

Chapter 8.20

INTEGRATED WASTE MANAGEMENT

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Article I. Definitions; Integrated Waste Management Procedures

8.20.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectfully ascribed to them, unless it shall appear from the context that they have a different meaning. Words and phrases not ascribed a meaning by this chapter shall have the meaning ascribed by Division 30, Part 1, Chapter 2 of the Public Resources Code, Sections 40105-40201, and the regulations of the California Integrated Waste Management Board.

“Act” means the California Integrated Waste Management Act of 1989, as may be amended in the Public Resources Code Section 40000 et seq. and implementing regulations of the California Integrated Waste Management Board.

“Baling” means the process of compacting by pressure resulting in a homogenous mass of like composition bound together by straps or wire.

“Bin” means containers, whether residential, multi-family residential, commercial, industrial, or institutional, provided for temporary accumulation and collection of solid waste for removal from all premises located within the city. Bins include but are not limited to, solid waste containers with capacity of at least one cubic yard and roll-off type service containers.

“City” means the city of Industry and all of the territory lying within the municipal boundaries of the city as presently existing, including all federal facilities and all geographic areas which may be added or annexed to the city.

“City manager” means an individual having the title in the employ of the city or the city manager’s authorized designee.

“Collection” means the act of collecting solid waste, at or near the place of generation or accumulation.

“Collection vehicle” means the vehicle utilized in the collection, transportation, storage, transfer, or processing of solid waste or recyclable solid waste.

“Collector” means a solid waste collector with a written franchise, contract or permit for the collection of solid waste, issued as set forth in this chapter, including salvaging or salvage collecting.

“Commercial collection” means the regularly scheduled removal of solid waste from commercial property by the city’s authorized franchisee.

“Commercial property” means non-residential unit including, but not limited to, a place of business, hotel, restaurant, office building, shop, store, hospital, auto court, industrial property, including a place of manufacture, production or fabrication, warehouse, and residential units containing five or more family residential units.

“Commercial solid waste” means solid waste generated by commercial units.

“Construction” means the building of any facility or structure or any portion thereof including any tenant improvement or renovation to an existing facility or structure.

“Construction and demolition debris” means bricks, stones, mortar, concrete, asphaltic concrete, wood, or other debris including used or discarded materials removed from premises during construction, renovation, remodeling, repair, or demolition operations including the demolition of buildings or structures.

“Curbside collection” means the regularly scheduled collection of solid waste from bins as specified herein.

“Deconstruction” means to disassemble any facility, structure or building, whether in whole or in part, whether interior or exterior, piece by piece in order to salvage the parts.

“Demolition” means the disseminating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior including, but not limited to soft demolition such as that associated with remodeling or the replacement of roofs.

“Franchise” means the right of a person or entity to make arrangements for the collection and transportation of solid waste, recyclable material and recyclable solid waste to landfills, transformation facilities, material recovery facility or other licensed solid waste management facilities, and/or the ability to extricate recyclable material from all solid waste including recyclable solid waste and green waste, or composting material.

“Franchise fee” means the fee or assessment imposed by the city on a collector because of its status as a collector:

“Green waste” means leaves, grass clippings, brush, branches and other forms of organic matter generated from landscapes and gardens and incidental pieces of untreated and unpainted scrap lumber no longer than twenty-four inches and containing no metal objects, separated from other forms of solid waste. Green waste also includes holiday trees from which all tinsel, flock, base attachments and ornaments have been removed. Green waste does not include stumps or branches exceeding six inches in diameter or two feet in length, palm fronds, yucca, food waste, manure, dirt, rocks, garbage or any other form of solid waste which are not suitable for composting.

“Hazardous waste” means (a) all waste defined or characterized as hazardous waste by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.) in 42 U.S.C. Section 6903 (5) as amended from time to time, and all implementing regulations, (b) all waste defined or characterized as a hazardous substance pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601 et seq. (“CERCLA” or “Superfund”), as in 42 U.S.C. Section 9601 (14), may be amended from time to time, and all implementing regulations, and (c) all waste defined or characterized as hazardous waste by agencies of the state of California (including without limitations the Department of Health Services, the Department of Toxic Substances Control and the California Integrated

Waste Management Board) having jurisdiction over solid and hazardous waste. The term “hazardous waste” means, in addition to any substance included in any of the foregoing categories, those substances which are not normally permitted to be disposed of by generally accepted, sanitary landfill disposal methods, but which may be contained in solid waste streams. In the event of a conflict in the definitions employed by two or more governmental agencies having concurrent or overlapping jurisdiction over hazardous waste, the broader, more encompassing definition shall apply.

“Permittee” means any individual, partnership, joint venture, unincorporated private organization or private corporation who has been issued a permit by the city to conduct salvage and recycling activities as well as those permits issued to salvage generators.

“Person” means any individual, partnership, joint venture, unincorporated private organization, or private corporation.

