion mandates.

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5. The revisions to Chapter 19.01 - 19.06 of the City Code described in this ordinance are reasonably required to achieve required waste diversion in excess of 50% by 2000.

Section 3. Adoption of title and code provisions.

The revision to City Code Chapter 19.01 - 19.06, as set forth in the attached exhibits are incorporated herein by reference. Said revisions to Chapter 19.01 - 19.06 are approved and adopted and shall be added to the Sacramento City Code.

Section 4. Severability.

If any section, phrase, sentence, or other portion of this Ordinance for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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DATE ADOPTED: _____

TITLE 19. GARBAGE, RUBBISH, WEEDS AND WASTE MATTER

Chapter 19.01. In General.

19.01.101. Definitions.

The following words and phrases when used in this title shall, for the purposes of this title, have the meaning respectively ascribed to them by this section:

Automatic lift container: "Automatic lift container" means a plastic refuse receptacle with a hinged lid that is designed to be lifted, dumped and returned by refuse packers that have a compatible mechanical lifting device.

Bin: "Bin" is a metal receptacle for the deposit of garbage or rubbish which shall:

- (a) have a close-fitting cover;
- (b) be leakproof and flyproof;
- (c) have handles or other devices to permit movement;
- (d) be free of sharp, rough or jagged surfaces or edges likely to cause injury;
- (e) utilize casters or other means for easy movement;
- (f) be designed in a manner to be emptied mechanically by city collection vehicles.

Blanket: "Blanket" is a canvas or cloth with dimensions of 89 inches by 77 inches used for the collection of rubbish.

Cart: "Cart" is a canvas or cloth receptacle for the deposit of rubbish with dimensions of 30 inches by 28 inches by 40 inches.

Commercial: "Commercial" describes any property, premises or place which is not residential as that term is defined in this Section.

Compactor containers - roll off: A "Compactor Container" is a metal receptacle for the deposit and storage of garbage.

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Drop box container - roll off: "Drop Box Container" is a metal receptacle for the deposit of solid waste and is designed in such a manner to be transferred and emptied by city vehicles.

Dwelling unit: "Dwelling unit" means any building or portion of a building used or designed for use as a residence by an individual or any group of individuals living together or as a family, but excepting therefrom units rented or leased for temporary residency, such as motel and hotel rooms.

Garbage: "Garbage" consists of dead animals, of not more than ten pounds weight each, and of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits and vegetables, and any matter that will putrefy. The term "garbage" does not include dishwater or waste water.

Hazardous wastes: "Hazardous wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of waste as defined in Article 2, Chapter 6.5, Section 25116 of the Health and Safety Code. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code) and under various federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any hazardous substance, together with any amendments of or regulations promulgated under such laws, and any other federal, state, or local law, statute, ordinance, or regulation in effect prior to the time of adoption of this Chapter or later enacted that pertains to occupational health or industrial hygiene, or the regulation or protection of the environment, including ambient air, soil, soil vapor, groundwater, surface water, or land use.

Infectious wastes: "Infectious wastes" include

- (a) equipment, instruments, utensils, and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;

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- (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (c) surgical operating room pathological specimens including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314 (d) of the California Administrative Code, Title 17; and
- (d) substances or matter which is defined as "infectious waste" under the California Code of Regulations.

Litter: "litter" consists of litter, garbage, rubbish, waste matter, junk, debris, vehicle parts, and all other materials, things or objects which are made available for collection in connection with the abatement of any public nuisance or other actions taken pursuant to the provisions of this title and/or Title 61 of this code.

Mobile trailer: "Mobile Trailer" is a towable receptacle for the deposit, storage and transport of solid waste.

Residential: "Residential" describes any property, premises or place on which is constructed one or more buildings or other structures containing less than five dwelling units, but including structures containing any number of residential condominiums.

Revenue division: "Revenue Division" means the division of the department of finance of the City of Sacramento responsible for customer records.

Revenue manager: "Revenue Manager" means the director of finance.

Refuse: "Refuse" includes waste paper; card-board, wood, rubbish, trash, waste matter, and all other similar matter; but does not include any matter included in the definition of garbage, hazardous wastes, and infectious wastes in this section.

Rubbish: "Rubbish" consists of wood, leaves, dead trees or branches thereof, chips, shoes, hats, crockery, glassware, ashes, cinders, metals, garden refuse, and all other material not included under the term "garbage" or "waste matter."

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Solid waste manager: "Manager" means the manager of the solid waste division of the public works department.

Waste matter: "Waste matter" consists of natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, brickbats, plaster, or portland cement.

Wet garbage: Repealed by Ordinance No. 4363
(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §1; Ord. No. 82-049, §1; Ord. No. 85-078, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.102. Division of solid waste--duty of collection.

It shall be the duty of the division of solid waste of the public works department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this title, within the city. The city council may authorize and empower the city manager to dispose of the same in such manner as it may deem proper for the best interest of the city and in compliance with the rules and regulations of the health department. Except as otherwise provided in this title, it shall be the duty of the division of solid waste of the public works department to collect all garbage in the city at least once each week and at such other times as the necessities of the particular case require.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.102-1. Abatement of nuisances; collection and disposal of litter.

The department of neighborhood services shall make litter available for collection and disposal by the division of solid waste through the identification and abatement of public nuisances or through other actions taken pursuant to this title and/or Title 61 of this code.

(Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.103. Division of solid waste--collection districts.

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For the purpose of collecting, recycling, reconstituting and recovering garbage, rubbish and waste matter as provided in this title, the division of solid waste may divide the city into as many districts as may be deemed necessary for the convenient collection, recycling, reconstituting and recovering of such garbage, rubbish and waste matter and may fix the day on which the same will be collected in such districts. The division of solid waste shall notify the occupant of each property within such districts of the collection day for that property by written notice.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §2; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.104. Division of solid waste--equipment and employees.

The city manager is hereby authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the city and is hereby further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this title relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the public works department of the city.

