

ORDINANCE NO. 314

AN ORDINANCE OF THE CITY OF ROLLING HILLS  
AMENDING IN ITS ENTIRETY CHAPTER 8.08 THE ROLLING  
HILLS MUNICIPAL CODE RELATING TO THE COLLECTION  
OF SOLID WASTE AND RECYCLABLES

The City Council of the City of Rolling Hills does ordain as follows:

Section 1. Title 8, Chapter 8.08 of the Rolling Hills Municipal Code is amended in its entirety to read as follows:

Chapter 8.08

SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION\*

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### 8.08.010 Purpose.

This Chapter is adopted in accordance with Article XI, §7 of the California Constitution and Public Resources Code § 40059 *et seq.*, in order to protect the public health, safety, and well-being, control the spread of vectors, and to limit sources of air pollution, noise and traffic from waste hauler vehicles within the City.

## I DEFINITIONS

### 8.08.020 Definitions.

The following words and phrases, for the purposes of this Chapter, are defined as follows:

“AB 939” or “Act” means the California Integrated Waste Management Act of 1989, Public Resources Code Sections 40000, *et seq.*, as they now exist or may subsequently be amended.

Building Official. “Building Official” has the same meaning as the word is used in Section 15.04.040 of this Code.

“Bulky items” means and includes, without limitation, large and small household appliances, furniture, carpets, mattresses, tires and oversized yard waste such as tree trunks and large branches not larger than two feet (2’) in diameter and four feet (4’) in length.

“City” means the City of Rolling Hills.

“Collection” means the operation of gathering together and/or transporting by means of a motor vehicle any classification of solid waste or recyclables within the City.

“Collector” means any person who has been issued a franchise to provide solid waste and/or recyclable materials collection services in the City.

“Construction/Demolition Hauler” means any person or entity that collects construction or demolition waste for disposal at a facility that accepts construction and demolition waste for reuse or recycling pursuant to a limited permit issued under Section 8.08.580.C.

“Construction/Demolition Waste” means any debris resulting from the construction, modification or demolition of any structure, roadway or property, including without limitation, any material generally considered to be not water soluble and non-hazardous in nature, such as steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, lumber, rocks, soils, tree remains, trees, and other vegetative matter generated by and discarded in conjunction with a covered project.

Construction, Remodeling or Demolition Project. “Construction, Remodeling or Demolition Project” means any alteration to a building, structure or landscaping that requires a building or demolition permit in accordance with the Municipal Code.

“Container” means any bin, solid waste container, vessel, can or other receptacle used for the temporary accumulation, collection and removal of solid waste, recyclables, construction/demolition waste and green waste.

“Covered Project” means any construction, remodeling or demolition project that is not exempt pursuant to Section 8.08.580.B.

“Customer” means persons, including both owners and occupiers of residential property in the City who obtain collection services from a Collector pursuant to this Chapter.

“Designated collection location” means the place where the customer shall place, and from where a Collector is to collect, solid waste and recyclables in containers designated for that purpose.

“Disposal” means the complete operation of treating and/or disposing of solid waste after the collection thereof.

“Divert, Diverted and Diversion” shall have the same meaning as the words are defined in Public Resources Code § 40124, as amended.

“Electronic hazardous waste” means electronic products that contain hazardous substances as identified by the California Department of Toxic Substances Control, such as lead or mercury and include without limitation cathode ray tube (CRT) devices (including televisions and computer monitors); LCD desktop monitors; laptop computers with LCD displays; LCD televisions; plasma televisions, and portable DVD players with LCD screens. Electronic hazardous waste shall not be considered solid waste for purposes of this Chapter. Electronic waste means any electronic product with a circuit board or battery, including without limitation personal computers, monitors, televisions, keyboards, printers, telephones (including cell phones), fax machines, calculators,

copiers, video game systems and audio equipment. Electronic waste shall not be considered solid waste for purposes of this Chapter.

