

CITY OF COLFAX

ORDINANCE NO. 546

**AN ORDINANCE OF THE CITY OF COLFAX REPEALING AND REPLACING
COLFAX MUNICIPAL CODE TITLE 8, CHAPTER 8.20 "REFUSE COLLECTION"**

The City Council of the City of Colfax does ordain as follows:

Section 1:

Colfax Municipal Code Title 8, Chapter 8.20 is hereby amended in the form and substance contained in the Ordinance attached hereto as Exhibit A and incorporated herein by this reference. Amendments are reflected in blue font on Exhibit A.

Section 2. Superceding Provisions

The provisions of this Ordinance and any resolution adopted pursuant hereto shall supersede and repeal any previous Ordinance or resolution to the extent the same is in conflict herewith.

Section 3. Severability

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by the final judgment of any 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 hereof.

Section 4. California Environmental Quality Act Findings

The City of Colfax finds that, if the provisions of the California Environmental Quality Act, Public Resources Code §21000 et seq (hereinafter "CEQA") apply, the title of this ordinance would constitute a brief description of the "Project" as required by Section 15062(a)(1) of the Guidelines for Implementation of the California Environmental Quality Act published by the State of California Office of Planning and Research (the "CEQA Guidelines").

FINDING OF NO PROJECT

The City of Colfax finds that adoption of this ordinance does not constitute a "Project" as that term is defined by or used in CEQA, the CEQA Guidelines or any court or attorney general opinion construing the same. Accordingly, the City of Colfax finds that the provisions of CEQA and the CEQA Guidelines are not applicable to said action.

FINDING OF EXEMPTION

In the event that it is found that the said action constitutes a "Project" as defined by or used in CEQA or the CEQA Guidelines, which finding would be contrary to the City's opinion of its action, the City of Colfax hereby finds that said action is exempt from compliance with CEQA and the CEQA Guidelines, for the following reasons: The action falls within the exemptions provided by Senate Bill 94, and within the "common sense" CEQA exemption provided in 14 CCR 15061(b)(3) in that CEQA applies only to projects which have the potential for causing a

significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the action is not subject to CEQA. CEQA Guidelines, Section 15061(b)(3). It can be seen with certainty that adoption of this ordinance and its provisions cannot possibly have a significant effect on the environment.

Section 5. Effective Date

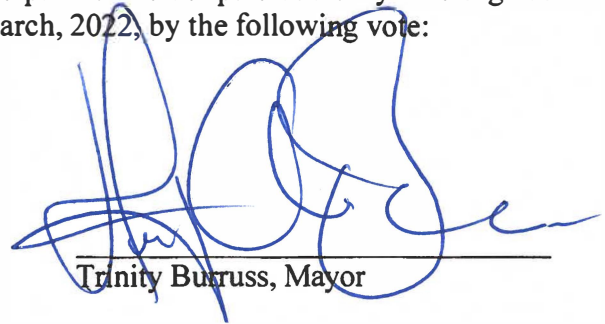
This Ordinance, and all of its provisions, shall take effect thirty (30) days after its adoption and shall, within 15 days after its adoption, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

The foregoing Ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax held on the 9th day of March, 2022, and passed and adopted at a duly held regular meeting of the City Council held on the 23rd day of March, 2022, by the following vote:

AYES: Lomen, Fatula, Mendoza, Burruss


NOES:

ABSENT: Ackerman



Trinity Burruss, Mayor

APPROVED AS TO FORM:



Alfred Cabral
City Attorney

ATTEST:



Marguerite Bailey
City Clerk

Chapter 8.20 SOLID WASTE COLLECTION AND EDIBLE FOOD RECOVERY

Sections:

8.20.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“Act” means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

“Approved solid waste container” or “Container” means a commercially manufactured can made of galvanized metal, heavy-duty plastic, pressed fiberboard or other nonbreakable watertight material, with a close-fitting, removable insect-proof cover and including a cover handle and side handles. Approved solid waste containers shall be maintained in such a manner as to be free from rough edges or jagged surfaces which would be likely to cause injuries to persons handling them.

“Bin and bin service” means a heavy-gauged metal box, suitable for mechanical unloading, from one to six cubic yards in capacity, furnished by the contractor to service business and commercial establishments.

“Bulky Waste” means large items of solid waste such as appliances (white goods), e-waste (except for universal waste as defined by state code), furniture, tires, carpets, mattresses and similar large items, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing, or disposal methods. It does not include abandoned vehicles or household hazardous waste.