(Ord. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.105. Division of solid waste--authority of solid waste manager.

Under direction of the director of public works, the manager of the division of solid waste shall have authority to make and enforce, with the approval of the city manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter pursuant to the provisions of this title.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.106. Revenue division--duties.

It shall be the duty of the revenue division of the department of finance to handle requests for starts and stops of sewer, water and residential solid waste services, to reconcile disputed bills, to handle public inquiries about bills, to collect delinquent accounts, to conduct field investigations for vacancies and setting of rates, and to maintain a master billing file. As to commercial solid waste services, the manager of solid waste shall handle requests for starts and stops of service, reconcile disputed bills, handle public inquiries

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about bills, conduct field investigations for vacancies and setting of rates, and maintain a master billing file.

(Ord. No. 3354, Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

(Ord. No. 3786 and Ord. No. 3795 repealed by Ord. No. 3813 before effective date of either ordinance.)

19.01.107. Garbage collection service--use required.

- (a) It is hereby found and determined that the public health, safety and welfare of all the citizens of the city require that the accumulation, collection, removal and disposal of garbage from lands, buildings, apartments, hotels and all other premises within the city must be handled in a manner for the greatest good and the least possible inconvenience, cost and maintenance to the city and citizens thereof.
- (b) It shall be mandatory for all owners, occupiers and other persons in control of all residential property, places and premises in the city in or from which garbage is created, accumulated or produced to subscribe to the city's garbage collection service in the manner and according to the terms and provisions of this chapter.
- (c) Except as provided in subsection (d) of this Section, it shall be mandatory for all owners, occupiers and other persons in control of all commercial property, places and premises in the city in or from which garbage is created, accumulated or produced to subscribe to the city's garbage collection service in the manner and according to the terms and provisions of this chapter.
- (d) Owners, occupiers and other persons in control of commercial property, places and premises in the city may elect to subscribe to garbage collection services provided by private entities pursuant to Section 19.01.111, provided that upon the termination of such services provided by private entities, such owners, occupiers and other persons forthwith shall subscribe to the service of another private entity under this subsection (d) of this Section or to city services pursuant to subsection (c) of this Section.

(Ord. 3354, §1; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

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GARBAGE, RUBBISH, WEEDS AND WASTE MATTER § 19.01.108

19.01.108. Same--fees liability for payment.

It is hereby found and determined that the periodic collection, removal, and disposal of garbage from all places and premises in the city benefits all owners of all places and premises in the city where garbage accumulates and requires removal therefrom and such owners are hereby made liable for the payment of garbage collection fees hereinafter prescribed, irrespective of the actual use of the garbage collection service provided by the city. The payment of such fees shall not be required from owners of commercial property, places and premises subscribing to non-city garbage collection services under Section 19.01.107(d). A person who is an occupant of or is in possession, charge or control of a place or premises which he does not own and which is not used for residential purposes may pay the garbage collections fees imposed by this chapter provided, however, acceptance of said payment shall not relieve the owner of said place or premise from liability for future payments of said fees. The owner shall not be responsible for garbage collection fees for service in excess of the minimum garbage service required by this chapter unless he shall have requested in writing that said additional service be provided to the premises, shall have consented in writing to the request of another that said additional service be provided, or the health department shall have ordered that said additional service be provided. The solid waste manager may exempt from the requirements of this section, property to which it would be impractical or unnecessary, to require and provide collection services. If any property is unoccupied for a period of at least one (1) month, upon request therefore, garbage collection service may be suspended and no charge for garbage collection service may be made during the period such property is unoccupied; provided, garbage collection service shall be immediately commenced when such property is again occupied.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §3; Ord. No. 4262, §1; Ord. No. 4363, §2; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.108-1. Fees--include collection and disposal of litter.

It is hereby found and determined that the public health, safety and welfare of all the citizens of the City require that the abatement, collection and disposal of litter from various places and premises in the City must be handled in a manner providing the greatest good and causing the least inconvenience and cost to the City and its citizens. It is further found and determined that the abatement, collection and disposal of litter from various places and premises in the City benefits owners of all places and premises in the City made liable hereunder for the payment of garbage collection fees, and that the costs of such abatement, collection and disposal should be collectively borne by such owners. To this end, the garbage collection fees shall include the costs of any actions taken pursuant to

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this title and/or Title 61 of this code to identify, abate, collect and dispose of litter.
(Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.108-2. Fees--civil debt; collection.

The fees imposed under this Title for garbage collection service provided by the city shall constitute a civil debt and liability owing to the City of Sacramento from the persons, firms or corporations using or chargeable for such services and be collectible in the manner provided by law.

(Ord. No. 3432, §2; Ord. No. 85-078, §2; Ord. No. 90-031, §1; Ord. No. 92-066, §1; Ord. No. 96-011, §1)

19.01.108-3. Fees--collection of fees with charges for other utility services.

The fees for garbage collection service shall be billed and collected pursuant to the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 3432, §1; Ord. No. 3685, §1; Ord. No. 84-031, §12; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.109. Establishment of rates, charges and fees by resolution.

Notwithstanding any provision of this title or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this chapter shall hereafter be established by resolution of the city council.

(Ord. No. 83-060, §4; Ord. No. 90-031, §1; Ord. No. 93-040, §1; Ord. No. 96-011, §1)

19.01.110. Same - minimum service.

The minimum level of service for those residential and commercial properties, places and premises shall be as set forth in this Title and other applicable Federal, state and local laws, including, without limitation, as follows:

- (a) One standard size (32-gallon or less) can per week shall be the minimum garbage service for each dwelling unit of a duplex, triplex, or fourplex unless designated for automatic lift container service. For purposes of this section, the director of public works or his/her designee may at his/her discretion, determine that a different standard size can and/or less than one standard size can per unit may satisfy the minimum service requirement for each unit

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of a particular duplex, triplex or fourplex. The minimum service for automatic lift container service shall be one automatic lift container as provided by the city per single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex. For purposes of this section, the director of public works or his/her designee may, at his/her discretion, determine that less than one automatic lift container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex. For purposes of this section, the director of public works or his/her designee may, at his/her discretion, exclude mobile home parks with 60 or less units from the minimum garbage service conditions placed on single-family residences.