“Redeemable material” means a material which has commercial value and which is sold or donated to an entity other than a solid waste collector. Redeemable materials are commodities and are not part of the solid waste stream. Redeemable materials lose their character as redeemable materials upon being disposed of in the waste stream and become solid waste subject to this chapter. If the seller or donor of redeemable material pays the buyer or donee, including any solid waste collector, any consideration for collecting, processing, recycling, transporting or disposing of “redeemable material” or for providing consultation or other services, the transaction shall not be regarded as a sale or donation of “redeemable material”, but as an arrangement for the disposal of solid waste subject to this chapter. Redeemable material shall be deemed to be contaminated if the container into which it has been placed contains more than one percent nonrecyclable material, or any amount of hazardous waste.

“Recyclable material” means material which has been separated by a solid waste service recipient from other forms of solid waste before having been disposed of into the waste stream. “Recyclable material” is a part of the solid waste stream which can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of the act. Recyclable material shall be segregated from other waste material and is source-separated single-category recyclable material. “Recyclable material” does not include those potentially recoverable items which are commingled with non-recyclable solid waste. Recyclable material shall be deemed to be contaminated if the container into which it has been placed contains more than one percent non-recyclable solid waste, or any amount of hazardous waste.

“Recyclable material bins” means a bin, vessel, can, cart or other receptacle used for accumulating and collecting recyclable material.

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

“Refuse” means solid waste.

“Residential property” means every lot in the city upon which is situated one or more but not more than four dwelling units including planned development projects and any other parcel which has been improved with a so-called “duplex” or “triplex” residential dwelling unit designated and used as living quarters by human beings. Residential units shall not include hotels, motels, lodge halls, clubs, tourist camps, trailer camps, churches, commercial and industrial establishments, or any other lot containing more than four dwelling units or upon which commercial or industrial occupation is conducted.

“Salvage” means refuse for which a permit to treat as salvage has been obtained under this chapter and which includes recyclable material. Salvage is source separate single-category recyclable material.

“Salvage collector” means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing salvage collection services including those who use third party haulers.

“Salvage generator” means any individual, partnership,

joint venture, unincorporated private organization or corporation which created, accumulates, imports or causes to be imported into the city salvage which is sold or given to a salvage collector.

“Salvaging” or “salvage collecting” means the controlled removal, collection, accumulation, baling or transportation of salvage for utilization.

“Scavenging” means the unauthorized removal of recyclable material or any other commodity designated by the city to have recyclable properties or value by any person, individual, business, or solid waste entity other than those authorized by the city or established in accordance with this chapter.

“Self-hauler” means any individual, partnership, joint venture, unincorporated private organization, or private corporation engaged in salvaging which it creates, accumulates, imports or causes to be imported into the city.

“Solid waste” means non source separated or commingled material including, but not limited to:

1. All putrescible and nonputrescible solid and semisolid waste;
2. Garbage;
3. Trash;
4. Refuse;
5. Paper (including all forms of paper products, shredded documents and cardboard);
6. Rubbish;
7. Ashes;
8. Industrial wastes;
9. Demolition and construction wastes;
10. Abandoned vehicle parts;
11. Discarded home and industrial appliances;
12. Dewatered, treated or chemically fixed sewage sludge which is not hazardous waste;
13. Manure; and
14. Vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes.

Solid waste does not include hazardous waste, radioactive waste or medical waste. As used in this chapter, the term solid waste includes green waste and recyclable solid waste, as well as waste generated by destruction and demolition.

“Solid waste collection services” means the collection, transportation, storage, transfer, or processing of solid waste or recyclable solid waste for residential, commercial, industrial, or institutional user(s), customers, patrons, or residents.

“Solid waste collector” means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste collection services or recycling services.

“Special waste” shall mean an item or element of solid waste identified in 22 California Code of Regulations Sections 66261.120, 66261.122, or any other waste which has been classified as special waste by resolution of the city council.

“Third party hauler” means any commercial carrier or common carrier who transports salvage or recyclable material at the direction, request or hiring of a salvage collector.

“Vehicle” means any truck, trailer, or other conveyance or equipment used to collect, haul or transport solid waste, hazardous waste, recyclable material, or recyclable solid waste. (Ord. 686 § 1 (part), 2002)

8.20.020 Policy.

The city council finds and determines that the storage, accumulation, collection and disposal of commercial solid waste, construction, demolition and deconstruction waste, green waste, hazardous waste, refuse, solid waste and other discarded matter is of great public concern, in that improper control of such matters may create a public nuisance, or lead to air pollution, fire hazards, insect breeding, rat infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The city council further finds that the periodic collection of commercial solid waste, construction, demolition and deconstruction waste, green waste, hazardous waste, refuse, solid waste and other discarded matter from all residential and commercial properties within the city and that the letting of one exclusive franchise as well as salvage and other permits, by the city for such collection will provide the most orderly and efficient solution to such problems and promote the public health, safety and welfare and to provide for accurate monitoring for compliance with the act. (Ord. 686 § 1 (part), 2002)

8.20.030 Authorization required to collect.

No person, collector, or salvage collector shall engage in the collection, caring, conveyance, salvage or transportation of any solid waste or recyclable material from or at any location within the limits of the city, without the express written consent of the city council by means of a franchise or permit granted by the city council or, where authorized, the city manager, pursuant to this chapter or other provisions set forth in the city of Industry Municipal Code. (Ord. 686 § 1 (part), 2002)