“CCR” means the California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“City” means that portion of incorporated territory known as the city, including its disposal area.

“City Manager” means the City Manager of the City of Colfax, or their designee, which may include city employees.

“Collection” means to take physical possession of solid waste at, and remove from, the place of generation for transport to a solid waste facility or other recovery activity.

“Commercial business”, “commercial” or “business establishment” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family dwelling, or as otherwise defined in 14 (CCR) Section 18982(a)(6). A multi-family dwelling that consists of five (5) or more dwelling units is “Commercial”, for the purposes of this Chapter.

“Commercial Edible Food Generator” means a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). Food recovery organizations and food recovery services are not commercial edible food generators.

“Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost

on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Composting” means the process of controlled biological decomposition of organic waste.

“Construction and demolition debris” or “C&D” means used or discarded materials resulting from construction, renovation, remodeling, repair, demolition, excavation or construction clean-up operations on any pavement or structure.

“Contractor,” “contract agent” or “franchisee” means an agent or employee of the city or any person or the agents or employees thereof, with whom the city shall have duly contracted pursuant to the provisions of this chapter to collect, transport through the streets, alleys and public ways and dispose of solid waste (other than solid waste generated by a permitted building project) produced within the city.

“Disposal” means the final disposition of Solid Waste at a Solid Waste Facility permitted for disposal.

“Disposal area,” “dump” or “sanitary landfill” means any site, location, tract, area, building, structure or premises so specifically designed and authorized for solid waste disposal.

“Diversion” means activities reducing or eliminating the amount of Solid Waste from Solid Waste Disposal, and which return these materials to use in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary for commercial use, or for other purposes of reuse.

“Dwelling unit” means one (1) or more rooms with internal access between all rooms, which provide complete independent living facilities for at least one (1) family, including provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities.

“Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

“Enforcement Action” means an action of the city to address non-compliance with this ordinance including, but not limited to, issuing administrative notices, citations, fines, penalties, or using other remedies.

“Enforcement Agency” means an entity with the authority to enforce part or all of this chapter as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity and the City. The City is an Enforcement Agency for all Sections of this chapter. The City may choose to additionally delegate enforcement responsibility for certain sections, to other public entities, including the County of Placer.

“Exempt waste” means biohazardous or biomedical waste, Hazardous Waste, medical waste, regulated radioactive waste, waste that is volatile, corrosive, or infectious, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, lithium ion batteries, any matter or materials which are not acceptable for disposal at a solid waste landfill as defined in AB 939 and subsequent legislation, and those wastes under the control of the Nuclear Regulatory Commission.

“Food recovery organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- a. A food bank as defined in Section 113783 of the Health and Safety Code;
- b. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

c. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

“Food recovery service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food waste” means food scraps and trimmings and other putrescible waste (wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions) that result from food production, preparation, cooking, storage, consumption or handling. Food Waste includes but is not limited to meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food Waste does not include Exempt Waste.

“Franchise” means any license or permit issued or contract entered into pursuant to the provisions of this chapter to engage in the occupation of collecting, removing and disposing of garbage, recyclable material and organic material.

Franchisee. See definition of “contractor” in this section.

“Garbage” is a sub-classification of solid waste and means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.

“Garden refuse” is a sub-classification of organic materials and shall include grass, tree or shrub trimmings and other plant materials accumulated as a result of noncommercial gardening and fireplace ashes.

“Generators,” for the purpose of this Chapter, means a person or entity, including commercial generators and residential generators, that is responsible for the initial creation of organic materials, or as otherwise defined as “organic waste generator” in 14 CCR Section 18982(a)(48).

“Green waste” is a sub-classification of organic materials and shall include compostable vegetative cuttings, shrubs, stumps, brush, tree trimmings, grass, and related materials.

“Health office” or “health officer” means the county department of health and/or its duly authorized representatives.

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where a Jurisdiction or its designee or Designated Entity, reviews records, containers, and an entity’s collection, handling, recycling, or disposal of solid waste or edible food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Occupant” means and includes every owner, tenant, occupant or person who is in possession of or who is the inhabitant of or has the care or control of any place or premises.

“Organic material” or “organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green material, landscape

and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

"Owner" means and includes any person, firm, association, partnership, business trust, joint venture, corporation or company having part or full interest in any real property in the city as shown on the most recent records in the office of the county assessor.