- (b) Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.
- (c) Except as otherwise provided under Section 19.01.107(d), the owners of all properties, places and premises upon which garbage is produced or accumulated shall be given the type and frequency of service, according to the rates herein set forth, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week.

(Ord. No. 3432, §2; Ord. No. 85-078, §2; Ord. No. 90-031, §1; Ord. No. 92-066, §1; Ord. No. 96-011, §1)

19.01.111. Commercial garbage collection--Private service providers.

Notwithstanding any other provision of this Title, private entities may provide services for the collection of garbage created, accumulated or produced in or from commercial property, places and premises pursuant to the following provisions:

- (a) Each private entity must obtain and maintain a private collector's permit pursuant to Solid Waste Authority Ordinance No. 1, as amended from time to time;
- (b) Each private entity must conduct their collection services in compliance with this Title 19 and all other Federal, state and local law and regulations.

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- (c) The service provided by a private entity under this Section shall be adequate under the standards established by the director of public works pursuant to this Title, including, without limitation, pursuant to Section 19.01.129; and
 - (d) Each private entity shall inform the director of public works, or his or her designee, of each commercial property, place or premises for which such private entity's garbage collection services has been terminated for any reason, within three (3) days of such termination.
- (Ord. No. 96-011, §1)

19.01.112. Removal of recyclable and salvageable materials placed for city sponsored recycling program prohibited.

It shall be unlawful and an infraction for any persons, other than the City or the City's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the City of Sacramento.

(Ord. No. 88-032, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.113. Unauthorized collection and hauling.

Except as otherwise provided in chapter 19.03 of this title it shall be unlawful for any person to collect garbage, rubbish or refuse within the City or transport the same through the streets, alleys and public ways in the City. Nothing herein shall be construed to prohibit any person from hauling rubbish or refuse which has been produced on the premises actually occupied by the persons in his own vehicle, by himself or an employee. Nothing herein shall be construed to prohibit any person from hauling or disposing of waste matter as defined in section 19.01.101.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.114 to 19.01.120. Reserved by Ord. No. 90-031, 1.

19.01.121. Receptacles.

- (a) It shall be the duty of every owner or tenant, lessee or occupant of any private dwelling house, apartment house, flat, restaurant, eating house, boarding house, or other building where meals are furnished and where garbage is produced or accumulated to provide without expense to the City and at all times to keep within the building or on the lot on which the building

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is situated, suitable and sufficient watertight cans or other suitable receptacles with suitable bales or handles, each such receptacle fitted with a tight fitting cover, for receiving and holding, without leakage or escape of odor, and without being filled within four (4) inches of the top of any such receptacle, all garbage which will normally accumulate on the premises within a one (1) week period.

- (b) Residential dwellings designated as having automatic lift container service will be provided with a receptacle or receptacles as required without a direct charge for the container or containers. Only the city-provided receptacles may be used for residential service in full service automatic lift container service areas. Automatic lift containers will not be provided in non-automatic lift container service areas. All such receptacles shall be maintained in good order and repair so that such receptacles shall have no sharp, rough or jagged edges likely to cause injury. The city will repair or replace an automatic lift container if it is damaged, missing or stolen. Such receptacles shall be placed at ground level and shall be located such that they will not be a public nuisance or in any degree offensive. Such garbage receptacles shall be emptied by the collectors at least once a week.
- (c) The director of public works may adopt standards for the capacity and type of receptacle to be used for all property, places and premises upon which garbage, rubbish or waste matter is produced or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of solid waste produced or accumulated; and the location, construction or other physical characteristics of such property, places and premises. The director of public works may adopt standards for the capacity and type of receptacle to be used to facilitate the collection of recyclable items.
- (d) No receptacle for receiving garbage, rubbish or waste matter shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with rules and regulations established under this title for the collection of same.
- (e) It shall be unlawful to keep, place or deposit garbage, rubbish or waste on any private property, grounds or premises whatsoever, except in receptacles as designated in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon.

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(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §6; Ord. No. 85-078, §3; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.122. Placing receptacles for collection.

Receptacles used for the collection of garbage shall be placed as set forth in this Section.

- (a) If there is more than one collection can, the cans shall be placed closely together in one location and shall be placed within two feet of the curb in a manner such as to be in front of any fence or other barrier or enclosure, and readily accessible from the street or alley on which the collectors conduct their route.
- (b) Automatic lift containers shall be placed at least two (2) feet from any obstruction, including an adjacent automatic lift container.
- (c) The can or cans shall be placed for collection no earlier than twelve hours prior to the scheduled collection time and only for such additional period as may be incident to collection. The can or cans shall be moved back to their normal storage location not later than twelve hours after collection. No can placed for collection shall be placed on any public sidewalk or street in a manner which impedes traffic or drainage or in any manner which creates a hazard. Any can or cans placed for collection shall be placed in a manner which will provide the collector at least thirty-two inches unimpeded access thereto.
- (d) For properties, places and premises serviced by the city, any can placed for collection to qualify for the rates set forth in the city's fee and charge manual shall be placed in the manner set forth in this Section.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §7; Ord. No. 82-049 §1; Ord. No. 85-078, §4; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.123. Depositing garbage, rubbish, etc., in streets and public places; reward for information as to violators.

It shall be unlawful for any person to throw or deposit any putrescible waste, rubbish, or waste matter, or to cause the same to be thrown or deposited upon any public place, private place, in any private receptacle not belonging to such person, within the city except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this title.

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A reward of \$500.00, lawful money of the United States, will be paid by the city to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such reward shall be paid to the person furnishing information leading to the arrest immediately upon conviction of the person arrested.