8.20.040 Solid waste collection required.

Every owner or occupant of any premises in the city shall dispose of the solid waste through the regular solid waste collection service of the collector, and shall pay therefore the rate or rates set by the city a component of which rate shall be applied to the solid waste recovery fund. Every owner or occupant of any premises in the city shall maintain, at minimum, a bin of not less than two cubic yards with collection service occurring not less than one time per week. Arrangements with the collector shall be made by each such owner or occupant for the required collection of solid waste, and such arrangements shall specify the location of the premises, solid waste bin types and sizes, and the frequency of collection. The owner of a single-family dwelling or multi-family dwelling of not more than four units, must by prior agreement with the collector and with the occupants of such dwellings arrange for the individual, joint, or communal use of solid waste bins thereon. (Ord. 686 § 1 (part), 2002)

8.20.050 Accumulation unlawful—Abatement.

It is unlawful and declared to be a public nuisance for any owner or occupant of a residential or commercial premises to permit the accumulation of solid waste to become or remain offensive, unsightly, or unsafe to public health or creates a fire hazard, or to deposit, keep, or accumulate, or permit, or cause any solid waste to be deposited, kept, or accumulated upon any lot or parcel of land, or any public or private place, street, lane, alley, or driveway, except as provided in this chapter. The city manager or authorized designee may take action to abate the nuisance pursuant to the procedures set forth in this code. (Ord. 686 § 1 (part), 2002)

Article II. Solid Waste Fees, Franchises and Permits

8.20.060 Exclusive franchise.

The city may, from time to time, enter into an exclusive franchise agreement with a collector regarding the collection of solid waste from residential and commercial property. The collector, under the franchise agreement, shall be allowed to conduct salvaging and the collector is deemed to be in compliance with Sections 8.20.370, 8.20.380, 8.20.390 and 8.20.400. However, with respect to salvaging only, the rights of the collector shall not be exclusive. So long as the franchise agreement remains in force, collection of the material provided for in this chapter may be made only by such collector in accordance with the terms and conditions of this chapter and the franchise agreement. The charges for such collection of solid waste, including removal and disposal services shall be those agreed upon between such collector and the person utilizing the service; provided, however, that such charges shall not be greater than the rates permitted by the terms of the franchise agreement between the city and the collector. No person other than the city or the collector shall collect, remove or dispose of any solid waste within the city, nor transport the same over any public streets or highways within the city. All recycling and salvage activities not otherwise governed by the terms of the exclusive franchise agreement shall be conducted only pursuant to this chapter. (Ord. 686 § 1 (part), 2002)

8.20.070 Collection of solid waste restricted to collector.

It is unlawful for any person other than the collector or those persons employed by the collector to collect or haul any solid waste within the city except:

- A. Source separated single-category recyclable materials, including but not limited to those collected by a person under permit by the city as provided in Section 8.20.370 of this chapter. Loads which consist of source separated single category recyclables commingled with any residual solid waste shall not be considered source separated recyclables;
- B. Green Waste (a) removed from a premises by a contractor as an incidental part of a total landscaping or gardening service offered by that contractor, and loaded into a fixed body vehicle, rather than as a separately contracted or subcontracted hauling service using debris boxes or similar apparatus; or (b) directly loaded onto a fixed body vehicle such as a “chipper and truck” and hauled directly to a transfer station or disposal facility;
- C. Animal waste and remains from slaughterhouses and butcher shops, or grease waste;
- D. Special waste;
- E. Hazardous waste. (Ord. 686 § 1 (part), 2002)

8.20.080 Franchise—Terms.

Any franchise entered into or issued by the city shall regulate the duties imposed upon the collector as well as the rates to be charged. Without limiting the scope of the foregoing regulatory power, in general, said regulations shall control:

- A. The maximum rates to be charged and the time of billing;
- B. The manner in which the work of solid waste collection shall be performed;
- C. The condition and maintenance of the equipment used by the collector;
- D. The hours within which such collection work may be performed;
- E. The security and insurance which the collector shall provide to the city;
- F. Any other items which the city council deems to be necessary for the best interest of the city and its residents and owners or occupants of property therein. (Ord. 686 § 1 (part), 2002)

8.20.090 Collector—Compliance with all laws.

The collector shall comply with the provisions of this chapter and any and all applicable sections of the city of Industry Municipal Code, Public Resources Code or any other local, state or federal code having jurisdiction. The collector shall be required to cooperate with the city in solid waste generation studies, preparation of waste stream audits and the submission of information required by the city to meet the reporting requirements of the act or other applicable legislation as may be amended from time to time, and to implement measures consistent with the city's source reduction and recycling element and household hazardous waste element in order for the city to reach the mandated diversion and other goals as established by the act as it may be amended from time to time. The collector shall submit to the city monthly reports which show the number of tons collected and the tonnage delivered to disposal facilities, itemized by disposal facility. (Ord. 686 § 1 (part), 2002)