"Person" means and includes any individual, firm, corporation, association, public agency or other legal entity.

"Place or premises" means every dwelling house, dwelling unit, apartment house, multiple-dwelling building, trailer or mobilehome park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, warehouse and every other place or premises where any person resides or any business is carried on or conducted within the city.

"Recyclable (source separated) materials" means any material designated to be separated from the waste stream for purposes of recycling (adapted from PRC, Section 41951). This designation shall be made by the city and the contractor based on good public practice, ability to receive an acceptable economic return, and feasibility of separating the material from the waste stream at the point of collection.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code § 40201. (CCR, Title 14, Section 17225.54).

"Residential" means, for the purposes of this chapter, any premise consisting of between one (1) and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units. A multi-family dwelling that consists of fewer than five (5) dwelling units is "Residential", for the purposes of this Chapter.

Sanitary Landfill. See definition of "disposal area" in this section.

"Solid waste" or "refuse" has the same meaning as defined in Public Resources Code Section 40191, which defines solid waste as all putrescible (wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions) and nonputrescible solid and semisolid wastes, including garbage, recyclable materials, organic materials, demolition and construction wastes, bulky waste, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other discarded solid and semisolid wastes with the exception that Solid Waste does not include any of the following wastes: (1) Hazardous waste, as defined in the Public Resources Code Section 40141, (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code) and (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code. Recyclable materials and organic materials are a part of solid waste.

"Solid waste collection area or point" means that space and/or place on the premises where solid waste is deposited by occupants and where such solid waste is stored until it is transferred into or onto a collection vehicle and removed from the premises.

"Solid waste collection service" means collection of solid waste originating in the City, by a person, firm or corporation, and doing so under a contract or franchise agreement with the City.

"Solid waste facility" or "facility" means a solid waste transfer or processing station including Material Recovery Facilities, a recycling facility, a composting facility, a gasification facility, a transformation facility, an

Engineered Municipal Solid Waste conversion facility, and a disposal facility. Solid waste facility additionally includes a solid waste operation that may be carried out pursuant to an enforcement agency notification, as provided in regulations adopted by CalRecycle, or otherwise set forth in the Act.

"Special solid waste" means and includes construction and demolition debris (rocks, debris, concrete or large quantities of earth) resulting from the construction, rehabilitation, remodeling or repair of buildings or other structures; dead animals, manure, sewage waste, wastewater, explosive or radioactive substances and other materials which have been exposed to highly infectious or contagious diseases or other highly dangerous materials; junk, abandoned and partially cannibalized automobiles, trucks, mobilehomes and trailers and their parts and appliances.

"Special solid waste" means solid waste to be disposed of under special arrangements.

"Standard service" means curbside collection service provided on a weekly basis to occupants not receiving bin service.

"Tier One commercial edible food generator" means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- a. Supermarkets with gross annual sales of \$2,000,000 or more
- b. Grocery store with a total facility size equal to or greater than 10,000 square feet.
- c. Food service provider, which means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- d. Wholesale food vendor, which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
- e. Food Distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

"Tier Two commercial edible food generator" means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- b. Hotel with an on-site food facility and 200 or more rooms.
- c. Health facility with an on-site food facility and 100 or more beds.
- d. Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- e. Large Event, which means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event..

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- f. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - g. A local education agency facility with an on-site food facility. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

(Prior code § 6-2.01)

8.20.020 Solid waste collection and disposal system—Findings.

- A. The council finds that, for the preservation of the public health, safety and welfare, the establishment of a municipal system for the collection and disposal of all solid waste is necessary.
- B. The council finds that, for the purpose of maintaining adequate control of a solid waste collection service, the city must retain exclusive rights to the service.
- C. The council finds that the disposal of solid waste by individuals on a voluntary basis, throughout California cities, has been unsuccessful. Therefore mandatory subscription to a solid waste collection service is necessary.
- D. The council finds that the periodic collection of solid waste from all places and premises in the city benefits all people in the city and that inasmuch as it is necessary that charges be assessed to support the cost of the solid waste collection service, then such charges shall be assessed to all places and premises where solid waste is produced or generated to assure the equitable spread of financial liability. This means that all places and premises, regardless of whether the occupant places such solid waste for collection in a manner prescribed in this chapter or not and regardless of whether the occupant has any solid waste for collection, the cost of removal thereof should be shared by all persons.
- E. The council finds that losses in revenue attributed to "skipped" accounts receivable and increased administrative overhead costs to maintain a system of billing and accounting records on an occupant basis are prohibitive and, because only limited legal collection recourses are available, it is imperative that solid waste collection fees become a liability to the owner and be billed and accounted for on that basis.
- F. The council finds that to operate an exclusive solid waste collection system with mandatory subscription to the service, together with providing special arrangements for the disposal of special solid waste, will satisfy the collection and disposal requirements of its citizens. Further, the council finds that the satisfaction of those disposal requirements will obviate the need to maintain an "open dump" policy. Further, the council finds that there is no remaining city sanitary landfill capacity, it is in the best interests of the city to close the city dump to the public.
- G. The council finds that the successful operation of a solid waste collection service requires the adoption of supplementary rules and regulations which are binding on both the contractor and patrons of the service to include an appellate process.