Ord. No. 3354, §1; Ord. No. 3875, §8; Ord. No. 4363, §5; Ord. No. 82-049, §1; Ord. No. 90-031, §1; Ord. No. 93-002, §1; Ord. No. 96-011, §1)

19.01.124. Designated depositories must be used; use of waste matter to fill low areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the city limits, except at a place designated by the director of public works and approved by the city manager for the purpose of disposal. Waste matter, if not removed beyond the city limits, may be made use of upon receiving written permission from the director of public works with approval by the city manager, for filling in of low areas within the city limits.

(Ord. No. 3354, §1; Ord. No. 4363, §6; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.125. Burying or burning garbage prohibited.

It shall be unlawful for any person to bury or burn garbage at any place within the city.

(Ord. No. 3354, §1; Ord. No. 4363, §7; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.126. Burying or burning rubbish prohibited.

It shall be unlawful for any person to bury or burn rubbish at any time within the city.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.127. Depositing waste matter during construction.

Waste matter created by construction activities may be deposited in or on a private property when such deposit is made necessary by reason of building construction or alteration; provided, however, that the person so depositing shall cause its removal as soon as possible after the necessity ceases.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

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19.01.128. Hazardous and infectious wastes.

The division of solid waste shall not collect hazardous wastes either alone or mixed with other matter which would normally be collected. The division of solid waste shall collect and remove infectious wastes in accordance with rules and regulations governing the collection and removal thereof established by the health department, the manager of the division of solid waste, and according to other applicable law.

(Ord. No. 3354, §1; Ord. No. 3813, §1; Ord. No. 3875, §9; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.129. Director of public works to make rules and regulations.

The director of public works shall have the power (a) to determine minimum required and adequate garbage, refuse and waste matter collection services for any property, place or premises within the city based on the amount of waste generated and adopt rules and regulations based upon such determination, and (b) and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this title.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.130. Appeals--generally.

Any person adversely and directly affected by any determination made or action taken by the director of public works or solid waste manager pursuant to the provisions of this title may appeal said determination to the city manager pursuant to the procedures set forth in Section 19.03.323.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.131. Appeals--time for filing.

The notice of appeal must be filed with the city manager not later than 10 days following the determination by the director of public works or solid waste manager. The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the manager.

(Ord. No. 3354, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.132 to 19.01.134. Reserved.

19.01.135. Billing period--when new rates take effect.

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Garbage collection charges shall be billed periodically for services provided by the city. All changes in garbage collection rates shall apply to that portion of the billing periods that occur on or after the effective date of the change.

(Ord. No. 3432, §5; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

19.01.136. No collection from underground receptacles.

The solid waste manager shall not collect any garbage or rubbish from any receptacle not placed at or above ground level for collection at the times prescribed herein for placing receptacles for collection.

(Ord. No. 4442, §1; Ord. No. 4455, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §1)

Chapter 19.02 Repealed.

19.02.201 to 19.02.300 Repealed by Ord. No. 90-031, §1

Chapter 19.03. Refuse Collectors.

19.03.301. Purpose of chapter; definitions.

- (a) Purpose: This chapter is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Sacramento.
- (b) Definitions: As used in this chapter, unless the context requires otherwise:
 - (1) The words "private collector" means any person who has a valid private collector's permit issued in accordance with the provisions of Solid Waste Authority Ordinance No. 1, as amended from time to time. A private collector may collect rubbish and waste matter from residential and non-residential property anywhere within the city, and garbage from commercial property, places and premises anywhere within the city pursuant to sections 19.01.107(d) and 19.01.111 of this Title.

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- (2) The words "fiscal year" shall mean the period of time beginning on the first day of July of any year and ending on the thirtieth day of June of the following year.
- (3) The word "landfill" means any place where refuse may be lawfully deposited and ultimately disposed.
- (4) A "private collector's permit" means the permit issued pursuant to Solid Waste Authority Ordinance No. 1, as amended from time to time.
- (5) A "private refuse collector's permit" means the permit issued to private refuse collector's pursuant to this Chapter prior to the adoption by the City Council of Ordinance No. 94-039.
- (6) The word "vehicle" means any truck, trailer, semi-trailer or other equipment used to collect refuse or to haul or transport garbage, refuse or waste matter over a public street or highway.
- (7) The words "enforcement agency" shall mean the enforcement agency duly appointed by the City pursuant to Government Code Title 7.3, Chapter 3 commencing with Section 66796, and the Solid Waste Authority.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 94-039, §1; Ord. No. 96-011, §2)

19.03.302. General requirements; exceptions from chapter.

- (a) No person shall collect, transport or dispose of any garbage, refuse or waste matter produced, kept or accumulated in the City except in accordance and compliance with, and as authorized by, the provisions of this chapter and other applicable laws.
- (b) Each holder of a private refuse collector's permit or a private collector's permit shall comply with the provisions of this Title 19.
- (c) Municipal corporations and other governmental agencies shall be exempt from the provisions of this chapter.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

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19.03.303. Permit--Required.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in, operate as, or represent himself to the public as a collector, transporter or disposer of garbage, refuse or waste matter within the City unless he has a valid private collector's permit issued to him pursuant to Solid Waste Authority Ordinance No. 1, as amended from time to time.
- (b) This section shall not be construed to prevent householders from hauling occasional loads of refuse or waste matter, not containing garbage, from their own premises to a legal point of disposal.
- (c) Persons or organizations exempt under the provisions of subsection (b) above shall collect, transport and dispose of such garbage, refuse or waste matter in accordance with the provisions of Solid Waste Authority Ordinance No. 1, as amended from time to time.

(Ord. No. 3204, §1; Ord. No. 3213, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.304. Repealed by Ord. No.

19.03.305. Repealed by Ord. No. 90-031, §1.

19.03.306. Repealed by Ord. No.

19.03.306-1. Repealed by Ord. No.