“Franchise agreement” or “Agreement” means the Solid Waste Collection Agreement entered into between a solid waste enterprise and the City, approved by the City Council that sets forth all of the rights and obligations of the franchise, consistent with this Chapter and state law.

“Hazardous waste” means any substance or waste materials or mixture of wastes defined as “hazardous,” a “hazardous substance” or “hazardous waste” pursuant to California Public Resources Code Section 40141, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. Sections 6901, et seq., the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. Sections 9601, et seq., the Carpenter-Presley-Tanner Hazardous Substance Account Act (“HSAA”), codified at California Health and Safety Code Sections 25300 et seq.; and all future amendments to any of them, or as defined by the Environmental Protection Agency, the California legislature, the California Integrated Waste Management Board, the Department of Toxic Substances Control or other agency of the United States Government or the State of California empowered by law to classify or designate waste as hazardous. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term “Hazardous Substance” or “Hazardous Waste” shall be construed to have the broader, more encompassing definition.

“Holiday” means:

- New Year’s Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

“Holiday” also means any other day designated as such in a contract between a Collector and the labor union serving as the exclusive representative of that Collector’s employees, provided the holiday is established or recognized by resolution of the City Council or in a franchise agreement between the City and a Collector.

“Manager” or “City Manager” means the City Manager or his/her designee of the City.

“Manure” means the waste droppings or matter from any animal normally accumulated and associated with stables or livestock and not disposed of through sewers or on-site wastewater systems.

“Notice” means notice sent by first-class certified mail, or facsimile or email delivery if agreed to by the parties under the franchise agreement.

“Officer” means the president, vice-president, treasurer or other duly designated representative of a Collector.

“Parcel of real property” means a parcel of real property as shown on the local secured tax rolls of the County of Los Angeles.

“Person” includes, without limitation, any individual, firm, co-partnership, general partnership, limited partnership, joint venture, association, entity, corporation or any other group or combination thereof acting as a unit.

“Permittee” means any person that had applied for and received a building or demolition permit to undertake a construction, remodeling or demolition project covered by this ordinance within the City.

“Public agency” means any governmental agency or department thereof, whether federal, state, or local.

“Recyclable materials” means reusable waste materials, including but not limited to metal, glass, plastic and paper, cardboard, and green waste, that are to be collected, separated or processed and used as raw materials.

“Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them 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. Recycling does not include transformation as defined in Public Resources Code Section 40201.

“Residential premises” means any residential property in the City.

“Service yard” means a yard surrounding portion of a residential dwelling required under the Rolling Hills Zoning Ordinance and/or the Rolling Hills Community Association Rules, and enclosed by a fence or wall.

“Solid waste” means garbage, green waste, manure, vegetable or animal solid or semisolid wastes, recyclables, or rubbish of every kind and character, that is generated or accumulates in residential and public facilities. Solid waste must be generated by and at the physical location wherein the solid waste is collected and does not include electronic waste, electronic hazardous waste or hazardous waste. Solid waste includes:

A. Garbage. All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials.

B. Green Waste. Any vegetative matter resulting from regular and routine yard and landscaping maintenance or seasonal variations. Green waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, holiday trees, stumps, flowers, plant stalks, wood and other forms of organic waste not more than five feet in its longest dimension or with a diameter not more than six inches or weights not more than fifty pounds.

C. Rubbish means without limitation, accumulation of unwanted material to be disposed of such as paper, polystyrene, excelsior, pottery, rags, cloth, boxes and containers, sweep-ups and all other accumulations of a nature other than garbage, green waste or recyclable materials.

“Solid waste enterprise” means any person, partnership, joint venture, unincorporated private organization or private corporation regularly engaged in the business of providing solid waste handling services. This definition does not include persons providing tree trimming or brush clearance services.

“Tonnage form” means the document adopted by the City Council which is used to determine the net amount of solid waste and/or recyclables disposed of in a permitted or certified facility.

“Tonnage report” includes a tonnage form or a copy of such form prepared by a Collector or an officer or agent of a Collector. Tonnage reports shall also include necessary information to verify the report or supplied information.

