

South Lake Tahoe City Code

Chapter 23

REFUSE AND GARBAGE*

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* For state law authorizing city to enter into garbage and refuse disposal contracts, see H. and S.C. § 4250. As to garbage and refuse generally, see H. and S.C. §§ 4100 to 4520. As to depositing, throwing, etc., handbills on public property see SLTCC 3-3. As to depositing or placing handbills in vehicles, see SLTCC 3-4. As to distributing, throwing, etc., on private property, see SLTCC 3-5. As to restrictions on outdoor fires, see SLTCC 12-2. As to required clearing of brush, vegetation, etc., around buildings and structures and along roadways, see SLTCC 12-3 to 12-5. As to abandoned, wrecked, dismantled or inoperative vehicles, see SLTCC 17-15 to 17-30.

Article I. In General

§ 23-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section, except where the context clearly indicates a different meaning, as follows:

“Biohazardous waste” means:

1. Any laboratory waste, including, but not limited to, human or animal specimen, cultures from medical and pathology laboratories;
2. Waste from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research, discarded animal vaccines, including brucellosis and contagious ecthyma;
3. Human surgery specimens or tissues removed at surgery or autopsy, which are sus-

pected by the attending physician and surgeon or dentist of being contaminated with infectious agents known to be contagious to humans;

4. Animal parts, tissues, fluids, or carcasses suspected by the attending veterinarian of being contaminated with infectious agents known to be contagious to humans;

5. Waste, which at the point of transport from the generator’s site, at the point of disposal, or thereafter, which contains recognizable fluid blood, fluid blood products, containers or equipment containing blood that is fluid, or blood from animals known to be infected with diseases which are highly communicable to humans;

6. Waste containing discarded materials contaminated with excretion, exudates, or secretion from humans or animals are to be isolated by the infection control staff, the attending physician and surgeon, the attending veterinarian or the local health officer, to protect others from highly communicable diseases or diseases of animals that are highly communicable to humans;

7. Waste which is hazardous only because it is comprised of human surgery specimens or tissues which have been fixed in formaldehyde or other fixatives, or only because the waste is contaminated through contact with or from having previously contained, chemotherapeutic agents, including but not limited to, gloves, disposable gowns, towels, and intravenous solution bags and attached tubing which are empty.

Collection of cultures and stocks of infectious agents from research and industrial collection of garbage shall be made at least once a week from private residences and as many times per week as the city manager or city manager’s designee may order from all other places.

“Bulk waste/furniture items” means large items of solid waste such as appliances, furniture, auto parts, trees and other oversize waste.

“Cardboard” means a thin, stiff, pasteboard made of paper pulp, used for making cartons and signs.

“Carpet” means a thick, heavy covering for a floor, usually made of wool, or synthetic fiber.

“Collection” means the complete operation of gathering together and transporting to the point of disposal or processing any garbage, refuse, rubbish, and solid waste, recyclable, transformable or compostable waste materials.

“Commercial container” means a container supplied by the contract agent to any person subscribing or receiving refuse service and constructed of metal, plastic or other suitable material in such a fashion as to be watertight.

“Commercial premises” means that portion of any building or other premises which is not a residence, residential unit or housekeeping unit.

“Compost pile” means a pile, pit or layer of compost.

“Compostable” means a mixture of garbage, refuse and rubbish that is composed solely of matter which is capable of decaying or decomposing and which is used as a fertilizer or soil amendment for gardening and landscaping including vegetable, yard, and wood wastes.

“Container” means a consumer, commercial or recycling container. Consumer containers shall be supplied by the person subscribing or receiving refuse service and shall be a container specifically designed, manufactured and distributed for the sole purpose of use as a consumer refuse/trash receptacle and shall be of a watertight, metallic or plastic construction with smooth interiors and with suitable bales or handles and with watertight fitting covers; or other similar container(s) as specifically approved jointly by the franchisee and the city. The capacity of each such container shall not exceed 32 gallons nor exceed 50 pounds of weight. A plastic bag of sufficient strength may be used and not filled to more than 75 percent of capacity and shall contain only green yard waste, and shall be securely tied at the opening; or a paper bag baled from a mechanical compactor. In lieu of or in addition to such containers, persons may contract with the franchisee agent to provide commercial containers, prepaid bags or cart service or other disposal containers or processes which the franchisee agent may provide or approve in the future, including, but not limited to, containers for recyclable and/or salvageable materials.

“Contract agent,” “contractor” or “franchisee” means and includes an independent contractor of the city or any person or agents or employees of franchisee thereof with whom the city has duly contracted under the terms set forth in this chapter, to collect, transport through the streets, alleys or public ways of the city and dispose of garbage, refuse and rubbish produced within the limits of the city.

“Curbside” means as near but in no event more than five feet, from the property line that abuts a paved public street or in the event the property does not abut a paved public street, where the property abuts a public street, alley, right-of-way or easement and in the case of a commercial location in the service alley of a commercial or institutional entity.

“Disposal” means the complete operation of disposing of refuse.

“Drop off recycling center” means a facility which accepts delivery or transfer of ownership without paying a fee, of source-separated material, including, but not limited to, glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and used oil which will be transported and/or sold to third parties for reuse or resale. The donation of material to collecting organizations, such as charitable groups, is included in this definition.

“Food service establishment” means any commercial food establishment, producing, processing, wholesaling, warehousing, transporting or retailing any food including but not limited to restaurants, groceries, meat and vegetable markets, hospitals, nursing homes, public and private schools, and other similar establishments.

“Franchisee” means any person that has entered into a franchise agreement with the city to collect, remove, transport, process or dispose of solid waste or recyclables or compostables, or to operate any solid waste facility.

“Garbage” means putrescible animal or vegetable matter, and containers used for storage. “Garbage” does not include source-separated recyclables or green yard waste.

“Green waste” means compostable material including but not limited to grass, weeds, leaves, pine needles, tree trimmings, plants, shrubbery, prunings, and such other similar materials which are generated in the maintenance of yards, gardens or landscaping, and which are separated by the generator from other solid waste materials for the purpose of recycling or composting.

“Household hazardous waste (HHW)” means any substance or mixture that, if improperly handled, may be damaging to human health and well being or a threat to the environment. HHW includes but is not limited to flammables, combustibles, poisons, toxics, oxidizers, corrosives, com-

pressed gas, oil, antifreeze, explosives and radioactive materials as well as any other hazardous waste as defined in Health and Safety Code Section 25117 and the Hazardous Waste Management Reform Act of 1995.