(Prior code § 6-2.02)

8.20.030 Solid waste—Deposit and storage.

It is unlawful for any person to deposit, store or maintain solid waste (other than solid waste generated by a permitted building project) within the city, except as provided in this chapter.

(Prior code § 6-2.03)

8.20.040 Solid waste collection service—Established.

There is established a solid waste collection service for the city.

(Prior code § 6-2.04)

8.20.050 Solid waste collection service—Exclusivity.

- A. The city and its solid waste collection service contractor shall have the exclusive right to collect, transport and dispose of solid waste in the city and all solid waste placed for collection by the city or its contractor shall be deemed to be the property thereof, except as otherwise provided in this chapter.
- B. Collectors of solid waste originating outside the city may haul such solid waste over city streets.
- C. Any person may collect, transport and dispose of solid waste during a period in which collection services by the city or its contractor are interrupted or delayed due to a labor strike or other circumstances affecting solid waste collection services throughout the city provided such persons comply with any and all directives of the city manager.
- D. This chapter shall not apply to the hauling, removal or disposal at a legal point of disposal of grass cuttings, prunings, manure or other trash as a result of gardening or horticulture by any commercial gardener licensed to do business in the city.
- E. Special solid waste may be arranged for removal and disposal between the occupant and the contractor; however, nothing in this section shall be construed as preventing an occupant or owner from disposing of solid waste directly, either personally or by other contract, to any approved sanitary landfill site and in accordance with Sections 8.20.200 and 8.20.210 of this chapter.
- F. No person shall bury refuse solid waste at any place within the city without a valid permit or license granted by the council.
- G. No person shall bury solid waste at any place within the city without a valid permit or license granted by the council.
- H. No person shall burn solid waste at any place within the city, except in conformance with the rules and regulations of the county air pollution control district and the applicable laws of the state.
- I. The provisions of this section shall not be construed as prohibiting the composting of appropriate organic materials for composting, which compost is intended for exclusive use on the property on which it is maintained, provided it does not, in the opinion of the city manager, or his or her designee, create a public health hazard.
- J. Organic materials may be used in community composting, pursuant to 14 CCR Section 18984.9(c), provided that such operation conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.
- K. No person shall transport household solid waste to deposit the same in a commercial bin, the container owned by another or a city-owned litter container.
- L. Any person, other than the city or its contractor, who collects, transports or disposes of solid waste or who pays another to do so, other than as permitted in this chapter, shall be guilty of a misdemeanor.

(Prior code § 6-2.05)

8.20.060 Mandatory subscriptions.

There is established mandatory subscriptions to the solid waste collection service of the city. Effective July 1, 1980, every person in possession, charge or control of any place or premises in the city in, upon or from which solid waste is created, produced or accumulated shall dispose of such solid waste through the regular solid waste collection service of the city or its contractor.

(Prior code § 6-2.06)

8.20.070 Solid waste collection services—Rates—Establishment.

The council shall establish the maximum rates to be charged for the collection and disposal of solid waste. Such maximum rates may be established by competitive bidding, negotiation or other means deemed acceptable by the council and may be reviewed annually.

(Prior code § 6-2.07)

8.20.080 Solid waste collection service —Rate—Basis.

- A. Despite variations in the amount of solid waste produced at residential locations, such deviation does not justify the expense of measuring the quantities at such residential locations and would be greater than any difference in hauling costs per container.
- B. The amount of solid waste produced at places of business varies greatly. The most equitable method of charging for solid waste collection service at such locations is based on the amount of solid waste produced or generated, the related basis of the size and number of containers required for the collection of solid waste and upon differing schedules and the regularity of collection.