19.03.307. Repealed by Ord. No.

19.03.308. Repealed by Ord. No. 90-031, §1.

19.03.309. Repealed by Ord. No.

19.03.310. Repealed by Ord. No.

19.03.311. Repealed by Ord. No.

19.03.312. Repealed by Ord. No.

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19.03.313. Repealed by Ord. No. 90-031, §1.

19.03.314. Repealed by Ord. No.

19.03.315. Repealed by Ord. No. 90-031, §1

19.03.316. Hours of collection.

No garbage, refuse or waste matter shall be collected within the city except between the hours of 4:00 A.M. and 7:00 P.M. (or 8:00 P.M. during daylight saving time) of the same day.

(Ord. No. 3204, §1; Ord. No. 4041, §1; Ord. No. 90-031, §1; Ord. No. 96-011, §2)

19.03.317. Repealed by Ord. No.

19.03.318. Repealed by Ord. No.

19.03.319. Repealed by Ord. No.

19.03.320. Repealed by Ord. No.

19.03.321. Repealed by Ord. No.

19.03.322. Repealed by Ord. No.

19.03.323. Repealed by Ord. No.

19.03.324. Repealed by Ord. No.

19.03.325 to 19.03.399. Reserved.

Chapter 19.04 Garden Refuse

19.04.400 Reserved.

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19.04.401 Garden refuse - defined.

As used in this chapter the term "garden refuse" means leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed, shrubbery and tree trimmings of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter or forty (40) pounds in weight.

(Ord. No. 3685, §4; Ord. No. 3786, §10; Ord. No. 3795, §1; Ord. No. 3813, §1; Ord. No. 3875, §11; **MEASURE A, ADOPTED 09-27-77, STATES THIS SECTION CANNOT BE AMENDED OR REPEALED WITHOUT A MAJORITY VOTE OF THE ELECTORS OF THE CITY OF SACRAMENTO**)

19.04.402 Lawn and garden service-defined.

As used in this chapter the term "lawn and garden service" means the periodic collection by the department of public works of garden refuse from City streets, the disposal of said garden refuse, and the periodic sweeping of those streets.

(Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.403 Property classification-defined.

As used in this chapter, property is classified as follows:

(a) **Residential:**

Single-family residences: each property where there is only one dwelling unit on one parcel of property which is used primarily for single-family purposes.

Two-family residences: each property used primarily for two-family residential purposes.

Multi-family residences: each property used primarily for residential purposes having more than two but less than 51 dwelling units.

Multiple family residences containing more than 50 dwelling units shall be considered as being property used primarily for non-residential purposes.

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- (b) **Non-residential:** each property used primarily for non-residential purposes. For purposes of this chapter, any residential condominium, residential planned development, residential stock cooperative, or mobile home park shall be classified as non-residential property.
(Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.404 Legislative findings.

The City Council finds and determines:

- (a) That the public health, safety and welfare of all the citizens of the City requires that the accumulation and disposal of garden refuse from properties within the City be handled in a manner producing the greatest good and least public inconvenience, cost and maintenance to the City and its citizens.
- (b) That depositing garden refuse in the streets in front of properties within the City for periodic collection, disposal and street sweeping by the department of public works is a service afforded by the City which is of substantial benefit to owners of all properties within the City to which the service is extended.
- (c) That the costs to the City in providing for the periodic collection, disposal of garden refuse from the streets in front of properties within the City, and sweeping of said streets should be collectively borne by the owners of said properties through the collection of a lawn and garden service fee.
- (d) That depositing garden refuse in the streets of the City for periodic collection and disposal by City forces should be limited and restricted to:
 - (1) The owners of those residential properties with concrete curbs and gutters.
 - (2) The owners of those residential properties without concrete curbs and gutters, who have requested the service, been approved by the director of public works, and have agreed to pay the required fee.
 - (3) The owners of those non-residential properties with concrete curbs and gutters who have requested the service and have agreed to pay the required fee based upon the amount deposited in the street.

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- (e) That depositing garden refuse in the streets of the City in front of properties not provided the periodic garden refuse collection and disposal services by City forces is prohibited.
- (f) That street sweeping services are to be continued for, and charged to, all properties, (residential and non-residential), having concrete curbs and gutters.
- (g) That the city manager, in order to promote the public health, safety and welfare, should have the authority to prohibit the placement of garden refuse in the streets and at curbside upon the occurrence of adverse environmental conditions. If the city manager determines that a prohibition on placement of garden refuse would facilitate effective drainage, storm water runoff, prevention of flooding, or other public interest, he or she should have the authority to accomplish the prohibition by publicly declaring that such adverse conditions have arisen.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1; Ord. No. 95-052, §2)

19.04.405 Deposit of rubbish and waste matter regulated.

It shall be unlawful and an infraction punishable by a fine not to exceed \$500.00 for any person to deposit rubbish, waste matter, or garden refuse in the streets of the City in a manner other than that expressly authorized by this chapter.

(Ord. No. 3685, §4; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.406 Deposit of garden refuse authorized-residential property.

- (a) Garden refuse produced on residential properties with concrete curbs and gutters may be deposited in the streets of the city at the times and in the manner prescribed by this chapter. Garden refuse from eligible residential property shall be placed in the street in front of and contiguous to the properties from which the garden refuse is removed. Any eligible residence on a corner parcel may place garden refuse in the street in front of or on the side of and contiguous to the property.