“Litter” is any quantity of improperly discarded solid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, pieces of lumber and scrap metal left at a construction site, uncontainerized paper such as fast food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage or junk parts and scrap materials.

“Littering” is the improper discarding, dropping or scattering of small quantities of waste matter ordinarily carried on or about the person, including but not limited to beverage containers and enclosures, packaging, wrappers, wastepaper, newspapers and magazines, in any place other than a place or container maintained for the lawful disposal thereof, including waste matter which escapes or is allowed to escape from a vehicle, container, receptacle or package.

“Medical waste” means that waste which is generated or produced, as a result of the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biological products, including but not limited to the accumulation of property containing home-generated sharps waste.

“Multiple residential units” means two or more residential units located in a single building or a unified group of buildings. “Multiple residential units” shall include, but not be limited to, two or more units located in a planned unit development, an apartment complex or a mobile home park.

“Municipal solid waste” means all solid waste generated by residential, commercial, and industrial sources, and all solid wastes generated at construction or demolition sites and at food-processing facilities, which is collected and transported under the authorization of this chapter.

“Nuisance” means the existence or accumulation, without the authority of the city of South Lake Tahoe, of litter, trash, manure, rubbish, scrap materials, junk parts, garbage, or refuse of any kind upon private or public property; provided however,

that said refuse is visible to the occupants of an adjacent or nearby parcel or real property, or to the users of any right-of-way.

“Occupied dwelling” means any residence, abode or structure inhabited, used, possessed or controlled by any person; provided, however, that the term “occupied dwelling” shall exclude any structure used exclusively for the operation of a business for which a business license is required under this code. Every separate residence, dwelling, living unit or mobile home within any duplex, apartment complex, condominium or mobile home park shall constitute a separate occupied dwelling as defined herein.

“Owner” shall conclusively be deemed to be the person to whom the taxes on the property assessed as shown on the last equalized assessment roll of the county or, alternatively, from such other records of the county assessor or tax collector as contain more recent information.

“Rate review committee” means a group composed of the city manager, city finance director, city treasurer, two members of the city council and such other members as the mayor, with the consent of the city council, shall designate. The mayor with the consent of the city council shall appoint the councilmembers who shall sit on such committee.

“Recyclables” or “recyclable material” means materials which are reused or processed or are in the future reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of the California Integrated Waste Management Act. The term “recyclable material” includes paper newsprint, printed matter, pasteboard, paper containers, cardboard, glass, aluminum, PET, HDPE, and other plastics, beverage containers, transformable and compostable materials, used motor oil, automotive batteries, anti-freeze, latex paint, brick and stone in reusable size and condition, and such other material designated by the city council, or designated as recyclables by the California Integrated Waste Management Board, or other agency with jurisdiction.

“Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic main-

stream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

“Recycling area” means the space allocated for collecting and loading of recyclable material. Such areas shall have the ability to accommodate receptacles for recyclable material. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials therein.

“Recycling container” means a container, which is provided to a residential, commercial or industrial waste collection customer for the sole purpose of containing recyclable materials that are source-separated from the nonrecyclable portion of the waste stream.

“Refuse” shall mean and include all other accumulations of waste matter or materials emanating from an establishment and shall include paper, cardboard, tin cans, ashes, yard clippings, wood, glass, and cloth, plastic not otherwise recyclable and similar items of waste from homes, offices and places of business. Refuse shall not be construed to include waste materials from major demolitions, construction or remodeling, or sod, dirt or debris.

“Refuse collection fees” means the fees established as provided by law for the collection and disposal of refuse.

“Repeat offender” means a second offense refuse violation occurring within one year at the same site.

“Residential unit” means a room or combination of rooms in a single building designed for human living, sleeping, eating and sanitary uses by a single family and their servants and nonpaying guests, and having cooking facilities. There may be more than one residential use in a single building. A mother-in-law unit is considered an additional residential unit.

“Rubbish” means all nonputrescible waste matter, whether combustible or noncombustible, except hazardous waste and medical waste.

“Sharps waste” means any device having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, hypodermic needles, hypodermic needles with syringes, blades, needles with attached tubing, syringes contaminated with biohazard waste, acupuncture needles, and root canal files. Broken glass items, such as Pasteur pipettes and blood vials con-

taminated with biohazard waste or any item capable of cutting or piercing that is contaminated with trauma scene waste.

“Single-family unit” means a dwelling which receives individual refuse and/or curbside recycling service.

“Source-separated recyclables” means nonputrescible material that is separated by the generator from other waste material for the purpose of reuse or recycling, by placing the recyclables in separate containers, or by binding them separately; the recyclable material is returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

“Special wastes” means any designated wastes, as defined in 23 California Code of Regulations, Section 2522, and special handling waste generated by industrial facilities or processes, but shall not include “hazardous waste” as defined herein. Special wastes shall include asbestos, sewage sludge, water treatment sludge, drilling mud, grease waste, contaminated soils, shredder waste, agricultural waste, filter cake/dewatered sludge, spent catalyst fines, refinery ash and byproducts; except where any such wastes are deemed to be hazardous waste.

“Transfer station” means those facilities, franchised by the city of South Lake Tahoe pursuant to this chapter, utilized to receive solid waste or recyclable material, temporarily store, separate, convert, or otherwise process the materials in solid wastes or to transfer the solid wastes directly from smaller to larger vehicles for transport.

“Transformation” means incineration, pyrolysis, distillation, gasification, or biological conversion other than composting. “Transformation” does not include composting.

“Waste” means the useless, unused, unwanted or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof. “Waste” shall include, but not be limited to, garbage, putrescible organic material, rubbish, offal, swill, animal excreta, rubble, plaster or other waste resulting from the demolition, burning, alteration or construction of building or structures. (Ord. 409 § 1; Ord. 536 § 1; Ord. 921 § 1)

§ 23-2. Purpose and intent of chapter.

The city council, after several public discussions and hearings, makes the following findings of fact, thereby declaring its purpose:

A. A substantial portion of the homes, apartments and other residential units within the city are owned by nonresidents.

B. A substantial portion of the residential units are occupied for short periods by persons on vacations.

C. The owners or occupiers of many residential units have not made arrangements for the collection of garbage, rubbish and waste material.

D. Garbage, rubbish and waste material from such residential units either:

1. Accumulates at such premises;
2. Is deposited in the streets or upon private or public property within the city; or
3. Is disposed of by depositing it in containers of other persons within the city. Any of such methods of disposal creates and constitutes a nuisance.

E. Many residents of the city who do not arrange for collection of garbage, rubbish and waste material often allow garbage, rubbish and waste material to accumulate for long periods of time and thereby create a nuisance.