(Prior code § 6-2.08)

8.20.090 Solid waste collection service—Rates—Payments.

- A. Each and every household or tenant occupying any dwelling, house or residence and each and every proprietor or each and every store, shop, apartment house, rooming house or factory, shall pay to the city or its contractor, the applicable rate as and for solid waste collection. Such fees are based upon the calls as indicated, irrespective of whether there is any solid waste to remove from any premises.
- B. For purposes of this chapter, a dwelling, house, residence or other structure whether it is a store, shop, apartment house, rooming house or factory, shall be considered to be occupied, despite temporary absence therefrom unless electrical services have been discontinued for a period of not less than ninety (90) days.

(Prior code § 6-2.09)

8.20.100 Solid waste collection service—Rates—Liability.

All rates and other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular solid waste collection bill. No change of ownership or occupation shall in any way affect the application of this section. The owner of the property shall remain liable for the payment of all rates and charges notwithstanding any agreement he or she may have with a tenant, manager or other third party to the contrary.

(Ord. 431 § 1, 1995: prior code § 6-2-10)

8.20.110 Solid waste collection service—Charges—Delinquencies.

- A. All charges imposed by this chapter shall be due and payable upon presentation of the bill. The charges for solid waste collection service between the time of the commencement of the service and the thirtieth day of the same month or the close of the established billing period shall be added to the next billing period. If the charge remains unpaid thirty (30) days after the billing date, the charge becomes delinquent and the solid waste collection service may be discontinued.
- B. At least ten (10) days prior to the discontinuance of the service the city manager or his or her designee shall notify the property owner of record by mail and by personal delivery to the service address that the service will be discontinued. Notwithstanding the cessation of service the owner shall remain obligated for payment of the minimum mandatory rates and charges for solid waste collection applicable to the subject property.
- C. When an account becomes delinquent the full amount of both the delinquent and current bill must be paid to avoid discontinuation of the service.

(Ord. 431 § 2, 1995: prior code § 6-2-11)

8.20.120 Solid waste collection service—Charges—Delinquencies—Penalties.

A penalty of ten (10) percent of the charge shall be imposed on the first day of the third month following the date such charge was due and payable. In addition, a penalty of two percent per quarter of the basic charge, plus the ten (10) percent, shall be imposed on the first day of the third month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties.

(Prior code § 6-2.12)

8.20.130 Solid waste collection service—Charges—Delinquencies—Liens.

- A. The contractor shall be entitled to payment from the owner for any solid waste collection services rendered by the contractor. Any fees, rates or charges (collectively "charges") which remain unpaid for solid waste collection services rendered by the contractor for a period of sixty (60) days or more after the close of the period for which they are billed may be collected thereafter by the city as provided herein.
- B. At least once each year, or more often as the council or city manager deem appropriate, the city shall prepare or cause to be prepared a report of delinquent charges. Information concerning delinquent accounts shall be provided by the contractor or any other source the city deems reasonably accurate. The report shall include the parcel number of the real property upon which the charges are delinquent, the name or names of the owner of the real property to which the solid waste collections services were provided, the street address of the property served, the period of service, and the amounts due including reasonable administrative charges, which administrative charges shall be as determined by the franchise agreement between the city and the contractor or, if the franchise agreement does not specify an amount of administrative charges, then by the city manager.
- C. Upon receipt of the report of delinquent charges, the city council, city manager or the city manager's designee shall fix a time, date and place for hearing the report, and any protests or objections thereto. The hearing shall be held before the city council, the city manager or the city manager's designee as soon as is practicable after receipt of the report of delinquent charges. For purposes of this section, the body or individual before which the hearing is conducted shall be referred to as the "hearing body". Notice of the

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(Supp. No. 13, 8-21)

hearing shall be mailed to the owners of the property listed on the report not less than ten (10) days prior to the date of the hearing.