“Transportation” means the process of moving solid waste through the City.

“Waste disposal facility” or “facility” means any landfill, transfer station, incinerator, land reclamation project, recycling facility or other similar site or facility which is used or intended to be used for the transfer, consolidation, processing or disposal of solid waste or recyclables.

“Weight tickets/invoices” means receipts provided by a waste disposal or recycling facility reflecting the net amount of solid waste disposed of by a Collector at a collection location.

## II FRANCHISES

### 8.08.030 Franchise requirement.

The City Council may authorize, by franchise, a solid waste enterprise to provide solid waste collection and recycling services for residential users or customers in the City. In the sole discretion of the City Council, the solid waste handling services may be authorized on an exclusive or nonexclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the City. Except as otherwise provided for in this Chapter, no person shall

collect and/or dispose of solid waste or recyclables in the City without having first been awarded a solid waste collector franchise and entered into a franchise agreement with the City or after having received a limited permit for collection of construction and demolition waste pursuant to Section 8.08.580. A franchise shall be in addition to any business license or permit otherwise required by the City. All such franchisees shall comply with all of the requirements of this Chapter. Except as specified in the Franchise Agreement, the City retains the rights and power that it has under applicable laws and nothing in the Franchise Agreement may be construed to waive any of the City's governmental rights or police powers.

8.08.040 Franchise.

A. The nature, scope of services, party obligations and restrictions, term and duration of the franchise shall be set forth in a franchise agreement entered into between a Collector and City, and the agreement may also include any requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the franchise agreement and which will, in the judgment and discretion of the City Council, best serve the public interest and protect the public health, safety and welfare.

B. Upon solicitation by the City, persons seeking to obtain an initial, renewal or transferred solid waste collection franchise shall file an application, accompanied by an application fee set by resolution of the City Council, with the City Manager. Applications shall be in a form prescribed by the City Manager and applicable law. All applications accepted for filing are available for public inspection unless otherwise provided by applicable law.

C. In order to be legally qualified for an initial or renewal solid waste franchise or a approval of a transfer of a solid waste franchise:

1. The applicant shall be willing and able to comply with the provisions of this Code, applicable law, and all requirements of the solid waste franchise.
2. The Applicant shall not have had any solid waste franchise validly revoked by any franchising authority within three (3) years preceding the submission of the application.
3. No individuals employed by the applicant who are or will be responsible for the management and oversight of the franchise operations for the City, during the ten (10) years before submitting the application, shall have been convicted of a crime impugning their truthfulness and/or ability to abide with their legal obligations.
4. The applicant will not have filed materially misleading information in its application or intentionally withheld information that the applicant lawfully is required to provide.

5. An applicant that otherwise would not be qualified to hold a solid waste franchise under this Chapter may include additional information demonstrating to the city that the particular circumstances surrounding its act or omission; the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence; the lack of involvement of the applicant's principals; and/or the remoteness of the matter from providing solid waste collection services would make it inappropriate for the City to deny it a solid waste franchise.

8.08.050 Franchise terms.

Any franchise awarded pursuant to this Chapter shall be for an initial term of not more than ten years, with the possibility of renewal for additional terms of not more than five years each, at the option of the City.

8.08.060 Transfer of franchise.

A franchise issued under this Chapter shall not be transferred, sold, relinquished, delegated or assigned to another person without the approval of the City Council. This restriction includes the transfer of ownership of the franchise or the conveyance of the franchisee's stock to a new controlling interest. City Council approval of transfer shall not be unreasonably withheld. Effectuating a franchise transfer without City Council approval shall constitute grounds for revocation pursuant to Section 8.08.110.

8.08.070 Franchise Fee.

A. The City may in its discretion and in connection with a franchise entered into pursuant to this Chapter collect from a Collector a franchise fee in an amount equal to a percentage of gross revenues as set forth in a solid waste franchise for the privilege of operating a solid waste collection service within the City.