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- (b) Service to properties without concrete curbs and gutters.
 - (1) Owners of residential properties without concrete curbs and gutters who wish to have periodic collection and disposal of garden refuse from the streets in front of their properties may petition the director of public works to have their property serviced. The director of public works will grant or deny the petition based on feasibility, cost, and efficiency requirements of the City. Any petition granted under this Section will bind the property owner to continue the service for the remainder of time the property owner owns the property.
 - (2) The director of public works will notify the property owner of the granting of the petition and of the irrevocability of the provision of service. Those owners of residential properties without concrete curbs and gutters whose petitions are approved by the director of public works under this Section shall receive the service at the times and in the manner prescribed by this chapter for owners of residential properties with concrete curbs and gutters, or in such other manner as mandated by the director of public works.
- (c) Garden refuse produced on residential properties not provided garden refuse collection and disposal services by City forces shall not be deposited in the streets of the City of Sacramento.
- (d) No garden refuse shall at any time be placed for collection in a manner which shall:
 - (1) impede traffic or constitute a hazard to traffic;
 - (2) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or
 - (3) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible.
- (e) No garden refuse shall be placed for collection within a set of undulations.

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- (f) The placement of garden refuse in the street or at curbside shall be prohibited at the direction of the city manager if and when:
- (1) the city manager finds that such prohibition is reasonably necessary to facilitate effective storm drainage and runoff, to prevent flooding, to counteract adverse environmental conditions, or to promote other public interest;
 - (2) the city manager issues a declaration of emergency specifying the condition or conditions necessitating such prohibition and describing the prohibited activities and the duration of the prohibition; and
 - (3) the city manager distributes a press release containing said declaration of emergency to local broadcast media, the Sacramento bee newspaper, and local radio stations.

In addition to the foregoing prohibition, garden refuse in the street or at curbside at the time the city manager makes a declaration of emergency as set forth herein shall be removed from the street and curbside so as not to impede the flow and drainage of water.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §12; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1; Ord. No. 95-052, §3)

19.04.407 Maximum amount of deposit.

The maximum amount of garden refuse that may be deposited in the streets during a calendar week is as follows:

- (a) For single and two-family residential structures . . . 2 cubic yards
- (b) For multi-family residential structures containing at lease three (3) dwelling units and not more than 50 dwelling units . . . 1 cubic yard . . . per dwelling unit
(Ord. No. 3685, §4; Ord. No. 3875, §15; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

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19.04.408 Time of deposit.

Garden refuse may be deposited in the streets in front of residential properties within the City at any time.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §16; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.409 Garden refuse from non-residential properties.

No person shall deposit garden refuse from non-residential properties in the streets of the City without first obtaining the prior written authorization of the director of public works. The failure of any person to obtain such written authorization shall not absolve him/her from liability for any fee assessed for collection of unauthorized deposits of garden refuse. The director of public works may refuse to authorize the deposit of garden refuse for collection if a determination is made by the director of public works that the property lacks concrete curbs and gutters, or that the collection by the City could be impractical, uneconomic, or otherwise create problems involving public health or safety.

In authorizing the deposit in City streets of garden refuse from non-residential properties the director of public works shall specify the time, manner, and place of the deposit.

(Ord. No. 3685, §4; Ord. No. 3727; Ord. No. 3813, §1; Ord. No. 3875, §17; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.410 Lawn and garden service fee established--residential properties.

It is hereby found and determined that availability of the service allowing the deposit of garden refuse from residential properties in the streets of the City for the collection, disposal, and street sweeping by City forces is a benefit to the owners of all eligible residential properties within the City and such owners are hereby made liable for the payment of the lawn and garden service fee imposed by this chapter irrespective of their actual use of City streets for deposit of garden refuse

- (a) Said fee shall be and is imposed on all properties within the City and on any newly constructed residence to commence at the beginning of the third full month after such newly constructed residence obtains garbage and water service.

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- (b) The fee shall not exceed the cost of making available and providing the service, as determined by the director of public works, utilizing normal and reasonable accounting procedures, and taking into account the future needs of the division responsible for garden refuse collection.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 4207, §1, Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.411 Rate of tax--residential properties.

Notwithstanding any provision of this title or any other provision of the City Code to the contrary, the rates, fees, and charges for residential purposes as established or provided for in this chapter shall hereafter be established by resolution of the City Council. In establishing the said rates, fees, and charges, the portion of the lawn and garden service fee attributable to street sweeping shall be separately set forth and established.

(Ord. No. 3685, §4; Ord. No. 3721, §1; Ord. No. 3813, §1; Ord. No. 3875, §18; Ord. No. 4090, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.412 Rate of fee--non-residential property.

The lawn and garden service fee imposed upon depositing garden refuse in City streets from any non-residential property, where authorized by the director of public works pursuant to Section 19.04.409, shall be based upon the approximate average monthly quantity of garden refuse so deposited from the property. All non-residential properties shall be liable for the portion of the lawn and garden service fee attributable to street sweeping, as established from time to time in accordance with the provisions of this Section.

The approximate average monthly quantity of garden refuse deposit shall be determined by the director of public works and may be revised from time to time to reflect actual approximate average quantities deposited in the City streets from the properties to which the service is provided. Any garden refuse placed for collection pursuant to this Section shall be subject to the chapters herein specifying the time, manner and place for placement for collection of garden refuse from residential properties.

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Notwithstanding any provision of this title or any other provision of the City Code to the contrary, the rates, fees, and charges established or provided for in this chapter shall hereafter be established by resolution of the City Council. In establishing the said rates, fees and charges, the portion of the lawn and garden service fee attributable to street sweeping shall be separately set forth and established.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 3875, §19; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.413 Optional fee--multi-family residential properties.

The owner of any residential property on which three or more dwelling units are located may elect to be charged the lawn and garden service fee as if it were being used primarily for non-residential purposes for the sole purpose of establishing the rate to be paid for such property; provided, in no event shall any such election establish an exemption from the lawn and garden service fee. Said election shall be filed with the director of public works on such form as may be prescribed by the director of public works and said election shall remain in effect until revoked in writing by the owner or the owner's successors in interest. Provided further that said election shall not exempt the owner from payment of the portion of the fee attributable to street sweeping, which portion shall be billed to and paid by the owner.

(Ord. No. 3685, §4; Ord. No. 3875, §20; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.414 Optional fee--collection of fees.

