

CITY COUNCIL ORDINANCE NO. 24-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING TECHNICAL AMENDMENTS TO EXISTING SOLID WASTE COLLECTION REGULATIONS BY AMENDING TITLE 4, DIVISION 11, CHAPTER 6, AND TITLE 6, DIVISION 7 CHAPTERS 1, 4 AND 6, OF THE CITY OF IRVINE MUNICIPAL CODE.

WHEREAS, SB 1383 and the related regulations contained in 14 CCR, Div. 7, Ch. 12 required all California cities to adopt an ordinance related to the diversion of organic waste from landfills; and

WHEREAS, The City Council amended the City of Irvine Municipal Code by adopting Ordinance 21-19 so as to be in compliance with the requirements of SB 1383 and 14 CCR, Div. 7, Ch. 12; and

WHEREAS, the City realized in implementing Ordinance 21-19 that technical amendments to its provisions are needed to ensure consistency with other provisions of the Municipal Code as well as the City's solid waste franchise agreements; and

WHEREAS, the City has determined that the amendments contemplated hereby are not considered a "project" pursuant to CEQA, and if a project are exempt from CEQA pursuant to applicable CEQA Guidelines.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment nor will they have the potential of creating a significant effect on the environment.

SECTION 3. Sections 4-11-603 and 4-11-610 of Title 4, Division 11, Chapter 6, of the City of Irvine Municipal Code are hereby amended to change definition of "Collection of solid waste," and to amend the provisions of Section 4-11-610(G) as set forth in the attached Exhibit A.

SECTION 4. Section 6-7-101, of Title 6, Division 7, Chapter 1, of the City of Irvine Municipal Code is hereby amended to change the definition of "Collection," and add the definitions "Clean Up Project" and "Junk Hauler" as set forth in the attached Exhibit B.

SECTION 5. Section 6-7-405, of Title 6, Division 7, Chapter 4, of the City of Irvine Municipal Code, related to permissible container storage locations, is hereby amended to change the provisions of Section 6-7-405(G) as set forth in the attached Exhibit B.

SECTION 6. Section 6-7-601, of Title 6, Division 7, Chapter 6, of the City of Irvine Municipal Code, related to collection of solid waste by junk dealers, is hereby amended to add a new Section 6-7-601(I)(7) as set forth in the attached Exhibit B.

SECTION 7. City staff is hereby authorized and directed to file a Notice of Exemption with respect to the adoption of this Ordinance.

SECTION 8: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 9: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 10: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

SECTION 11: Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 12th day of March 2024.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 27th day of February 2024, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 12th day of March 2024.

AYES:	5	COUNCILMEMBERS:	Agran, Carroll, Kim, Treseder, and Khan
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None



CITY CLERK OF THE CITY OF IRVINE

Municipal Code

Title 4 – Public Safety

Division 11 – NUISANCE ABATEMENT

CHAPTER 6 - Property Maintenance

Section 4-11-603. – Definitions.

Collection of solid waste. _Collection of solid waste shall have the meaning set forth in [Title 6](#), Division 7 of this Code.

Section 4-11-610. – Standards for nonresidential and multifamily apartment property maintenance.

- G. *Trash containers.* Containers for the collection of solid waste shall be provided and maintained in a manner that complies with [Title 6](#), Division 7 of this Code. Such containers shall be kept within an enclosed building, trash enclosure or screened from public view, unless otherwise specifically approved by the City Manager or their designee. No overflow of waste material shall be permitted from any container. Enclosure areas shall be maintained in a clean and sanitary condition. The responsible party with respect to a nonresidential property or a multifamily apartment property shall provide an adequate number of collections to prevent overflow of solid waste from containers or any other nuisance conditions.

EXHIBIT B

Municipal Code

TITLE 6 – PUBLIC WORKS & TRANSPORTATION: PROJECT DELIVERY & SUSTAINABILITY

DIVISION 7 – SOLID WASTE; ORGANIC WASTE DIVERSION; CONSTRUCTION AND DEMOLITION WASTE

CHAPTER 1 - GENERAL

Section 6-7-101. – Definitions.

Collection means the operation of gathering together and transporting solid waste, including recyclable materials and organic waste, to the point of disposal or processing, including at an appropriate recycling facility.

Clean Up Project means occasional efforts whereby a person cleans up their residential premises, and in the process and hires a junk hauler to assist in removing unwanted items.

Junk Hauler means a person or entity holding a business license that collects unwanted items from clean up projects, in a manner authorized by this Code, and transports them to one or more lawful locations for disposal, processing, recycling, resale, or reuse.

CHAPTER 4 - CONTAINERS

Section 6-7-405. - Time, location and handling of containers.

G. All containers used for the collection of solid waste at single-family dwellings shall be stored out of public view in a side or rear yard or an enclosed garage except for collection, unless otherwise approved by the City Manager.

CHAPTER 6. – UNLAWFUL AND PROHIBITED ACTS; PUBLIC NUISANCE

Section 6-7-601. – Violations deemed to be public nuisances.

I (6) Collection and transportation of unwanted items from clean up projects by junk haulers provided: (i) the materials collected are delivered to lawful locations for disposal, processing, recycling, resale, or reuse; (ii) the junk hauler, as part of the services provided, loads the materials to be transported into a vehicle or vehicle trailer, as opposed to its customer placing such materials into a container and arranging for collection by the junk hauler when the customer has completed loading the container; and (iii) the junk hauler does not use vehicles commonly referred to in the solid waste handling industry as a “front loader” or “side loader” in connection with the services provided.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 12th day of March 2024, I caused to have published and posted a foregoing true and correct copy of Ordinance No. 24-05 of the City of Irvine in the following public places in the City:

- 1) Digital Board at Main Entrance of City Hall, Irvine.
- 2) Digital Board at Lakeview Senior Center, Alton Avenue and Lake Road, Irvine.
- 3) Digital Board at Northwood Community Center, Yale at Bryan Avenue, Irvine.
- 4) Digital Board at Rancho Senior Center, at Ethel Coplen Way, Irvine.
- 5) Digital Board at William Woollett Jr. Aquatics Center, at Walnut Avenue, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 12th day of March 2024.


CITY CLERK OF THE CITY OF IRVINE