B. The franchise fee is not a payment in lieu of any tax, fee, or other assessment of general applicability.

8.08.080 Interim suspension.

A. The Manager, without a hearing, may suspend a franchise for not more than forty-five (45) calendar days, if the Manager finds that continued operation by a Collector will constitute an immediate threat to the public health, safety or general welfare of the City. The interim suspension will go into effect immediately upon delivery of a notice to a Collector as specified in this Section.

B. The Manager may enter into a temporary agreement for the collection of solid waste with a different solid waste enterprise during any period of time that a franchise has been suspended.

8.08.090 Appeals.

A. A Collector may appeal the interim suspension imposed by the Manager issued pursuant to Section 8.08.080, provided a written appeal is submitted to Manager within five calendar days after notice of suspension has been sent to the Collector.

Appeals to the City Council shall include a general statement specifying the basis for the appeal and the specific aspect of the Manager's ruling being appealed.

B. The interim suspension shall remain in effect during the processing of the appeal to the Council.

8.08.100 Council action.

The City Council shall hold a hearing on the appeal. Notice of such hearing shall be sent to a Collector not less than ten (10) calendar days prior to the hearing. The City Council may affirm the action of the Manager, refer the matter back to the Manager for further consideration, or overturn the decision of the City Manager. The Council may terminate the interim suspension or extend the period of the interim suspension and may initiate proceedings for revocation of the franchise. The Council shall base its action upon the standards delineated in Section 8.08.080.

8.08.110 Revocation or modification of franchise.

After a hearing, the City Council may revoke, modify the rights, obligations and conditions of a franchise or impose a penalty on the Collector in an amount provided for in the franchise agreement on any franchise if a Collector has violated any provision of this Chapter, the Franchise Agreement or any other applicable law, ordinance, or regulation related to the collection of waste services provided in the City. It is unlawful for any person or solid waste enterprise to operate under a franchise which has been revoked.

8.08.120 Notice of hearing on franchise.

The City shall serve a notice of the City Council franchise revocation hearing on a Collector not less than fifteen calendar days prior to such hearing.

8.08.130 City Council decision.

The City shall serve written notice to a Collector of the City Council's ruling and such notification shall be made within ten calendar days of the hearing. The notice of ruling shall include, without limitation, the effective date of any revocation, modification or penalty. The decision of the City Council shall be final.

8.08.140 Cessation of operations.

A. Upon revocation of a franchise by the Council, a Collector shall cease operations in the City within the period of time determined by the Council but in no event shall the Collector operate for more than forty-five calendar days after notice of revocation.

B. The Manager may enter into a temporary agreement for the collection of solid waste with a different solid waste enterprise until such time as a new franchise with a different solid waste enterprise can be negotiated and approved by the City Council.

III  
General Requirements

8.08.150            Collector's liability insurance.

A. A Collector must obtain comprehensive general and automobile liability insurance acceptable to the City Attorney insuring a Collector against death, bodily injury, property damage and automobile liability arising out of or in any way connected with the franchisee's activities. The insurance shall be in an amount set forth in the Franchise Agreement. Such insurance shall be procured from an insurer authorized to do business in the State of California, shall name the City of Rolling Hills and its officers, employees and agents as additional insureds and shall not be canceled or modified without first giving to City thirty calendar days' prior written notice. Such insurance shall be primary and noncontributing with respect to any other insurance available to the City and will include a cross- liability clause requiring the insurer to protect each insured separately. A copy of the policy or certificate of insurance along with all necessary endorsements, in a form approved by the City Attorney, must be filed with the City Manager before a solid waste franchise becomes effective.

B. In the event of suspension, cancellation, or termination of the insurance by the provider without obtaining substitute insurance meeting the requirements in subsection A above, the franchise shall be immediately suspended until new insurance is provided, and a Collector shall be liable to the City for any and all damages suffered by the City arising out of such suspension, cancellation or termination.