The lawn and garden service fee shall be billed and collected in accordance with the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.415 Neighborhood cleanup programs.

Rubbish and waste matter may be deposited in the City streets for collection and removal by City forces when such deposits are expressly authorized by the director of public works in connection with a neighborhood cleanup program. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be

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deposited, shall be determined by the director of public works and shall be communicated by the director of public works to the neighborhood in which the program is to be conducted.

(Ord. No. 3685, §4; Ord. No. 3813, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

19.04.416 Bare lot and multiple use property classifications; fees; lawn and garden service fees; lawn and garden service fee classification board.

- (a) **Definition.** For the purpose of this Section only, the term "residential property" shall mean and refer to residential property classified for the purposes of this Chapter 19.04 in a classification established by Section 19.04.403 excluding multiple family dwelling units having 51 and greater dwelling units.
- (b) **Application.** Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this Section. Any such application shall be filed on forms provided by the City and shall be filed with the revenue division of the City.
- (c) **Lawn and garden service fee classification board.** The lawn and garden service fee classification board shall be composed of two members, one of whom shall be from the department of finance and one of whom shall be from the department of public works. The membership of the board shall be appointed by, and shall serve at the pleasure of the city manager. The board shall process all applications under and make the classifications of property described by this section.
- (d) **Classifications.** In addition to the classifications established by Section 19.04.403(a), there shall be two additional classifications of residential property. These two classifications shall be:

Bare lot: The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any garden refuse. The term

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"outside the dwelling unit" shall mean outside the surface of the exterior surfaces. The term "exterior surfaces" shall mean those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple use lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g. residential and commercial) such that two or more different lawn and garden service fees according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or fee.

- (e) **Fees.** Any property classified on the bare lot classification shall pay the lawn and garden service fee imposed by this chapter of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the lawn and garden service fee imposed by this chapter equal to the single highest fee which would be imposed on any one structure located on the property according to the other classifications in this chapter. Such fee shall be charged to the owner of the entire parcel of property.
- (f) **Processing applications and classifications.** The board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the department of public works which shall inspect the property and report the results of such inspection to the board. The board shall evaluate each application based on the information contained in such application and the department of public works report and shall determine the proper classification for each such property. In the event the board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue division. In the event the lawn and garden service fee collected by the City after the effective date of the classification exceeds the fee prescribed by this chapter, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.

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- (g) **Notices and hearings.** In the event a property for which application for classifications is made pursuant to this Section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the board. Any applicant who receives such notice who desires to have the application reconsidered by the board may apply for a hearing before the board. Any such application must be filed with the revenue division within fifteen calendar days of the date of the notice that the property was not reclassified. The board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the department of public works and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the board may obtain a supplemental inspection report from the department of public works. Written notice of the action of the board shall be given to the applicant and the classification established by the board shall be final except as herein otherwise provided.
- (h) **Reclassification upon changed circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification.
- (Ord. No. 3685, §4; Ord. No. 4089, §1; Ord. No. 88-072, §1; Ord. No. 90-031, §1; Ord. No. 91-013, §1; Ord. No. 93-006, §1)

Chapter 19.05 Downtown Collection Area

19.05.501 Purpose and findings.

The purpose of this chapter is to protect and maintain the health, safety and welfare of the downtown area by establishing special requirements and procedures applicable to garbage and refuse collection service received or provided in the area defined herein as the "downtown collection area." The Council finds and determines:

- (a) That excessive litter, debris, garbage and refuse consistently accumulates in the alleys where collection service is received or provided in the downtown

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collection area. Such excessive accumulation of litter, debris, garbage and refuse does not occur in other areas of the City where collection service is received or provided.

- (b) That the excessive accumulation of litter, debris, garbage and refuse in the downtown collection area alleys adversely affects the health, safety and welfare of the downtown area by creating an unclean and malodorous condition.
- (c) That this unclean and malodorous condition is caused, in part, when persons who do not subscribe to collection service in accordance with this title, deposit excessive amounts of garbage and refuse in containers located in the downtown collection area alleys. This unclean and malodorous condition also results when garbage and refuse is removed from said containers and deposited in the alleys by persons looking for food, recyclable materials or other such items.
- (d) That although the activities described in the preceding paragraph are prohibited and deemed to be infractions under this title, the excessive accumulation of litter, debris, garbage and refuse in the downtown collection area alleys continues, so that additional methods of preventing such accumulation are needed.
- (e) That establishing special requirements and procedures to prevent the excessive accumulation of litter, debris, garbage and refuse in the downtown collection area alleys will more effectively protect and maintain the health, safety and welfare of the downtown area.

(Ord. No. 91-086, §1)

19.05.502 Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them by this Section:

- (a) Downtown collection area: "**Downtown collection area**" means that area located in the City of Sacramento and consisting of the area bounded by I Street on the north, 7th Street on the west, J Street on the south, and 8th Street on the east; J Street on the north, 8th Street on the west, K Street on the south and 13th Street on the east; and the area bounded by K Street on the north, 7th Street on the west, L Street on the south, and 12th Street on

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the east.

- (b) **Owner:** "Owner" shall mean the owner of property in the downtown collection area receiving service in accordance with this title.
- (c) **Tenant:** "Tenant" shall mean the occupant, where different than the owner, of any property receiving collection service in the downtown collection area in accordance with this title.
- (d) **Collection service:** "Collection service" shall mean garbage or refuse collection service to any owner or tenant in the downtown collection area, provided either by the City or by a private refuse collector in accordance with the provisions of this title.
- (e) **Private refuse collector:** "Private refuse collector" shall mean a person or entity, other than the City, authorized to collect refuse in accordance with the provisions of this title.
- (f) **Container:** "Container" means automatic lift containers and bins, as those terms are defined in Section 19.01.101 of this title, where garbage or refuse is deposited in the downtown collection area.

All other terms used in this chapter shall have the same meaning as provided elsewhere in this title.