F. The public health, safety and welfare of the citizens of and visitors to the city require that the accumulation, collection, removal and disposal of garbage, rubbish and waste material from residential units within the city must be handled in a manner for the greatest good and least possible inconvenience, cost and maintenance to the city and the citizens thereof.

G. The periodic collection, removal and disposal of garbage, rubbish and waste material from all residential units within the city benefits all owners, occupants or persons in possession, charge or control of all such units where such accumulates and requires removal therefrom on a regular periodic basis; and that all such owners, occupants or persons in possession, charge or control of all such units within the city should be made liable for the payment of the fees for such collection, removal and disposal irrespective of the actual use of the garbage, rubbish and waste material collection services provided by the city.

H. Multiresidential units and commercial businesses within the city, including motels and hotels, need to provide adequate removal of refuse so as to

fully comply with health codes and other governmental regulations. (Ord. 409 § 1; Ord. 791 § 2; Ord. 921 § 1)

Article II. Collection and Disposal Services

§ 23-3. Provision for and supervision by city.

The city shall provide for the collection and disposal of refuse from all premises required to be served within the city. Such provision may be made either by letting a contract for such collection and removal or otherwise. The city or, if collection and removal services are contracted for, the removal franchisee, shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for collection and removal of refuse from the various parts of the city so as to conform to the provisions of this chapter and may change the same from time to time. When such routes or days of collection are established or changed, not less than 10 days prior to the effect of such change, notice thereof shall be given to all parties concerned. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-4. Persons authorized to collect and dispose of refuse.

The city and its duly authorized agents, servants and employees of any franchisee with whom the city may at any time enter into a contract therefor, and the agents, servants and employees of franchisee, while any such contract shall be in force, shall have the exclusive right and obligation to collect and dispose of refuse from all premises in the city.

This chapter shall not prohibit anyone licensed to do business in the city of South Lake Tahoe, during the course of performing the contracted duties, from collecting and disposing of debris from a job upon which he/she is working in compliance with all applicable laws, ordinances and regulations then in effect. Individuals, not businesses, may not enter into a contract with anyone other than the city's duly authorized agents for the collection and/or disposal of refuse from premises within the city. This does not preclude individuals or businesses from legally disposing of refuse from their own properties or properties which they manage pursuant to contract. (Ord. 409 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-5. Establishment of rates.

The city council shall, from time to time, establish one uniform rate for collection and disposal of refuse within the city. Separate rates may be established for business establishments as distinguished from residential and multiple residential dwellings.

Council action, verified through resolution, shall be adopted pursuant to and in accordance with the procedures set forth in SLTCC 23-6. No rate shall be modified for a period of one year after its adoption, unless the city council shall first find that extraordinary circumstances exist which justify a modification at any earlier date, or in the case of a pass through increase required for continued operation.

Council action shall not be required on any legally mandated charge or fee, or increase in such a charge or fee. However, collection company shall be required to provide 30 days' notice of such pass through fees to the city council.

All refuse rate fees regulated by the city, regardless of adjustments made during the year, shall be reviewed annually by the rate review committee. Said review shall be made to ensure the appropriateness of those fees. (Ord. 409 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-6. Application and procedure for rate modification.

Modification of refuse collection and disposal rates may be initiated by the city council or by application of the removal franchisee. Consideration of rate modification shall occur as follows:

A. Any application shall be submitted after March 21st and before August 1st of the year prior to the calendar year such modification is requested to become effective; provided, that the franchisee responsible for providing refuse collection and disposal services in the city shall have the right to make application to the city council at any time for a modification of rates if extraordinary circumstances are alleged justifying such application. "Extraordinary circumstances" shall include, but need not be limited to, an unforeseen and substantial increase in the refuse collection and disposal responsibilities of the franchisee. Any application must be accompanied by financial statements prepared in conformance with accepted auditing standards by a certified public accountant and must be accompanied by the accountants' report.

B. Any application referred by the council to a rate review committee for recommendation is to be preceded by the committee's review of the franchisee's financial records, if such review is deemed necessary by such committee. The city council may employ an auditor to assist the rate review committee in its tasks.

C. Any decision considered by the city council shall be reached at a public hearing, held after notice of the time, place and purpose. Such hearing shall be published in the official city newspaper not less than 10 days prior to the hearing.

D. Any decision of the city council shall be made in accordance with the terms of SLTCC 23-7 and 23-8.

E. The removal franchisee shall at least 30 days prior to the date of public hearing mail a notice to all owners containing:

1. A statement that a public hearing shall be held upon any rate increase, the proposed date, time and place of such hearing, if known, and where information concerning the proposed hearing may be obtained;

2. The existing refuse collection and disposal rates; and

3. The proposed new refuse collection and disposal rates.

Failure of any owner to receive such notice shall not invalidate or otherwise affect the validity of any action of the city council upon such proposed rate increase. (Ord. 409 § 1; Ord. 536 § 2; Ord. 921 § 1)

§ 23-7. Rate of return.

In establishing refuse collection and disposal rates, the city council shall allow a reasonable rate of return to the collection company. "Reasonable" shall be defined at such time as a rate increase is requested. (Ord. 409 § 1; Ord. 699 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-8. Determination of allowable expenses.

Repealed by Ord. 921. (Ord. 409 § 1; Ord. 699 § 1)

Article III. Collection and Disposal Requirements and Standards

Division 1. Generally

§ 23-9. Vehicles used to transport refuse.

A. Every refuse, garbage and debris hauling vehicle used for the collection, removal or transportation of refuse, rubbish and debris shall be so designed and equipped as to prevent the escape or loss of any refuse, rubbish and debris while being transported. Whenever refuse, garbage and debris is transported in an unenclosed vehicle, the container in which the refuse, garbage and debris is transported shall be so designed and equipped as to prevent the escape or loss of any such refuse, garbage and debris while being so transported. Loads of tree trimmings, bushes or shrubs may be transported in open-bodied vehicles provided the material be securely tied in place to prevent scattering along the streets and alleys. Tree limbs shall be confined within the limits of the vehicle bed and shall not extend over the sides or extend beyond the tailgate of the vehicle.

B. It shall be unlawful for any person authorized to collect refuse, garbage and debris to maintain any collecting vehicle in an unclean, filthy or leaky condition or to keep such vehicle standing in any street or alley of the city longer than necessary for the actual work of collection or to conduct collection or removal in any but a sanitary manner and by sanitary methods. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-10. Collection and disposal – Duty of owner or occupant.