8.08.160            Worker's compensation insurance.

A Collector shall at all times provide, at its own expense, workers' compensation insurance coverage for all of its employees and shall file and maintain a certificate with the Manager showing said insurance to be in full force and effect.

8.08.170            Indemnification.

A Collector shall indemnify, defend and hold harmless the City of Rolling Hills and its officers, employees and agents against, in respect of any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies, including interest, penalties and reasonable attorneys fees, that the City shall incur or suffer, which arise, result from or relate to the collection, transportation, or disposal of solid waste or recyclables within the City of Rolling Hills by said Collector. The indemnification shall be included in the franchise agreement and include protections from liability under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6901, et seq., the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Sections 9601, et seq., the Carpenter-Presley-Tanner Hazardous Substance Account Act ("HSAA"), codified at California Health and Safety Code Sections 25300 et seq.; and all future amendments to any of them.

8.08.180            Bonds.

A. The franchise agreement may require a Collector to file a surety bond prior to the effective date of the franchise in an amount determined by the Manager and in a form

acceptable to the City Attorney, to guarantee the faithful compliance with this Chapter and the franchise agreement. The bond shall remain in force during the life of the franchise agreement and all renewals thereof.

B. In the event of suspension, cancellation, or termination of the bond by the issuer, the franchise shall be immediately suspended until a new bond is provided, and a Collector shall be liable to the City for any and all damages suffered by the City arising out of such suspension, cancellation or termination.

8.08.190 Responsibility for Damages.

Any person providing solid waste collection services or conducting a solid waste enterprise in the City shall be responsible for damages caused as a result of the person's acts or omissions including, without limitation, injuries or death or any person or damage to public or private property.

The Collector shall be responsible, at the Collector's sole expense, for any physical damage caused by the negligent or willful acts or omissions of employees, grantees or subgrantees of the Collector to private or public property.

8.08.200 Office for inquiries and complaints.

A Collector shall maintain an office at some fixed location and shall maintain a telephone at the office, listed in the current telephone directory and/or online at the Collector's website, in the firm name by which it conducts business in the City, and shall at all times during the hours between eight a.m. and five p.m. of each weekday and between eight a.m. and one p.m. on Saturday, have an employee or agent at said office to answer inquiries and receive complaints. The telephone number shall be a toll-free number from all portions of the City. Collector shall submit a quarterly report of all complaints received to City Manager, in a form set forth in the Franchise Agreement.

8.08.210 Permits and licenses.

A Collector shall obtain all applicable permits and licenses required by any Federal, State or local agency.

8.08.220 Fees and Charges

A. Except as otherwise provided by federal, state or local laws, this Chapter or other City Council authorized restrictions, all fees and charges applicable to this Chapter shall be established by City Council resolution.

B. Pursuant to Public Resources Code §§ 41900 *et seq.*, the City may levy fees upon Collectors and customers for planning and program development and administration regarding solid and household hazardous waste, recyclable solid wastes and/or green waste planning, and for access to collection service, for collection service, inspection, auditing, transfer and disposal and the planning for and response to releases and spills of solid wastes which have the characteristics of Hazardous Wastes. Such fees may include charges for the use of disposal facilities and may include costs of preparing and implementing source reduction and recycling elements, household hazardous waste

elements and integrated waste management plans. The City may collect such charges by such means as determined by City Council resolution or ordinance.

8.08.230 Collection Rates.

A. Maximum rates to be charged by a Collector for the collection of solid waste and recyclable materials shall be established or increased by resolution of the City Council only after the Manager has mailed the property owners notice of the proposed rate at least forty-five calendar days before a public hearing on the matter and the City Council has held a public hearing for the purpose of receiving and considering all objections, written and oral, to the proposed rate or rate increase. The Council may continue the hearing from time to time without further written notice. Any property owner may file with the Manager, at any time before the end of the public hearing, a written protest against the proposed rate. The Council shall not approve the new or increased rate if a majority protest exists. A majority protest exists if, at the end of the public hearing, there are valid written protests submitted by owners of a majority of the properties subject to the proposed fee increase. No more than one written protest per parcel shall be counted.