8.20.100 Flow control.

The city reserves whatever, if any, right it may receive from local, state or federal authorities to exercise "flow control", i.e., the right to select disposal facilities and materials recovery facilities to which the solid waste collected pursuant to the franchise is taken. In the event that the city directs collector to transport solid waste to a particular disposal facility or materials recovery facility, city and collector agree to use their best efforts to obtain indemnification against CERCLA Superfund and related claims from the operator of the disposal facility or materials recovery facility to which solid waste collected pursuant to the franchise is taken for disposal or materials recovery. In the event that the city requires collector to utilize a disposal facility or materials recovery facility not owned or operated by collector or an affiliate of collector pursuant to this provision, the city shall indemnify and hold harmless collector for delivering solid waste to the designated disposal facility or materials recovery facility. In the event that the city selects a transfer or disposal facility pursuant to this provision, collector shall be entitled to a rate adjustment to offset for any substantiated increase in expenses resulting from the city's exercise of "flow control". (Ord. 686 § 1 (part), 2002)

8.20.110 Existing franchise—Continued effect.

Any franchise which is in effect on the date of the ordinance enacting this chapter shall remain in full force and effect through the duration of the respective franchise. A franchisee shall comply with the provisions of this chapter so long as the requirements set forth for compliance do not conflict with any current franchise agreement or the constitutionally protected rights provided for under any existing franchise agreement. The provisions of this chapter in no way confirm, modify or extend existing contractual agreements. (Ord. 686 § 1 (part), 2002)

8.20.120 Franchise fees.

The collector shall be required to pay a franchise fee in an amount and under terms and conditions as set forth in the franchise agreement. (Ord. 686 § 1 (part), 2002)

8.20.130 Cost recovery special fund.

The collector shall be required to include a line item charge on its regular billing invoice as a fee based on volume for purposes of establishing a "Cost Recovery Special Fund" pursuant to the act. The amount of the fee shall be determined by the city manager. Funds deposited into the Cost Recovery Special Fund shall be used and applied to pay for costs associated with the preparation, adoption and implementation of the city's source reduction and recycling element. Any and all such fees shall be paid monthly in accordance

with the collector's regular billing cycle. (Public Resources Code Section 41003 (g)). (Ord. 686 § 1 (part), 2002)

Article III. Bins, Collection and Equipment

8.20.140 Solid waste bins.

All owners or occupants of residential or commercial premises and all persons and entities involved in deconstruction, demolition and construction within the city are required under this chapter to arrange for solid waste collection with the collector and to keep readily accessible to the collector, one or more bins provided by the collector and of adequate size and quantity, so as to be capable of holding without spilling all solid waste accumulated on the residential and/or commercial premises between the time of two successive collections. All solid waste generated or accumulated on the residential and/or commercial premises shall be deposited in said approved bins. (Ord. 686 § 1 (part), 2002)

8.20.150 Placement of bins.

All solid waste to be collected shall be set out or placed by the owner or occupant of a residential or commercial property as follows:

Residential Property:

- A. Where a residential property is contiguous to a paved alley, all articles for collection shall be set out or placed at one and the same location at the alley or property line;
- B. Where the residential property is not contiguous to a paved alley, all articles for collection shall be set out or placed at one and the same location in the public parkway or at the curblineline;
- C. No solid waste shall be set out for collection except that which is accumulated on the residential premises from which the collection is made, by the owners or occupants of said premises in the use of the premises;

Commercial Property:

- D. Each owner or occupant of a commercial property shall place all solid waste originating from such property in bins provided by the collector. Such bins shall be placed at the rear of such properties, or if the premises are so situated that the collector is unable to collect at such location, then at the sides of such properties if space is available at such location. Under no circumstances shall the bins be pushed to the front of the property or curbside for pickup. Bins may be located within industrial properties where necessary to accommodate plant operation. All solid waste shall be placed in such bins and not upon or around the same. Solid waste shall not be compacted in bins furnished by the collector by any mechanical means without permission of the collector. The owner or occupant of commercial or industrial property shall arrange with the collector for as many collections per week as shall be necessary, but in no case less than one time per week to remove all such solid waste from said property as frequently as the bin becomes filled. (Ord. 686 § 1 (part), 2002)

8.20.160 Collectors' obligation.

The collector shall:

- A. Collect solid waste from every residential property, commercial property in the city with respect to which collection arrangements are made by the owner or occupant thereof;

B. Make collections of such solid waste on the dates and between the hours specified in the written franchise agreement with the city or in resolution or ordinance from time to time adopted by the city council, or in schedules to be approved by the city manager when the franchise agreement so provides;

C. Provide and maintain adequate equipment and vehicles including standby vehicles with adequate capacity and provide all labor and services necessary to perform the duties assumed by the collector;

D. Provide a collection and disposal service in such a manner as to prevent any leakage or dropping of garbage or refuse on private property or upon the streets, ways and public places within the city;

E. Maintain all of collector's collection equipment in a uniformly painted condition with a uniform color scheme with the name of the collector and the number of the truck or motor vehicle engaged in collections, in a manner approved by the city manager;

F. Dispose promptly of all garbage or refuse in sanitary dumps or other disposal points approved by the governmental agency having jurisdiction thereof;

G. Provide containers on casters of a size, shape and construction approved by the city manager for all residential, industrial and commercial property occupants utilizing collectors collection services.