Each person owning improved premises in the city, and each person occupying or having charge or control of improved premises in the city shall, in accordance with the terms of this chapter and all applicable state and federal regulations, make available for collection and disposal, or if a nonresidential commercial business provide legal access to collection and disposal of all refuse which has accumulated on such premises, on the appointed day and at the appointed time, except where weather conditions prevent such collection and disposal. (Ord. 409 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-11. Collection and disposal – Contract for service.

For services outside the provisions of this chapter, individuals or businesses may contract with the city or the city's franchisee; provided, such services shall be offered and accepted according to the rate schedule applicable thereto. (Ord. 409 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-12. Residential refuse containers.

Each person owning a residential unit up to and including a fourplex, and each person occupying or having charge or control of such premises, shall have the obligation to contract for collection service for each and every unit of property and provide for collection and disposal of all refuse originating upon such premises in suitable containers. A suitable container is defined as a safety-approved dumpster or a 32-gallon or less trash can, not to exceed a loaded weight of 50 pounds with a tight-fitting lid, capable of completely containing all refuse stored within. Tied, watertight plastic bags may be used for yard waste only.

In the event a residential refuse container is determined to be unsuitable because it no longer adequately contains refuse and repeatedly overflows, fails to adequately prevent animal intrusion or constitutes a hazard to public health, the city attorney, his/her designee, or the county health officer may order the resident to replace such container.

Bulk items such as car parts, white goods (i.e., stoves, washers, dryers, etc.), furniture (i.e., mattresses), etc., shall be collected at additional charge to the customer. Bulk items must remain out of sight from the general public view, and shall only be placed at curbside on the arranged day of collection at the property line adjacent to a public street no earlier than 6:00 p.m. of the day prior to the day designated for refuse collection, and shall be removed from public view by 6:00 p.m. on the day designated for refuse collection, unless containers are housed in approved shelters. In the event a bulk item is placed in view of the general public without scheduled collection, the city attorney, his/her designee, or the county health officer shall order the refuse company to collect said item at the property owner's expense.

Customers may exercise the option to deliver such bulk items directly to the transfer station at transfer station rates, or otherwise properly dispose of such bulk items. (Ord. 523 § 5; Ord. 791 § 2; Ord. 921 § 1)

§ 23-12.1. Multiresidential refuse containers.

Each person owning, or having charge or control of, a multiresidential property of five units or greater shall place for collection and disposal all refuse originating on such premises in a suitable container. A suitable container for a multiresidential property of five units or greater is defined as a safety-approved dumpster. Frequency of collection is to be determined by the amount of refuse generated so that collection occurs not less than once per week and as often as good sanitary practice and applicable state and federal law require.

A multiresidential property with fewer than five units may be required to provide a safety-approved dumpster if the city attorney, his/her designee, or the county health officer determines that individual 32-gallon cans are insufficient to provide proper refuse disposal. Size of container and frequency of collection are to be determined by the amount of refuse generated so that collection occurs not less than once per week and as often as good sanitary practice and applicable state and federal law require.

Bulk items such as car parts, white goods (i.e., stoves, washers, dryers, etc.), furniture (i.e., mattresses), etc., shall be collected at an additional charge to the customer. Bulk items must remain out of sight from the general public view, and shall only be placed at curbside at the property line adjacent to a public street no earlier than 6:00 p.m. of the day prior to the day designated for refuse collection, and shall be removed from public view by 6:00 p.m. on the day designated for refuse collection, unless containers are housed in approved shelters on the arranged day of collection. In the event a bulk item is placed in view of the general public without scheduled collection, the city attorney, his/her designee, or the county health officer shall order the refuse company to collect said item at the property owner's expense. Customers may exercise the option to deliver such bulk items directly to the transfer station at transfer station rates, or otherwise properly dispose of such bulk items. (Ord. 791 § 2; Ord. 801 § 1; Ord. 921 § 1)

§ 23-12.2. Commercial refuse containers.

Suitable containers for nonresidential commercial establishments shall be defined as a minimum 32-gallon garbage can or safety-approved dumpster, with lid, sufficient to accommodate the type and amount of refuse generated at such commercial establishment. Lids must remain closed at all times, except when refuse is being added or removed from the container. Size of container and frequency of collection shall be determined by the type and amount of refuse generated, so that collection occurs as often as good sanitary practice and applicable state and federal law require.

Frequency of collection shall be at least once per week for commercial establishments generating food waste. Collection for commercial establishments generating nonfood waste shall be either regularly scheduled or on an as-needed basis, unless as-needed collection is determined by the city attorney, his/her designee, or the county health officer to constitute a health hazard.

Bulk items such as car parts, white goods (i.e., stoves, washers, dryers, etc.), furniture (i.e., mattresses), etc., shall be collected at an additional charge to the customer. Bulk items must remain out of sight from the general public view, and shall only be placed at curbside at the property line adjacent to public street no earlier than 6:00 p.m. of the day prior to the day designated for refuse collection, and shall be removed from public view by 6:00 p.m. on the day designated for refuse collection, unless containers are housed in approved shelters on the arranged day of collection. In the event a bulk item is placed in view of the general public without scheduled collection, the city attorney, his/her designee, or the county health officer shall order the refuse company to collect said item at the property owner's expense.

Customers may exercise the option to deliver bulk items directly to the transfer station for transfer station rates, or properly dispose of such bulk items. (Ord. 791 § 2; Ord. 921 § 1)

§ 23-12.3. Determination of sufficient container size/collection frequency.

In the event a multiresidential or commercial property is determined to constitute a nuisance because of blowing debris originating from the container, or the container is determined to be insufficient to contain refuse, or is determined to be a hazard to the public health or is otherwise in vio-

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lation of health codes, the city attorney, her/his designee, or the county health officer may order a change in the size of container, and/or increase the frequency of collection, as well as any other alternatives set forth in SLTCC 23-12.4(A) through (I), at the expense of the person owning or having charge or control of said property. (Ord. 791 § 2; Ord. 921 § 1)

§ 23-12.4. Mandatory collection for repeat offenders (commercial and residential).

No person owning or possessing any multiple-family dwelling or owning or possessing any single-family dwelling, or industrial, commercial or business premises or structure shall allow or permit any excess refuse or rubbish or waste to collect and accumulate upon or in the premises or structure for a period of time longer than allowed by law.

During intervals between collection or disposal, the storage, accumulation, collection, keeping, handling or maintaining of refuse waste on premises where produced shall be performed in such a manner as to prevent the harboring and breeding of rodents, insects and other vermin and to take reasonable precautions to prevent ready access to the waste by animals; as to prevent objectionable odors in the ambient air; as not to constitute a fire hazard; and as not to result in such unsightliness as to result in the depreciation of value of adjacent property or the comfortable enjoyment of life thereon.