- D. At the hearing, the hearing body shall hear any objections or protests of owners liable to be assessed for delinquent charges and administrative charges. The hearing body may make such revisions or corrections to the report as it deems just. If the hearing body is the city council, then at the conclusion of the hearing and after making any revisions or corrections to the report as it deems just, the city council shall confirm the report by resolution. If the hearing body is an entity or individual other than the city council, then after the hearing body makes any revisions or corrections to the report as it deems just, the report shall be submitted to the city council for approval by resolution at its next regular meeting after the hearing.
- E. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such charges. A certified copy of the confirmed report and resolution shall thereafter be filed with the county auditor for the amounts of the assessments against the respective parcels of land as they appear on the then current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county of placer, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem taxes shall be applicable to such assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date in which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

(Prior code § 6-2.13)

(Ord. No. 517, 5-9-2012)

8.20.140 Franchises or contracts—Authority.

- A. The council may provide for solid waste collection service by the granting of an exclusive franchise or contract for such purpose, subject to such terms and conditions as the council deems appropriate.
- B. The franchisee or contractor, during the term of the franchise, shall be the sole person permitted to perform solid waste collection within the city.

(Prior code § 6-2.14)

8.20.150 Franchises or contracts—Right to contract.

Notwithstanding any provision of this chapter to the contrary, any owner shall have the right to remove and dispose of garbage, recyclable material, or organic materials at a solid waste facility, by self-hauling or through the services of another in a manner conforming to this chapter and other applicable law, but the exercise of such right shall not release such owner from any obligation imposed by this chapter to pay the city the minimum mandatory rates and charges as set for residential and business establishments respectively.

(Prior code § 6-2.15)

8.20.160 Franchises or contracts—Solid waste landfill facilities.

The council may provide for the operation and use of any city solid waste landfill or transfer station in any franchise or contract; provided, however, such operation shall be in accordance with Chapter 9 of Article I of the county provisions relating to solid waste landfill areas adopted May 8, 1979, on file in the office of the city clerk, which is adopted by reference as though set forth in full in this chapter and the provisions shall take effect at such time as the solid waste landfill areas are so designated and operative.

(Prior code § 6-2.16)

8.20.170 Solid waste landfill facilities—Right to close to public.

The council reserves the right to close the city solid waste landfill facilities and privileges to the general public.

(Prior code § 6-2.17)

8.20.180 Solid waste landfill facilities—Declared closed to public.

Pursuant to the provisions of section 8.20.170 of this chapter, the council declares that the city solid waste landfill facilities and privileges are closed to the public, except as otherwise provided in this chapter.

(Prior code § 6-2.18)

8.20.190 Standard service regulations.

All fees for such extra services and occupants receiving standard service shall comply with the following regulations as a condition to regular curbside collection:

- A. All residential solid waste presented for collection and disposal shall be kept and placed in an approved solid waste container, provided by the contractor, not to exceed sixty (60) pounds.
- B. All business establishment solid waste presented for collection and disposal shall be kept in approved solid waste containers, provided by the contractor, in a number not to exceed six or metal bins or roll off containers (debris boxes) of a type approved by the city. The city may require that a bin or roll off container be used, even though the number of cans which would otherwise be used does not exceed six, when necessary to prevent an unhealthy or unsightly condition. All business establishment solid waste shall be gathered collectively for all units and/or residents and shall be kept in centralized areas. The location of the centralized solid waste containers shall be as determined by the city.
- C. Every owner, occupant, manager or person in control of the premises of any dwelling unit or units or of any place of business or institution within the city where solid waste accumulates, shall provide or cause to be provided, a sufficient number of approved solid waste containers of adequate size to accommodate all solid waste accumulated on the premises between collection days. The occupant, manager or person in control of the premises shall be primarily responsible for providing and maintaining containers in such condition so as to prevent injury, not attract vermin, rodents or flies or otherwise from becoming a public health matter and upon failure to do so shall comply with the requirements of this section within five days after the receipt of written notice by the city manager or his or her authorized representative to do so. Occupants shall maintain containers obtained from the city's contractor, in a reasonably sanitary condition, free from obnoxious odors and from attachments of solid waste likely to create breeding grounds for insects or vermin, beyond that incidental to solid

waste deposited since the previous collection; provided, however, occupants receiving bin service may order bin cleaning services, subject to a reasonable fee, from the city's contractor in lieu of cleaning such bin containers themselves.