H. Provide an office and telephone service at all times between the hours of eight o'clock a.m. and four o'clock p.m., Monday through Friday, and eight o'clock a.m. to twelve o'clock noon on Saturday to enable prompt response to all calls and action upon all requests and instructions pertaining to the collection of solid waste.

I. Provide at collector's expense public liability and property damage insurance covering liability for not less than ten million dollars for personal injuries including death of one person, ten million dollars on account of any one accident, and property damage of not less than ten million dollars. The company and policy shall be subject to the approval of the city attorney, and a copy thereof shall be kept on file in the office of the city clerk at all times during the terms of collector's contract.

J. Deliver to the city a good and sufficient surety bond in the amount of fifty thousand dollars to secure the full, true and faithful performance by the collector of the provisions of this chapter and of the terms of the franchise agreement between collector and the city. Such bond shall be kept in full force and effect at all times during the term of the franchise agreement and shall be subject to the approval of the city attorney.

K. In no event shall the collector charge, collect or receive any sums in excess of the rates approved by the city manager for collector's services under this chapter. (Ord. 686 § 1 (part), 2002)

8.20.170 Collection system.

The collector shall provide for the collection and disposal of solid waste from all residential property within its assigned or designated area at least once each calendar week and from commercial properties as provided in the contract or franchise. The city manager shall have charge and supervision of such collection and removal, and shall approve the routes and days as proposed by the collector for the collection so as to conform to the provisions of this chapter. When such routes and days of collection are established or changed, the city manager shall be given notice thereof. (Ord. 686 § 1 (part), 2002)

8.20.180 Collection vehicles.

Collection vehicles used by collectors within the city shall comply with the requirements of this section and shall conform to the highest industry standards and all provisions of the California Vehicle Code. The city reserves the right to inspect or cause the inspection of any collection vehicles. (Ord. 686 § 1 (part), 2002)

8.20.190 Vehicle compliance.

The city shall recognize the bi-annual inspection of terminal “BIT Program” performed by the California Highway Patrol for all collection vehicles operating within city limits for the purpose of executing the provisions herein. Satisfactory rating certificates demonstrating “BIT Program” compliance for each collector or salvage collector shall be filed with the city clerk. Any collector or salvage collector utilizing a third party hauler shall comply with the provisions of the Motor Carriers of Property Permit Act, California Vehicle Code Sections 34600 et seq., and shall have on file with the city clerk a common carrier permit as required therein. (Ord. 686 § 1 (part), 2002)

8.20.200 Maintenance of collection vehicles.

All collection vehicles shall at all times be kept clean, in good repair and painted to the satisfaction of the city and shall comply with all measures and procedures promulgated by agencies having jurisdiction. All collection vehicles shall be cleaned on a regular basis. (Ord. 686 § 1 (part), 2002)

8.20.210 Leakage and spillage.

Each collection vehicle shall be so constructed and utilized so as to prevent any solid waste, oil, grease or other liquid from blowing, falling, or leaking out of the collection vehicle onto any public right of way or any residential, or commercial, property whether or not the property has been established for public or private use. (Ord. 686 § 1 (part), 2002)

8.20.220 Transportation of solid waste.

All solid waste shall be transported by means of vehicles equipped with watertight bodies fitted with close fitting metal covers so as to prevent any leakage, spillage or offensive odor to emit from the contents thereof. Should any solid waste be dropped or spilled in collecting, transferring or transporting, it shall be immediately cleaned up. Sufficient equipment to contain or clean any of the collection vehicle’s contents which may have been allowed to escape the inner body of the vehicle shall be carried on each truck at all times for such purpose. (Ord. 686 § 1 (part), 2002)

8.20.230 Audible warning device.

Each vehicle used for the collection, hauling and disposal of solid waste shall be equipped with an audible warning device that is activated when the vehicle is backing up. (Ord. 686 § 1 (part), 2002)

8.20.240 Vehicle removal from service.

Should the city at any time give notification in writing to the collector that any designated collection vehicle does not comply with the standards of this chapter, such vehicle shall forthwith be removed from service by the collector and not again so used herein until inspected and approved in writing by the city. (Ord. 686 § 1 (part), 2002)

Article IV. Prohibited Acts and Enforcement

8.20.250 Throwing or scattering solid waste prohibited.

No person shall throw, place, scatter or deposit any solid waste in or upon any public street, alley, or highway except as expressly authorized by this chapter, nor throw, place, scatter or deposit any such material upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health. (Ord. 686 § 1 (part), 2002)

8.20.260 Unauthorized use of bins.

It is unlawful for any person to place or deposit into any bin any medial waste (as defined in Health and Safety Code Sections 117690), hazardous. waste or special waste requiring unique collection and disposal procedures, in any bin as defined herein. (Ord. 686 § 1 (part), 2002)

8.20.270 Solid waste burning.

It is unlawful to burn any solid waste within the city except in an approved incinerator or transformation facility or other device for which a permit has been issued by the city and which complies with all applicable license, permit and other regulations of the air pollution control authorities and provided any such act of burning in all respects complies with other laws, rules and regulations. (Ord. 686 § 1 (part), 2002)