If it is found and determined that during the intervals between collection or disposal, accumulation of refuse waste results in a nuisance and thus is contrary to the public health and welfare of the city, and/or the property owner has failed to adequately provide for appropriate refuse collection and/or storage pursuant to this chapter, mandatory commercial or increased residential collection service shall be imposed for minimum of one year. Further, at the direction of the city manager, or the city manager's designee, the following corrective enforcement actions are available for imposition for a minimum of one year or longer:

- A. Increasing the size of the dumpster; and/or
- B. Increasing the frequency of the pickup service; and/or
- C. Ordering the removal of trailers, pickup trucks, dump trucks and storage containers under the nuisance abatement procedure pursuant to Chapter 17 SLTCC; and/or

D. Mandate safety-approved dumpsters with tight-fitting lids; and/or

E. Mandate dumpster "skirting" for containers; and/or

F. Mandate relocation of dumpster; and/or

G. Mandate "controlled access" lids to prevent animal disturbances; and/or

H. Mandate bear-proof refuse containers for repeat violators of single-family residences and multifamily residential properties not using safety-approved dumpsters; and/or

I. Any other enforcement action deemed reasonable and appropriate by the city manager or his/her designee. (Ord. 921 § 1)

§ 23-12.5. Mandatory multiplier for repeat offenders.

The collection of refuse, garbage and rubbish from all hotels, hotel/resorts, motels, motels converted to residential units, inns, time-share condominiums and motor inns may be based upon a motel multiplier of 0.10 cubic yards, per motel unit, per week to determine a minimum level of refuse service.

The collection of refuse, garbage and rubbish from all multiple-family residential units may be based upon a multifamily multiplier of 0.40 cubic yards, per residential unit, per week to determine a minimum level of refuse service.

Nothing in this section is intended to prevent any arrangement, or the continuance of an existing arrangement, under which payments to the franchisee for garbage collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the owner's obligation as provided herein. (Ord. 921 § 1)

§ 23-12.6. Frequency of disposal.

Collection of refuse shall be made at least once a week from private residences and/or multiple-family units, and/or as many times per week as the city manager or the city manager's designee may order.

No more than one week's accumulation of refuse, garbage and rubbish shall be kept or permitted to remain upon any commercial premises in the city.

At the minimum, there shall be at least one collection per week from restaurants; cafes; diners; hamburger stands; coffee shops; coffee houses;

fast food places; grocery stores; vegetable, meat, poultry or fish markets, or fresh drink stands; and any other commercial establishment generating food waste. (Ord. 921 § 1)

§ 23-12.7. Storage.

No refuse, garbage or rubbish will be allowed to be stored in trucks, trailers, vans, delivery wagons, pickup trucks, truck trailers or dump trucks and unapproved storage containers for more than 48 hours. (Ord. 921 § 1)

§ 23-12.8. Bulk items.

All bulk items (nonhazardous) left at curbside will be picked up by the franchisee during regularly scheduled route days and the account holder will be billed accordingly. (Ord. 921 § 1)

§ 23-12.9. Exception – Vacant establishments.

The owner or person in possession, charge or control of any commercial establishment shall not be required to subscribe to services provided by a franchisee during such periods as the establishment is vacant and not generating or accumulating solid waste, garbage or refuse. Nor shall commercial establishments in residential units with a business license be subject to additional mandatory commercial collection. (Ord. 921 § 1)

§ 23-13. Refuse outside of receptacles.

Repealed by Ord. 921. (Ord. 409 § 1; Ord. 523 § 5)

§ 23-14. Placement of residential containers for collection purposes.

Suitable containers for residential service, up to and including a fourplex, shall be placed in such a manner as not to be readily visible from public streets; provided, that during the time fixed for collection from the premises, receptacles and plastic bags shall be placed for collection as follows:

A. Residential containers shall be placed at the property line adjacent to a public street no earlier than 6:00 p.m. of the day prior to the day designated for refuse collection, and shall be removed from public view by 6:00 p.m. on the day designated for refuse collection, unless containers are housed in approved shelters.

B. Refuse company personnel shall be responsible for the return of containers to a location 20 feet back from the front property line.

C. During periods of heavy snow, customers shall provide a clear path for the return of containers to a point 20 feet from said property line.

D. Containers which have become so damaged as to be no longer suitable for use, which no longer have tight-fitting lids, and are so designated by refuse company personnel, the city attorney, his/her designee, or the county health officer, shall be replaced by the customer with a suitable container.

E. Shelter or housing for refuse receptacles as well as commercial dumpsters shall not be constructed or installed until approved by city planning division. (Ord. 744 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-14.1. Placement of commercial containers for collection purposes.

Suitable containers for commercial service, other than safety-approved dumpsters, shall be placed in such a manner as not to be readily visible from public streets; provided, that during the time fixed for collection from the premises, containers are placed for collection in such a manner as previously approved by franchisee. (Ord. 744 § 1; Ord. 791 § 2; Ord. 921 § 1)

§ 23-15. Removal of containers from public view.

All residential and commercial refuse containers, other than safety-approved dumpsters, shall be removed from public view not later than 6:00 p.m. on the appointed day of collection; provided, however, that refuse containers within shelters or housing approved in accordance with SLTCC 23-14(E) shall be within such shelters or housing not later than 6:00 p.m. on the appointed day of collection. (Ord. 409 § 1; Ord. 536 § 5; Ord. 791 § 2; Ord. 921 § 1)

§ 23-16. Owner’s responsibility for other refuse.

The collection and disposal of any refuse which is excepted from collection and disposal by the refuse company shall be the sole responsibility of the owner upon whose property such refuse originates. The owner will not leave such refuse at the front property line or in such a manner as to be readily visible from the public street. (Ord. 523 § 3; Ord. 921 § 1)

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§ 23-16.1. Standards and responsibilities regarding dumpsters.

A. Standards. The American National Standard Safety Requirements for the Stability of Refuse Bins (hereinafter known as Standards) is hereby adopted and incorporated in the South Lake Tahoe city code by reference. A full and complete copy of the requirements is on file in the South Lake Tahoe city clerk's office and in the business office of South Tahoe Refuse Company located at 2140 Ruth Avenue, South Lake Tahoe, CA.

B. Responsibilities. The following responsibilities shall apply:

1. Manufacturer Responsibility. It shall be the responsibility of the manufacturer of refuse bins to design and construct newly manufactured refuse bins in conformance with Sections 3 and 5 of the Standards.