- D. Except as provided in this section, all solid waste shall be presented for collection not less than once weekly.
- E. Except as provided in subsection F of this section, all containers, except bins and roll off containers, shall be placed within five feet of the edge of pavement or, if there is no pavement, within five feet of the edge of the public or private right-of-way along established routes.
- F. A person who demonstrates to the city that he or she has a permanent physical impairment or disability which makes it difficult or impossible to place containers for collection in the location required by subsection E of this section and that no one occupying the premises is capable of so doing, may place such containers at a location not more than fifty (50) feet from the curb, edge of pavement or right-of-way.
- G. All bins and roll off containers shall be placed in a convenient location, accessible to the loading apparatus used to empty them, as may be directed by the fire marshal.
- H. Where a business establishment has a bin or roll off container which, because of the amount of solid waste generated, does not require weekly service, the bin or roll off container may be presented for collection on any reasonable periodic basis approved by the city or its contractor, provided such bin or container does not contain putrescible waste (wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases and similar objectionable conditions).
- I. All business establishments engaged in the preparation, sale, distribution or storage of perishable food products shall present solid waste for collection not less than weekly.
- J. Where necessary to prevent an insanitary or unsightly condition, the city may require that a residence or business establishment present solid waste for collection more often than once per week.
- K. The schedule for the collection of solid waste shall be as determined by the city and solid waste shall be presented for collection on the day or days specified.
- L. Except as prohibited by subsection A of this section, cardboard or wood cartons or bags made for solid waste disposal purposes may be used as temporary containers; provided, however, they shall be considered as solid waste and will not be returned. Any cardboard or wooden carton not specifically used as a temporary container shall be broken down, flattened and disposed of as set forth in subsection M of this section.
- M. Cardboard, paper, magazines, palm fronds, tree limbs, brush, weeds and similar dry materials shall be tied in bundles with a heavy cord or wire strong enough to act as a handle or shall be placed in other acceptable containers. No such bundle shall exceed four feet in length, eighteen (18) inches in thickness or forty (40) pounds in weight.
- N. Large bulky items, such as furniture and household equipment (see "special solid waste" as defined in section 8.20.010 of this chapter) will not be collected unless broken down and packaged to a size and weight easily handled by one person, except upon such days as may be designated by the city for the special collection of large bulky items without charge.
- O. All kitchen waste, ashes, hair clippings, floor sweepings and similar light materials shall be well and securely wrapped to prevent spillage. Hot ashes will not be collected. Free liquids shall be drained from the solid waste prior to placement for collection.
- P. No occupant shall allow solid waste or empty containers to remain along, at or near any public street, sidewalk or parkway (excluding alleys and streets that cannot accommodate containers), except:

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1. Between the hours of four p.m. of the day preceding the occupant's weekly collection day and twelve midnight of such collection day;
 2. Pursuant to an agreement for collection services between the occupant and the city's contractor; or
 3. During any period in which regular collection service is interrupted or delayed.
- Q. The following are not approved solid waste containers:
1. Oil or grease drums or similar heavy metal containers;
 2. Paper grocery bags or bags which are torn or which are not securely closed;
 3. Broken or wet cardboard boxes; and
 4. Broken wooden boxes or crates or any other container with sharp, rough or jagged edges which may hamper or injure the collector.

(Amended during 2004 codification; prior code § 6-2.19)

8.20.200 Solid waste collection vehicles—Governing regulations.

All vehicles used for solid waste collection and disposal activities owned by the city, franchisee or contractor to the city and transporters of solid waste pursuant to section 8.20.050(B) through (E) of this chapter shall be under license to the same and shall meet all the requirements of all the laws and ordinances of the state, county and city.

(Prior code § 6-2.20)

8.20.210 Solid waste collection vehicles—Transporting over city streets.

No solid waste collection vehicle (including transporters of solid waste pursuant to section 8.20.050(B) through (E) of this chapter) shall transport solid waste or other waste materials along the streets of the city unless such solid waste or other materials are enclosed or otherwise secured so as to prevent the solid waste or other waste materials from being blown, dropped, spilled or leaked.

(Prior code § 6-2.21)

8.20.220 Administration.

The city manager shall administer the provisions of this chapter. In carrying out this responsibility, he or she shall have the following powers and duties:

- A. To establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of solid waste;
- B. To establish the routes, hours and days of collection, to change the same as he or she deems necessary and to give notice of such routes, hours, days and changes as he or she deems advisable;
- C. To determine whether solid waste material falls within the definition of garbage, recyclable material or organic material;
- D. To determine whether the conditions for the receipt of standard service have been satisfied;

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- E. To determine whether agreements between occupants and the city's contractor for special or additional services are reasonable and consistent; and
 - F. To establish regulations pertaining to periods of labor strikes or other circumstances affecting collection services throughout the city.
 - G. To review the number and size of solid waste containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the city manager in order to meet the standards set forth in this chapter.