8.20.280 Unauthorized removal.

It is unlawful for any person, other than a collector or salvage collector to take, remove, or appropriate for his or her own use any solid waste, recyclable solid waste, potentially recyclable articles commingled with solid waste, source-separated single recyclable solid waste (recyclable materials) or green waste which has been placed for collection or removal by a collector or salvage collector, whether so placed in containers, recycling bins or not. Unauthorized removal as defined herein shall include scavenging. (Ord. 686 § 1 (part), 2002)

8.20.290 Unauthorized disposal.

It is unlawful for any person to place solid waste in, or to otherwise use the solid waste, green waste or recyclable solid waste containers of another person without the permission of such other person. (Ord. 686 § 1 (part), 2002)

8.20.300 Unauthorized bins.

It is unlawful for any person to utilize bins for the collection, deposit or transport of solid waste, commercial solid waste, construction, demolition and deconstruction debris, green waste, or other solid waste unless such bins have been issued by the collector. It is unlawful for any person to utilize bins for the collection, deposit or transfer of recyclable material, or other solid waste or recyclable solid waste unless such bins have been issued by the collector or a salvage collector authorized by the city manager to issue such bins. Such bins shall be subject to removal as set forth at Section 8.20.360. (Ord. 686 § 1 (part), 2002)

8.20.310 Spills.

It is unlawful for any person transporting solid waste to fail to immediately clean up, or arrange for the immediate cleanup, of an solid waste released, spilled or dumped during removal or transport within the city by such person. It shall be unlawful and a nuisance for the person in charge of the day to day operation of any premises within the city to permit or suffer solid waste to be deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment or otherwise come to be located outside an authorized bin for the collection of such solid waste at the premises of which the person is in charge, notwithstanding human or animal interference with bins, wind or other natural forces, and weather during storage, collection, removal or transfer. (Ord. 686 § 1 (part), 2002)

8.20.320 Unlawful dumping.

It is unlawful for any person to deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, dump or dispose into the environment, including the abandonment of or discarding of barrels, containers and

other closed receptacles of solid or liquid waste of any kind whatsoever, any solid or liquid waste upon any premises, including, but not limited to, any storm drain or channel, within the city, or to cause, suffer, or permit such solid or liquid waste to come to be located upon any premises within the city, except as authorized by the city of Industry Municipal Code. (Ord. 686 § 1 (part), 2002)

8.20.330 Enforcement.

Pursuant to California Penal Code Section 836.5, the city manager, persons designated by the city manager, and all city code enforcement officers are hereby authorized to enforce the provisions of this chapter as well as those of California Penal Code Sections 373 (a), 374.2, 374.3, 374.4, and 375; California Government Code Section 68055 et seq.; and California Vehicle Code Sections 374.7, 374.8, 23111 and 23112. The city manager may promulgate administrative regulations to provide those integrated waste management services which are not specifically provided for in this chapter. (Ord. 686 § 1 (part), 2002)

8.20.340 Violation.

Violations of this chapter are punishable as set forth in Chapter 1.08 of this code. (Ord. 686 § 1 (part), 2002)

8.20.350 Civil action by collector.

Nothing in this chapter shall be deemed to limit the right of a collector to bring a civil action against any person who violates this chapter, nor shall a conviction for such violation exempt any person from a civil action brought by a collector. (Ord. 686 § 1 (part), 2002)

8.20.360 Unauthorized bins impoundment.

Any bin used for storing or transporting salvage or solid waste which is not the property of the collector, or under control of a duly permitted salvage collector in the city, may be removed from any premises in the city and impounded without notice to the owner of the bin.

Such removal and impoundment may be made by any person or entity designated by the city manager. In the event the bin has contents, they may be held with the bin or disposed of if the city manager determines disposal to be necessary, in his or her sole discretion, to preserve the public health, safety and welfare. Any such bin shall be held under his or her direction subject to the right of the owner thereof to take it upon payment of a sum as provided in a fee schedule approved by the city manager for each day said bin is impounded or held to cover the cost of removal, storage and overhead charges. Within twenty-four hours of the time that the city has removed and impounded the bin, and its contents if any, the city manager shall cause to be sent to the owner of the bin written notice advising the owner that the bin has been removed and is in the possession of the city and, that if said bin is not redeemed by the owner within thirty days, said bin will be subject to sale. If the bin is not redeemed by the owner within thirty days after such removal and impoundment, it may be thereafter sold at public auction under the direction of the city manager to the, highest bidder after the city manager has, within forty days from the date of removal and impoundment of the bin, sent by regular mail with postage prepaid notice of such sale to the person owning or in control of such bin and to four or more other collectors at least ten days before such sale. The proceeds of any such sale shall be applied to the cost of such sale and to the cost of removal and holding of such bin plus twenty-five percent of such costs for the overhead expenses of the city in causing such sale. Any balance such proceeds shall be paid upon demand to the person who owns such bin at the time of its removal. In the instance of a deficiency where the sales price of the bin does not generate sufficient money to pay for the costs of removal, storage and overhead charges, the city manager shall submit an invoice to the bin owner, for payment in an amount

equal to the deficiency. The bin may be redeemed by the owner at any time prior to the sale and upon payment of the amounts due and owing pursuant to this section. (Ord. 686 § 1 (part), 2002)