Newly manufactured refuse bins shall have a permanent identification of the name of the manufacturer and either the date of manufacture or a code traceable to the date of manufacture.

A statement attesting to compliance with this standard shall also be provided on the permanent identification.

The manufacturer of refuse bins shall inform purchasers of the refuse bins of the applicable requirements of this standard.

2. Retrofitter Responsibility. It shall be the responsibility of persons who retrofit or modify refuse bins to modify or reconstruct in-service bins in conformance with Sections 3 and 5 of the Standards.

3. Owner Responsibility. It shall be the responsibility of the owner of refuse bins to ensure that refuse bins are modified or retrofitted to meet the requirements of the Standards.

It shall be the responsibility of the owner of refuse bins to ensure that the only refuse bins that are in conformance with Sections 3 and 5 of the Standards are used.

The owner of refuse bins shall inform the customer of necessary safety precautions and requirements associated with the use of the bins including, but not limited to, the requirements specified in subsections (B)(3)(a) through (d) of this section:

a. Refuse bins shall be placed on a hard, level, weather-resistant surface.

b. Refuse bins shall be loaded uniformly, with no refuse extending beyond the internal volume of the bin.

c. All safety features for stability shall be used, such as fasteners (where required) to secure the refuse bin to a stationary object.

d. The customer shall inform the owner of the refuse bins of any damage, defect or malfunction of the refuse bin.

The owners shall train their employees in the use, handling and placement of refuse bins so as to be in conformance with the requirements of these Standards.

4. Refuse Franchisee Responsibility. The refuse franchisee shall train its employees in the use, handling and placement of refuse bins so as to be in conformance with the requirements of these Standards. The refuse franchisee shall inform the owner of the refuse bins of any damage, defect or malfunction of the refuse bin.

5. Refuse Franchisee Employee Responsibility. The employee of the refuse franchisee shall return the refuse bins to their original location after unloading. If the location of the refuse bins is not a hard, level, weather-resistant surface, the employee of the refuse franchisee shall notify the customer and the owner.

6. Customer Responsibility. The customer shall be responsible for ensuring that a hard, level, weather-resistant surface is provided for the placement of refuse bins.

The customer shall ensure that refuse bins used are placed on the customer's premises in conformance with the applicable requirements of the Standards. (Ord. 733 § 1; Ord. 921 § 1)

Division 2. Residential Units
and Commercial Establishments

§ 23-17. Required use of authorized collection.

Each person owning one or more improved residential units or commercial premises in the city, and each person occupying or having charge or control of improved residential or commercial premises in the city, shall make available for collection, not less than once each week on the appointed day and at the appointed time, all refuse which has accumulated on such premises. Each person who is an owner, occupant or person in possession, charge or control of a parcel of property upon which there

exists a residential unit or commercial enterprise shall subscribe to and use, and shall dispose of all refuse through, the regular refuse collection and disposal service of the city or its authorized removal franchisee. (Ord. 409 § 1; Ord. 431 § 1; Ord. 536 § 7; Ord. 921 § 1)

§ 23-17.1. Access to receptacles for collection purposes.

Each person required by the provisions of this chapter to accept mandatory refuse collection and disposal services shall provide reasonable access to refuse receptacles on the appointed day of collection. Periods of inclement weather shall not excuse any such person from affording such reasonable access to refuse receptacles. (Ord. 536 § 8; Ord. 921 § 1)

§ 23-17.2. Increase in rates for failure to provide access.

In the event that a person fails to comply with SLTCC 23-17.1, the removal franchisee may increase the rate for the collection and removal of refuse for that person by the total sum of 10 percent over the then-established rate for the month in which such noncompliance occurs. Upon cessation of the violation of SLTCC 23-17.1, the rate shall be reduced to the previously established rate. (Ord. 536 § 9; Ord. 921 § 1)

§ 23-18. Liability for payment of fees.

Each owner, occupant or person in possession, charge or control of a parcel of property upon which there exists a residential unit or commercial enterprise within the city is hereby made liable for the payment of the refuse collection fees levied against such premises for required refuse services, irrespective of the actual use of the refuse collection services provided by the city or its authorized removal franchisee. Services made available to those premises required to receive such services shall be considered as services utilized. It shall be the duty of the owner of such premises to provide for payment of the refuse collection and disposal fees. It shall be the duty of the franchisee to bill separately each residential unit.

Nothing in this section shall prevent an arrangement for the continuance of an existing arrangement under which payments of refuse collection fees are made by a tenant or tenants or any agent on behalf of the owner. Any such arrangement will not

affect the owner's obligation to the city or its authorized removal franchisee. (Ord. 409 § 1; Ord. 431 § 2; Ord. 536 § 10; Ord. 921 § 1)

§ 23-19. Billing and collection – Discounts – Penalty for delinquent payments.

Refuse collection fees shall be billed and paid in advance on a quarterly basis. Payment shall be due upon, and shall become delinquent after, the fifteenth day following the date of billing. Notwithstanding the above, each person who receives a bill for quarterly service shall have the option of paying for service through the end of the year billed.

A finance charge of one and one-half percent of the amount of the fee shall be added at the end of each month following the delinquency date. (Ord. 409 § 1; Ord. 431 § 3; Ord. 921 § 1)

§ 23-20. Fee a civil debt.

The refuse collection fee shall be a civil debt owed by the owner, occupant or person in possession, charge or control of the real property and/or structures of a residential unit or commercial enterprise. In the event that any civil action to enforce the collection of the refuse collection fee is brought in any court, the prevailing party shall be entitled to reasonable attorney's fees to be determined by the court. The prevailing party shall be the party in whose favor final judgment is entered. (Ord. 409 § 1; Ord. 431 § 4; Ord. 536 § 11; Ord. 921 § 1)

§ 23-20.1. Nonpayment of fees for multiresidential/commercial property.

Repealed by Ord. 921. (Ord. 447 § 1; Ord. 791 § 2)

§ 23-20.2. Mandatory collection areas.

A mandatory collection area is established and shall consist of the current incorporated city limits of the city of South Lake Tahoe within the Lake Tahoe basin, county of El Dorado, state of California. (Ord. 921 § 1)

§ 23-20.3. Liability for payment of fees – Mandatory collection.