(Ord. No. 91-086, §1)

19.05.503 Special requirements.

In addition to any and all requirements which apply to the collection of garbage and refuse throughout the City under this title, collection service received or provided in the downtown collection area shall be subject to the following additional special requirements:

- (a) All containers within the downtown collection area shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected in accordance with the provisions of this title.
- (b) All containers within the downtown collection area shall be equipped with a jacket containing an identification card stating the name, address and telephone number of the owner and tenant.

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- (c) No container within the downtown collection area shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above requirements shall be the sole responsibility of the owner and tenant. Guidelines to implement and enforce the above requirements shall be adopted by the City department of public works and approved by the city manager.

(Ord. No. 91-086, §1)

19.05.504 Violations--property receiving collection service from City Property receiving collection service from private refuse collector.

In the event any owner or tenant of property receiving collection service from the City shall violate any of the requirements set forth in Section 19.05.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (b) For the section violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (c) For the third violation, the owner and tenant shall be mailed a written notice stating the date and type of violation. For the third violation, the rate for receiving collection service at the property where the violations occurred shall be increased to three times the normal monthly rate for a period of three months.
- (d) For the fourth violation, the owner and tenant shall be issued a written notice stating the date and type of violation. For the fourth violation, the rate for receiving collection service at the property where the violations occurred will be permanently billed at three times the normal monthly rate, as long as the same owner is recorded on the property tax roll, or the same tenant occupies the property. In the event of a change in property ownership or occupancy, the subject collection service rate may revert to the regular monthly rate

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upon review and approval by the downtown collection area appeals board.

The penalties described above shall be cumulative to any other penalties set forth or authorized in this title.

In the event any owner or tenant of property receiving garbage collection service from a private refuse collector shall violate any of the requirements set forth in Section 19.05.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violation.
- (b) For the second violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date of type of violation.
- (c) For the third violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violations, and declaring the property where the violations occurred ineligible to receive continued collection service from a private refuse collector. Thereafter, the property shall receive collection service from the City, and any and all provisions of this Section, Chapter and Title which govern such service shall thereafter apply.

(Ord. No. 91-086, §1)

19.05.505 Downtown collection area appeals board.

- (a) Any owner or tenant who is mailed a notice of violation pursuant to Section 19.05.504 may appeal any determination made or action taken by the City to the downtown collection area appeals board, by presenting the appeal, in writing, within 30 days of the date of the notice. Appeals shall be presented, and hearings shall be conducted, according to procedures adopted by the department of public works and approved by the city manager.
- (b) The downtown collection area appeals board shall be composed of two members, one of whom shall be from the department of finance and one shall be from the department of public works. The members of the board shall be appointed by and shall serve at the pleasure of the city manager.

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The boards shall process all appeals under this chapter. The board's determinations shall be final and conclusive.

(Ord. No. 91-086, §1)

19.05.506 Penalties collected.

Any penalties collected by the City in accordance with this chapter shall be placed in the downtown alley maintenance district fund, to be used to defray the costs of cleaning the alleys within said district in accordance with Title 55 of this Code.

(Ord. No. 91-086, §1)

19.05.507 Collection of penalties; penalties and procedures for delinquency.

Penalties imposed pursuant to Section 19.05.504 shall be billed and collected together with the fees for collection service, pursuant to the provisions of Title 64 of the Sacramento City Code.

(Ord. No. 91-086, §1; Ord. No. 94-039, §2)

19.05.508 Deleted by Ord. No. 94-039, §3.

Chapter 19.06 Penalty for Violation

19.06.601 Violation of an infraction.

Any person violating any provision of this Title is guilty of an infraction.

(Ord. No. 83-153, §21; Ord. No. 90-031, §1; Ord. No. 91-086, §1)

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RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ESTABLISHING A POLICY TO IMPOSE SPECIFIC CONDITIONS ON USE PERMITS FOR ALL SOLID WASTE FACILITIES

WHEREAS, it is advantageous to establish uniform regulations across jurisdictional lines enforced by a single agency, affecting solid waste facilities in both the City and the unincorporated area of the County; and,

WHEREAS, the City does not have the legal ability to control the flow of self-hauled waste to a recovery facility to guarantee necessary waste processing and diversion; and,

WHEREAS, the Sacramento Regional County Solid Waste Authority (SWA) has adopted regulations imposing the diversion of 30% of self-hauled waste on solid waste facilities for enforcement of use permit requirements; and,

WHEREAS, the County of Sacramento has endorsed the regulations adopted by the SWA in anticipation of the City of Sacramento endorsing the same set of use conditions for solid waste facilities;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

The City of Sacramento will impose specific conditions on use permits for all new and expanding solid waste disposal facilities that also require a solid waste facility permit. The facilities subject to this resolution must meet the following three requirements:

- Be receiving self-haul waste (mixed solid waste from self-haul generators as opposed to self-hauling of source-separated or commingled recyclables).

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- Be solid waste transfer and disposal facilities receiving self-haul waste.
- Be a facility regulated by the County's Local Enforcement Agency (LEA) and thus operating under a solid waste facilities permit, permit exemption, or other LEA-issued entitlement to operate the facility.

The types of facilities which may be regulated include:

- Landfills
- Transfer Stations
- Materials Recovery Facilities

The use permits for the above facilities would carry, as conditions of approval, the following requirements:

- Divert 30 percent (by weight) of all self-haul solid waste received at the facility from nonpermitted haulers who are not subject to the diversion regulations contained in the "Regulation of Commercial Haulers."
- Move diversion materials to market within one year.
- Not be required to divert treated medical waste.
- Submit quarterly reports.
- Maintain certified scales to measure the tonnage that is diverted or disposed at the facility.

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- Make facility records available for inspection.

Enforcement of the use permit requirements will occur by the SWA initiating administrative proceedings to seek revocation of the use permit.

MAYOR

ATTEST:

CITY CLERK

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