B. A rate or rate increase may include an annual Consumer Price Index, or other generally accepted form of consolidated index, increase to be implemented without a new public hearing provided that the maximum percentage of index increase is set forth in the notice sent to the property owners and any increase does not exceed that percentage specified therein.

C. Every residential owner shall pay the rates for collection services rendered pursuant to this Chapter in the manner set forth in Section 8.08.240

8.08.240 Collection of charges.

The City may in its discretion and in connection with a franchise entered into pursuant to this Chapter, collect fees for solid waste/recycling collection services by causing fees to be placed on the Los Angeles County Tax rolls through procedures established by the Los Angeles County Tax Collector. In such event, no charge shall be made directly to a customer by a franchised Collector unless expressly authorized by the City Council or in this Code. Charges for manure collection service provided by the Collector shall be billed directly to a customer by the franchised Collector.

8.08.250 Required monthly reports.

A. A Collector shall provide the City separate monthly and annual tonnage and information reports in a form and at dates set forth in the franchise agreement.

8.08.260 City Inspection Authority.

Any Collector providing collection services or conducting a solid waste enterprise in the City shall keep and maintain books of account, income statements, tonnage reports, customer lists, billing records, maps, AB 939 compliance records, and customer complaints and other like materials and documents of the Collector which relate to the Collector's compliance with the provisions of this chapter or relate in any way to business

transactions conducted by the person in the City for a period of three years after said service was provided or any longer period required by law. Any Collector shall make these records and documents available to the City upon request by the City Manager upon five business days advance notice. Such records shall be made available to the City at the Collector's regular place of business, within the Los Angeles County Limits.

#### IV VEHICLES

##### 8.08.270 Vehicle identification.

No solid waste enterprise may operate any vehicle for the collection of solid waste or recyclables in the City unless the owner of the vehicle is a Collector or a construction/demolition hauler, as those terms are defined in Section 8.08.020.

##### 8.08.280 Amount and type of equipment.

No person shall be awarded a franchise for the collection, and for transportation of solid waste or recyclables, or a permit for construction/demolition waste, unless the solid waste enterprise successfully demonstrates it has sufficient equipment available to meet the dates and times of regularly scheduled pick-ups without interruption due to equipment failure. This requirement shall be maintained throughout the term of any franchise agreement given pursuant to this Chapter. A Collector shall utilize mini-trucks, three-wheel scooters or other appropriate small collection vehicles to make collections and so as to operate efficiently on narrow roads and driveways.

##### 8.08.290 Operation of equipment.

A Collector shall operate all equipment in compliance with all Federal, State and local laws. Collection vehicles shall not be operated in a manner which results in undue interference with normal traffic flows or violation of any traffic laws. The small collection vehicles, whether loaded or unloaded, shall not be parked, or left unattended on any street in the City. Large collection vehicles shall not be parked in an unobtrusive manner and be maintained in a clean, sanitary condition.

##### 8.08.300 Compliance with vehicle standards.

Any vehicle used in the collection or transportation of solid waste in the City shall, at all times, be maintained in accordance with all the standards set forth in the Franchise Agreement, this Code, or any other applicable state law. The use of a vehicle which fails to comply with each of the standards is prohibited. A Collector shall immediately remove any vehicle from collection service which fails, at any time, to conform to any of the standards recited in the Agreement or this Code and shall not use that vehicle until it is repaired or comes into compliance. Should the Manager give notification at any time to a Collector that any of its vehicles are not in compliance with the standards of this Chapter or the Franchise Agreement, the vehicle shall be immediately removed from service in the City by the Collector. The vehicle shall not again be utilized in the City until the Collector successfully demonstrates to the Manager that the vehicle is in compliance with the requirements of the Agreement and this Code.

A Collector shall maintain its regular collection schedule regardless of the repair of any vehicle.