Each owner, occupant or person in possession, charge or control of any collection premises located in a mandatory collection area is hereby made liable jointly and severally for the payments of the solid waste collection, processing and disposal fees levied against such premises for required

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solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the district or grantee. Services made available to those premises required to receive service shall be considered as services utilized. It shall be the duty of the owner of such premises to provide for the payment of the services. (Ord. 921 § 1)

§ 23-20.4. Billing cycle and penalty for delinquent payments.

Solid waste collection fees may be billed and paid in advance on a quarterly basis. Payment shall be due upon, and shall become delinquent 15 days after, the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date. (Ord. 921 § 1)

§ 23-20.5. Discontinuation of service.

The city may direct the franchisee to discontinue service for any customer whose account remains unpaid for 60 days after the date of billing as long as the customer has received a notice on a form approved by the city manager or his/her designee stating that service will be discontinued 15 days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall continue to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer. (Ord. 921 § 1)

§ 23-20.6. Lien for 180-day delinquencies.

Mandatory collection fees authorized pursuant to these articles, which remain unpaid for a period of 180 days or more, after the date upon which they were billed, may be collected thereafter by the franchisee as provided herein.

A. Once a year the franchisee shall cause to be prepared a report of delinquent fees. The franchisee and the city shall thereafter select a three-member board that shall fix a time, date and place for a public hearing for the report and any objections or protests thereto.

B. The board shall cause notice of the hearing to be mailed, by certified mail, return receipt requested to the landowners listed on the report as well as publication of notice of the hearing in a

newspaper of general circulation as well as posted pursuant to law not less than 30 days prior to the date of the hearing.

C. At the hearing, the board shall hear any objections or protests of landowners liable for delinquent fees. The board may make such revisions or corrections to the report as is deemed just and thereafter the report shall be forwarded to the city council for confirmation. Notice of the hearing to confirm the report shall be mailed to the landowners listed on the report.

D. The delinquent fees set forth in the report as confirmed shall constitute a special assessment against the respective parcels of land and are a lien on the property for such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor and/or county recorder's office on or before August 10th, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation in the office of the county recorder of the county in which the property is situated with 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. All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to such lien, except that if the 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 purchaser for value has been created and attaches thereon, prior to the date on which the first installment of such taxes should become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed relating to such property, shall be transferred to the unsecured roll for collection or a private collection agency. (Ord. 921 § 1)

§ 23-20.7. Complaint procedures.

The city manager, or his/her designee, shall adopt an administrative complaint procedure whereby customers may file complaints regarding service or any other matter arising out of the services provided under this article. Appeal from any determination made pursuant to these administrative procedures may be made to the city council in accordance with SLTCC 1-20. (Ord. 921 § 1)

§ 23-21. Exemptions.

A. The provisions of this article shall not apply to any of residential units or commercial enterprises which are not connected to water and electric power and where water or electric power cannot be provided to such premises without action by a public utility or mutual water company; provided, that such exemption shall terminate upon reconnection of water and electric power.

B. Provisions of this article shall not apply to any commercial enterprise which fully suspends its operation due to the seasonal nature of its particular business.

C. Provisions of this article shall not apply to any home business which operates fully out of a residential property, complies with business license requirements and does not exceed residential refuse limitations.

D. Exemption from the mandatory collection may be granted to nonresidential and nonfood producing businesses which submit a waste management plan to the city analyzing the business waste stream, and documenting the ability to recycle or reuse more than 50 percent of that waste stream.

Any person claiming an exemption pursuant to subsections (A) or (B) of this section shall file a statement under oath or under penalty of perjury with the city removal franchisee stating the facts upon which exemption is claimed and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the refuse collection fees required by this article.

The removal franchisee, after giving notice of not less than 10 days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein. (Ord. 409 § 1; Ord. 441 § 1; Ord. 536 § 12; Ord. 791 § 2; Ord. 921 § 1)

§ 23-22. Inapplicability of article to multiple residential units.

Repealed by Ord. 921. (Ord. 409 § 1; Ord. 431 § 5; Ord. 441 § 2; Ord. 791 § 3)

Article IV. Prohibited Acts**§ 23-23. Collection or disposal by unauthorized persons.**

No person, other than those persons permitted by the terms of this chapter, shall collect and/or dispose of refuse, for commercial gain, in, along or over any public street, alley or highway in the city. No two or more owners of separate properties shall organize to jointly or collectively remove refuse from their respective properties. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-24. Placement of refuse in receptacle or upon land of another.

No person shall place refuse upon the land of another, or in the refuse receptacle of another, or upon premises other than those from which refuse originated, for the purpose of making such refuse available for collection and disposal. This section shall not prohibit the deposit of refuse at a duly permitted transfer station. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-24.1. Placement of refuse containers on vacant lots.

No person shall place refuse or a refuse receptacle, including dumpsters, upon a vacant lot or any site from which the refuse was not originally generated. This includes property owned, leased, or rented by the person generating the refuse. (Ord. 921 § 1)

§ 23-25. Placement for collection of items other than refuse.

No person shall place for collection and disposal, or place in public view, any item other than refuse, bulk items or other waste, including cardboard or any other paper product and carpeting, carpet pads and associated flooring materials.

Neither the city, nor its authorized franchisee, shall collect or dispose of any item other than refuse or other waste; provided, that this section shall not prohibit the deposit and disposal of any item at a duly permitted transfer station. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-26. Littering public or private property.

No person shall throw, place, scatter, dump or otherwise deposit any refuse or other waste in or upon the private property of another. No person

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shall throw, place, scatter, dump or otherwise deposit any refuse or other waste in or upon any public property. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-27. Burning refuse.

No person shall burn refuse within the city unless such act complies with all applicable laws of each and every jurisdictional agency. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-28. Rendering of fat, distillation of bones, etc.

No person shall render any meat, grease, fat, offal, bones, animals, animal parts, animal substances, garbage, fish or parts of fish, or distill bones or reduce refuse, offal or dead animals or operate or conduct any plant or establishment for the distillation of bones, or the rendering of fat, or further reduction of refuse, offal or dead animals. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-29. Bringing refuse into the city.

No person shall bring into or cause to be brought into the city any refuse or receive or possess any refuse brought into the city from beyond the city limits; provided, that the provisions of this section shall not apply to refuse being transported directly to, and received at, a duly permitted transfer station. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-30. Storing of refuse or waste inside buildings.

No person shall keep or maintain any refuse or other waste inside any building in violation of any provision of law. (Ord. 409 § 1; Ord. 921 § 1)

§ 23-31. Connection of water or electrical services prior to issuance of permit.