Article V. Regulation of Recycling and Salvage Business

8.20.370 Salvaging—Policy.

The city council finds and determines that the storage, accumulation, collection and disposal of salvage is of great public concern, in that improper control of such matters may create a public nuisance, or lead to air pollution, fire hazards, insect breeding, rat infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The city council further finds that the activity of salvaging within the city would be best regulated through permit which would provide the most orderly and efficient solution to such problems and to promote the public health, safety and welfare, as well to better enable the city to comply with the provisions of the act including the reduction of the total tonnage of materials taken to land fills. (Ord. 686 § 1 (part), 2002)

8.20.380 Salvage collector permit—Required.

Except for the collector, no individual, partnership, joint venture, unincorporated private organization, or private corporation shall engage in salvage collection unless a permit to do so has been issued as provided herein. (Ord. 686 § 1 (part), 2002)

8.20.390 Salvaging collector permit—Application.

Applications for salvage collection permits required under this chapter shall be filed with the city manager upon printed forms to be prescribed and supplied by the city manager. Within thirty days after receipt of all the information requested of an applicant, the city manager shall either grant or deny salvage collection permit and shall immediately notify the applicant by first class mail of the action taken. (Ord. 686 § 1 (part), 2002)

8.20.400 Salvaging collector permit—Term.

The salvage collection permit issued under this chapter shall be valid for a period of one year unless revoked earlier pursuant to this chapter. The term of the salvage collection permit shall run concurrently with the fiscal year of the city beginning July 1 and ending on June 30 of each year. Renewal applications for salvage collection permits shall be submitted to the city clerk no later than June 1 of each year. (Ord. 686 § 1 (part), 2002)

8.20.410 Salvage collector permit—Provisions—Fees.

A permit issued pursuant to this chapter shall provide for the payment of permit fees to the city, in an amount established from time to time by the city manager, and shall contain additional provisions agreed to by and between the city and the salvage collector and shall constitute a written agreement of the parties. The permit fees shall consist of two components including Salvage Collector Decal Fee and a fee based upon the weight of salvage collected during any given month. New applicants for a salvage collection permit shall be assessed a prorated fee adjusted to the nearest quarter year. The city shall issue to the permitted salvage collector decals which the salvage collector shall affix to all bins utilized by the salvage collector within the city. Any bins not displaying said decal shall be subject to impoundment. Fees for such permits shall be at a rate as determined by the city manager. (Ord. 686 § 1 (part), 2002)

8.20.420 Permit—Limitation of assignment of transfer.

No assignment or transfer of a permit issued pursuant to this chapter or any right accruing under such permit shall be made in whole or part by the salvage collector without the prior express consent of the city manager. In the event any assignment or transfer is authorized by the city manager, the assignee shall assume the liability and all other obligations of the salvage collector under the permit. (Ord. 686 § 1 (part), 2002)

8.20.430 Salvage generator—Permit required.

Every salvage generator within the city shall secure a permit to create, accumulate, import or cause to be imported salvage which is sold or given to a salvage collector. Applications for salvage generator permits required under this chapter shall be filed with the city manager upon printed forms to be prescribed and supplied by the city manager. Within thirty days after receipt of all information requested of an applicant, the city manager shall either grant or deny the salvage generator permit and shall immediately notify applicant by first class mail of the action taken. The city shall charge no fee for the issuance of a salvage generator permit. (Ord. 686 § 1 (part), 2002)

8.20.440 Self-hauler—Permit required.

Every self-hauler within the city shall secure a permit to create, accumulate, import or cause to be imported or transport salvage. Applications for self-hauler permits required under this chapter shall be filed with the city manager upon printed forms to be prescribed and supplied by the city manager. Within thirty days after receipt of all information requested of an applicant, the city manager shall either grant or deny the self-hauler permit and shall immediately notify the applicant by first class mail of the action taken. The permit shall provide for the payment of fees to the city in an amount established from time to time by the city manager. (Ord. 686 § 1 (part), 2002)

8.20.450 Reporting requirements.

Each salvage collector, salvage generator or self-hauler operating under the provisions of this code shall be required at the discretion of the city to submit monthly, quarterly and annual reports containing information relative to its salvaging activities including collection tonnage of salvage or recyclable solid waste collected within the city limits and other information as may be reasonably required by the city to determine the effectiveness of services provided, effectiveness of city and/or salvage collector, salvage generator or self-hauler sponsored programs for compliance with the act, as well as current collection tonnages within the city. Such records shall be submitted in a format approved by the city with the affixed signature of a duly authorized representative of the salvage collector, salvage generator or self-hauler. Such reports shall be submitted to the city pursuant to a schedule established by the city manager. Notwithstanding the foregoing, each salvage collector, salvage generator or self-hauler shall submit, on or before the twenty-eighth day of each month, a monthly weight report prepared on a form approved by the city which shall enable the city to determine the volume of salvage for the preceding month.