V  
COLLECTION/MANDATORY SERVICE

8.08.310 Mandatory service.

A. Except as otherwise provided in this Chapter, all solid waste and recyclables collected for a fee, service charge or other consideration, shall be collected by a solid waste enterprise under the provisions of a franchise awarded by the City Council.

B. No person or solid waste enterprise, other than those referenced in subsection A of this section, shall negotiate or contract for, undertake to receive, collect or transport solid waste from within the City for a fee, service charge or other consideration, except as specifically provided herein.

C. Except as otherwise provided in this Chapter, each residential property owner and occupier in the City shall, at all times utilize the services of a Collector and pay the rates approved by the City Council for the collection of solid waste and/or recyclables from such premises as shall be owned by said owner and shall, at all times comply with City policies and programs with regard to solid waste recovery, reduction of solid waste and recycling of solid waste.

8.08.320 Frequency of collection.

A. A Collector shall collect and dispose of all solid waste placed for collection in compliance with this Chapter from each customer at least twice during each calendar week, or less if provided for in an approved Franchise Agreement. Not more than four days shall elapse between one collection and the next unless the regular day of collection falls on a holiday. Routes of collection shall be so arranged that collection from any premises will be made on the same days of each week. A Collector shall possess a sufficient number of vehicles including spares to maintain the collection schedule at all times.

B. When the collection day falls on a holiday, a Collector shall choose one of the following options:

1. Collect on the holiday;
2. Collect one day prior to or one day after the holiday, providing regular collection can be maintained on the regularly scheduled days the remainder of the week.

C. Not later than November 30th of each year, a Collector shall submit to City its proposed collection schedule for the ensuing calendar year. The schedule shall indicate all regularly scheduled collection days which fall on a holiday and the collection day which is proposed to be substituted therefore (if any) so as to ensure that collection shall take place twice each week. The schedule shall also indicate the dates that brush clearance required to be removed pursuant to Section 15.20.040 of this Code shall be

collected. Upon approval by the Manager, Collector shall cause to be mailed a written notice to all customers of such schedule not later than December 31st of each year. In his or her discretion, the City Manager may mail out the annual notice to all customers, at the expense of the Collector.

8.08.330 Hours of collection.

A. No collection, or delivery or removal of containers, shall be made between the hours of six p.m. and seven a.m. Monday through Saturday or at any time on Sunday.

B. The Manager may waive the requirements of this Section when necessitated by conditions beyond the control of the Collector.

8.08.340 Litter.

If a Collector releases, or permits or causes the release of any solid waste on public or private property in the City at any time, it shall promptly clean up, contain, collect and remove same to the satisfaction of the Manager.

8.08.350 Employees of collector.

All field employees of a Collector shall wear name tags and/or uniforms to enable identification while providing service to the public.

8.08.360 Trespass.

No person authorized to collect or transport solid waste or recyclables shall enter on private property beyond the extent necessary to collect the solid waste or recyclables, properly placed for collection.

8.08.370 Noise.

A Collector shall conduct its operations as to create the least possible obstruction and inconvenience to public traffic, and disruption to the existing noise levels in the City.

8.08.380 Ownership.

At such time as the solid waste or recyclables are placed for collection at the usual place of collection, the solid waste or recyclables are the property of a Collector.

8.08.390 Disposal.

A. It is unlawful at any time for any person, including a Collector, to burn any solid waste or recyclables within the City.

B. It is unlawful at any time for any person, including a Collector, to bury or dump any solid waste or recyclables within the City.

8.08.400 Resource recovery.

A Collector shall, at all times, comply with City policies and programs regarding solid waste recovery, reduction of solid waste and recycling of solid waste, including the City's Source Reduction and Recycling Element. Such policies and programs may be

established by resolution of the City Council. Compliance with such policies and programs shall be a condition of any franchise issued pursuant to this Chapter.