(Prior code § 6-2.22)

8.20.230 Commercial edible food generator regulations.

- A. Tier one commercial edible food generators must comply with the requirements of this section January 1, 2022, and tier two commercial food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.
- C. Commercial edible food generators shall comply with the following requirements:
 - 1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.
 - 2. Contract with or enter into a written agreement with food recovery organizations or food recovery services for: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
 - 3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
 - 4. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - 5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - c. A record of the following information for each of those food recovery services or food recovery organizations:
 - i. The name, address and contact information of the food recovery service or food recovery organization.
 - ii. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

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- iii. The established frequency that food will be collected or self-hauled.
 - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.
 - D. Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.20.240 Food recovery organization and food recovery services regulations.

- A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - 1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
 - 2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
 - 3. The quantity in pounds of edible food transported to each food recovery organization per month.
 - 4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.
- B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - 1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.
 - 2. The quantity in pounds of edible food received from each commercial edible food generator per month.
 - 3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.
- C. Food recovery organizations and food recovery services that have their primary address physically located in the Jurisdiction and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall annually report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1.
- D. In order to support edible food recovery capacity planning assessments or other studies conducted by the county, city, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery

service or food recovery organization contacted by the City shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the City.

8.20.250 Inspections and investigations.

- A. The city manager, contractor, enforcement agency or other designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry into the interior of a private residential dwelling unit for inspection. For the purposes of inspecting collection containers for compliance, the city manager, contractor, enforcement agency or other designee may conduct container inspections for prohibited container contaminants using remote monitoring, and generators shall accommodate and cooperate with the remote monitoring.
- B. A person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of the interior of a private residential dwelling unit) and shall cooperate with the city manager, contractor, enforcement agency or other designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties.
- C. Any records obtained by the city manager, contractor, or designee, during inspections, investigations, remote monitoring and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

8.20.260 Settlement of disputes.

The city manager or his or her designated representative, shall hear any dispute which may arise between the contractor and patrons of the service over complaints regarding service. Any person aggrieved by a rule or determination of the city manager shall have the right of appeal to the council, who shall retain the authority to confirm, modify or revoke the same.

(Prior code § 6-2.23)

8.20.270 Enforcement.

- A. Enforcement actions under this chapter include issuance of an administrative citation and assessment of a fine. The city's procedures on imposition of administrative citations and fines as contained in Title 1 of this Code shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued pursuant to section 8.20.310 to enforce this chapter and any rule or regulation adopted pursuant to this chapter. Any section of this chapter may be enforced by the City of Colfax or, if agreed to, by its designated enforcement agency.
- B. The city manager and his or her designated representative are authorized to enforce any provision of this chapter, the violation of which is made an infraction or a misdemeanor or which declares any condition to constitute a public nuisance. The city manager is likewise authorized to enforce any such provisions insofar as they pertain to the protection of the public health and sanitation.

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- C. The city manager, or enforcement agency may issue a Notice of Violation requiring compliance within 60 days or sooner of issuance of the notice.
 - D. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the city manager, or enforcement agency shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the city's standard procedures or the standard procedures of its designated enforcement agency.

(Prior code § 6-2.24)

8.20.310 Violation—Penalty.

Violations of the provisions of this chapter shall constitute:

- A. In the case of any person allowing the accumulation or maintenance of solid waste in violation hereof and/or of the health, safety and welfare, a public nuisance; and
- B. In all instances, including those specified in subsection A of this section, a misdemeanor, as the same is now or may hereafter be defined by the laws of the state.
- C. A violation of this chapter may be punishable by:
 - 1. For a first violation, the amount of the base penalty shall be \$50-\$100 per violation.
 - 2. For a second violation, the amount of the base penalty shall be \$100-\$200 per violation.
 - 3. For a third or subsequent violation, the amount of the base penalty shall be \$250- \$500 per violation.
 - 4. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive-month period. Any citation issued after the issuance of a third citation or violation of the same provision of this code within any twelve consecutive-month period may be charged as a misdemeanor pursuant to subsection A and B of this section.
- D. Nothing in this section shall be construed as preventing the City from revoking, suspending, or denying a permit, registration, license, or other authorization consistent with local requirements outside the scope of this chapter in addition to the imposition of penalties authorized under this section.
- E. Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The city may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The city may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of city staff and resources.

(Amended during 2004 codification; prior code § 6-2.25)