Each salvage collector, salvage generator or self-hauler shall maintain all records relating to the services provided for in this chapter for twenty-five months from the date upon which such services are provided. The city shall have the right, upon reasonable advanced notice, to inspect and/or audit records which may be relevant to the operations within the city or relating to the imposition of any fees which be imposed by the city. Such records shall be made available to the city at the regular place of business of the salvage collector, salvage generator or self-hauler. Should an inspection or audit of a salvage collector, salvage generator or self-hauler result in the obtaining of proprietary information between the salvage collector, salvage generator

or self-hauler and the city, any exchange of information between the city and the salvage collector, salvage generator or self-hauler shall be considered to be proprietary between the city and the salvage collector, salvage generator or self-hauler and of the utmost confidential nature to the extent allowable by law. (Ord. 686 § 1 (part), 2002)

8.20.460 Bins and equipment.

All salvage shall be collected, accumulated or transported in bins or other methods approved by the city manager. Salvage shall not be collected in a packer box system where material has been packed into a closed container. Each such bin shall at all times be kept in good repair and maintained in a clean and sanitary condition. Each such bin shall bear upon at least two of its sides the name and telephone number of the salvage collector, which name and telephone number shall be in legible letters and numerals. Any bin which does not comply with the requirements of this section shall be subject to removal as provided in Section 8.20.360 of this chapter. (Ord. 686 § 1 (part), 2002)

8.20.470 Salvage collection vehicles.

All vehicles used in the salvaging process shall comply, to the extent applicable, with Sections 8.20.180 through 8.20.240 of this chapter. (Ord. 686 § 1 (part), 2002)

8.20.480 Salvaging permit—Revocation.

A permit issued pursuant to this chapter may be revoked or suspended for cause. For purposes of this chapter, cause shall include the following grounds:

- A. Fraud or deceit in obtaining a permit;
- B. Failure of a permittee to correct a violation within the time prescribed in a notice of violation;
- C. Willful violation of any provision of this chapter, of a condition or limitation of a permit, or of any lawful order of the city manager.

Should a salvage collector, salvage generator or self-hauler (“permittee”) be found to be in noncompliance with the provisions of its permit, and the city manager or the city manager’s designee should determine that there is sufficient reason to authorize the suspension or revocation of a such permit, then such permit shall be revoked or suspended by the city manager or the city manager’s designee by issuing a written order to the permittee clearly stating the reasons for such suspension or revocation. Unless the permittee supplies sufficient verification as to the correction of the deficiency stated, to the city, within fifteen days of the written order, then, after fifteen days from the date of the written order, the permit may be revoked or suspended by the city. All notices and orders issued pursuant to this section shall be mailed by certified mail, return receipt requested. (Ord. 686 § 1 (part), 2002)

8.20.490 Right to appeal to city council—Hearing.

Should any permit be revoked or suspended in accordance with this chapter, or any other provision set forth in this code or applicable legislation, or should the city manager take any adverse action against the permittee or permit applicant as provided in this chapter, the permittee or permit applicant shall have the right to appeal the decision to the city council and to request a hearing. The request must be in the form of a written request made within fifteen calendar days of the effective date of the suspension, revocation or adverse action. Such request must be filed directly with the city clerk by way of certified mail or personal delivery. The permittee or permit applicant shall have the right to submit its appeal to the city council in the form of a written argument and waive its right to a hearing. When a request for hearing is filed with the city clerk, the city council shall set the matter for hearing and give notice of the time and place thereof to the per-

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son requesting the hearing, the city manager, and any other person or public agency requesting notice thereof. The hearing shall be held not more than thirty days after a written request thereof has been filed with the city clerk and not less than ten days after the issuance of the notice thereof. The decision of the city council shall be final and binding upon all parties and shall be issued, in writing, within thirty days from the date of the hearing. Nothing contained within the context of this section shall prevent any person or permittee or permit applicant from pursuing remedies to the extent allowable by law. (Ord. 686 § 1 (part), 2002)

8.20.500 Cooperation with city.

Each salvage collector, salvage generator or self-hauler shall cooperate with the city and/or designated consultants in solid waste disposal characterization studies and waste stream audits and shall implement measures adequate to achieve the city's source reduction, recycling and waste stream diversion goals for the solid waste stream. Each salvage collector, solid waste generator or self-hauler, at its own expense shall submit to the city information and reports necessary for the city to meet its reporting obligations imposed by the act and/or other legislation, and the regulations implementing the act and/or other legislation. (Ord. 686 § 1 (part), 2002)

8.20.510 Educational materials and public awareness programs.

It shall be the responsibility of each salvage collector to develop and distribute materials and information sufficient to (a) educate its customers as to the recycling services provided by the salvage collector; (b) allow the city to meet recycling educational needs of the city, as may be required by local, state or federal authorities during the period of the salvage collector's permit. (Ord. 686 § 1 (part), 2002)

8.20.520 Cost recovery special fund.

The salvage collector and self-hauler shall be required to pay a fee for purposes of establishing a "cost recovery special fund" pursuant to the act in an amount to be established from time to time by the city manager. Funds deposited into the cost recovery special fund shall be used and applied to pay for costs associated with the preparation, adoption, and implementation of the city's source reduction and recycling element. Any and all such fees shall be paid monthly concurrently with the regular submission of the monthly weight report. (Ord. 686 § 1 (part), 2002)