No person shall connect or cause to be connected to any residential unit not then receiving such services any water or electrical service without first obtaining from the city manager or his/her designee a permit therefor. Such permit shall be issued by the city manager or his/her designee upon request of any person without fee. Refuse collection fees shall be charged for service to such residential unit upon the issuance of such a permit or occupancy of such unit, whichever first occurs. The sole purpose of the permit required by this section is to advise the city manager or his/her designee that the residential unit should be charged

refuse collection fees, and such permit shall not authorize the connection of any water or electrical services to any premises in violation of any other provision of law. (Ord. 409 § 1; Ord. 536 § 13; Ord. 921 § 1)

§ 23-32. Disclosure required upon sale of real property.

No person shall sell, or act as an agent for the purpose of selling, any parcel of real property without first disclosing, in writing, the amount or amounts, if any, of unpaid fees due and owing for refuse collection services made available to such parcel of real property. (Ord. 419 § 1; Ord. 921 § 1)

§ 23-33. Violations of chapter declared a nuisance.

All violations of any portion of this chapter are hereby declared to be a nuisance and may be abated as such in the manner provided by law. (Ord. 409 § 1; Ord. 419 § 2; Ord. 921 § 1)

Article V. Recycling Regulations

§ 23-34. Purpose and intent of article.

The purpose and intent of this article is to establish by ordinance:

A. The goal of recycling at least 50 percent, by weight, of the city of South Lake Tahoe's waste;

B. To require that the city of South Lake Tahoe develop and maintain a substantial, comprehensive, coordinated, and integrated recycling system for the efficient, cost-effective and environmentally sound disposal of waste;

C. To require the development and implementation of a solid waste management plan for the city of South Lake Tahoe;

D. To help preserve the quality of the environment for city of South Lake Tahoe residents by preserving resources, conserving energy, and reducing waste;

E. To improve the city of South Lake Tahoe's economy by creating useful and rewarding jobs for its residents; and

F. To protect and promote the health, safety, and well-being of the city of South Lake Tahoe residents. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-35. Collection of general refuse by other than exclusive franchisee prohibited.

No refuse hauler or disposal company other than the exclusive franchisee of the city or its appropriately authorized designee shall in any way collect refuse or remove refuse placed in refuse disposal containers from any location within the city limits. No individual, company or entity other than city's exclusive franchisee may remove recyclable materials from refuse disposal containers once said material has been placed in those containers. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-36. Removal of recyclable materials from existing state-authorized buyback centers prohibited.

No individual, company or entity other than city's exclusive franchisee, or its authorized designee, shall be authorized to remove recyclable materials from any state-authorized buyback center. Said locations, for purposes of clarity of this regulation, are identified as follows:

Ruth Avenue Recycling Center.

Nothing in this section shall be construed to limit any individual, company or entity other than city's exclusive franchisee from developing additional recycling sites; provided applicable zoning, building, fire and other requirements of local and state regulatory agencies are met. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-37. Reporting requirements.

Any individual, company or entity engaging in the recycling materials must, prior to the commencement of such activities, obtain a permit from the city manager or his/her designee and any other city-required permits and/or licenses. The permit will be issued when permittee provides the names, addresses and telephone numbers of the owners/operators of recycling enterprise, the type of materials to be collected, the collection area, the market to which the materials collected will be shipped, and the method of such shipment. Thereafter, on a monthly basis, reports shall be submitted to the city manager who provides a detailed accounting of the following information:

A. The physical location of the recyclable materials operation;

B. The certified weight of the volumes of each product taken to market;

C. The market to which each of the materials was sent, along with the method of shipment;

D. An accounting (by weight) by geographical area (jurisdiction) from which the recyclables were collected.

On an annual basis, a compilation of the information provided to the city through the required monthly reporting process as specified herein, shall be provided to the city on a schedule to be determined by the city manager or his/her designee. All required information will be considered proprietary and not available for public information. Failure to provide required information will result in the revocation of this permit. Permit fee will cover reasonable costs of administration. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-38. Compliance with local, state and federal regulations.

All individuals, companies or entities engaged in the collection of recyclable materials shall adhere to all applicable local, state and federal regulations in carrying out their operations. Such compliance shall include but not necessarily be limited to conducting operations from a location which has been approved by all applicable governmental entities for such use and utilizing appropriate recyclable material handling and hauling practices. To the extent that any recycling operation, by virtue of its size or nature, may become subject to laws relating to the provision of workers' compensation benefits, or other similar regulatory authority, the recycling operator shall comply with all such laws in existence. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-39. Disposal of unmarketable recyclable materials.

Any recyclable materials collected by any individual, company or entity which cannot be stored or sustained in accordance with all applicable health, safety, fire, building, and visual codes and/or standards shall be turned over to the transfer station of the city's exclusive refuse franchisee and all applicable disposal fees shall be paid.

Anyone engaging in the disposal of such materials in any manner other than that described within this section shall be guilty of an infraction. (Ord. 812 § 1; Ord. 921 § 1)

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§ 23-40. Recyclable materials of city – No fee for processing.

Any and all recycling collection services are subject to payment of a five percent franchise fee to the city if any fee is charged to the customers for service collection. Fee shall be based on gross revenue as reported on the annual city business licenses. In the event no fee is charged by the collection service, the city council may either waive the franchise fee or require that the collection service provide similar services to city facilities without charge. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-41. Indemnification of city by those engaged in recycling activities.

Any person, company or entity engaged in recycling activities which requires removal and transport of recyclable materials over city rights-of-way shall obtain an encroachment permit from the public works department in accordance with Chapter 26 SLTCC, and any such encroachment permit issued shall be subject to the customary hold harmless and indemnity provisions established by city ordinance as contained in Chapter 26 SLTCC. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-42. No vesting of rights, entitlements or rights to operate recycling facilities shall be recognized prior to effective date of ordinance.

No person, company or entity shall be deemed by the city council to have developed any legal, nonconforming use, vested right or entitlement to engage in recycling operations by virtue of commencement of recycling prior to the effective date of the ordinance codified in this chapter. No recycling operator, irrespective of the date of commencement of their recycling activities, shall be exempt from the requirements and regulations established by this article. Any person or business currently operating a recycling collection service shall obtain required permits within 60 days of the adoption of the ordinance codified in this chapter. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-43. Development of materials recovery facility prohibited.

No person, company or entity shall develop or create any type of materials recovery facility (MRF) without review and approval by the city council to ensure consistency with the county inte-

grated waste management plan during the term the ordinance codified in this chapter remains in effect. (Ord. 812 § 1; Ord. 921 § 1)

§ 23-44. Limited term of regulations – Sunset of ordinance.

Repealed by Ord. 921. (Ord. 812 § 1)