8.08.410            Collection of recyclable materials.

- A. A Collector shall offer recyclable materials collection services as follows:
  - 1. A service yard collection program.
  - 2. Operation of a drop-off center at City Hall where residents may drop off recyclable items, such as newspaper, telephone books, glass and aluminum. No hazardous wastes shall be accepted. Operation of the center shall be in a manner consistent with all applicable laws. Signs indicating acceptable and unacceptable recyclables shall be prominently posted. Bins or containers shall be conspicuously labeled. A Collector will provide regular maintenance and collection of reusable materials from the center, as directed by the Manager.
  - 3. A Collector shall develop and implement a public information and education program for the recyclable materials collection services described in this Chapter, approved by the City Manager.
  - 4. A Collector shall establish and maintain a system for establishing diversion credits for the City of Rolling Hills in a manner consistent with the Act.
  - 5. From the time of placement of recyclable materials for collection, such recyclable materials shall be and become the property of a Collector. It shall be a violation of this Chapter for any person unauthorized by the City or the customer to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable in accordance with Chapter 1.08 of this Code.

B. Nothing in this Chapter shall limit the right of any person to donate, sell or otherwise dispose of his or her recyclable materials.

8.08.420            Collection of green waste.

- A. A Collector shall offer green waste services to its customers as follows:
  - 1. Green waste shall be placed for collection in the manner set forth in this Chapter and in the Agreement. All green waste shall be delivered to a legitimate composting or alternative fuel facility or used as cover material at a landfill, so that City receives credit for diverting the green waste from disposal at a landfill.
  - 2. On a periodic basis, if a resident has additional green waste in excess of what can be placed in the green waste containers set out for collection, residents may place green waste materials in bags or bundles, or in a plastic or metal container with a lid for collection by a Collector.
  - 3. A Collector shall provide to all customers who request one, at the cost paid by the customer, a composting bin of a type approved by the City Manager. Each composting bin so provided shall include full instructions. A Collector shall provide training, twice per year, on backyard composting, open to all residents of the City. Composting shall be conducted pursuant to Section 8.08.430.

4. A Collector shall develop and implement a public information and education program for the green waste services described in this section, approved by the City Manager.
5. Collector shall collect an unlimited amount of brush clearance required to be removed by Section 15.20.040 of this Code and any additional green waste set out at that time from every customer up to three times in the Spring and up to three times in the Fall. The dates for such collections will be set forth in the collection schedule mailed out to all customers pursuant to Section 8.08.320.C. and the placement and bundling specifications shall be set forth in the Agreement.

8.08.430 Backyard Residential Composting

A. Notwithstanding any other provision of this Chapter, residents are encouraged to compost green wastes, including grass clippings, leaves, plant trimmings, wood ashes and vegetable kitchen scraps or manure (but not including other household garbage or animal waste). The following composting conditions must be met:

1. Compost piles or bins shall not be visible from the street or neighboring properties;
2. The compost piles or bins shall not be located next to a stream or drainage course;
3. Compost piles and bins are maintained so that they do not generate an offensive odor or harbor rodents;
4. The compost is enclosed, screened or otherwise maintained to minimize insects and pests; and
5. The pile or container shall not permit surface run-off or leachate to other property or to drainage courses, waterways or streams.

B. No composting shall be permitted at any location that is determined to be a fire hazard by the Los Angeles County Fire Department or any location that is determined by any other regulatory body to be a threat to the public health, safety or welfare.

8.08.440 Prohibited waste.

A. Electronic waste, electronic hazardous waste, and any other form of waste that does not meet the definition of solid waste or recyclable materials shall not be disposed of with solid waste or recyclables for regular solid waste collection by a Collector.

B. A Collector shall develop and implement a public information and education program for electronic waste, electronic hazardous waste disposal and recycling, hazardous waste and any other prohibited waste, approved by the City Manager.

C. Customers shall dispose of electronic waste, electronic hazardous waste, hazardous waste and any other form of prohibited waste at special collection centers operating throughout the region. A list of such collections centers is available at City Hall.

VI  
CONTAINERS

8.08.450            Care of containers.

Collector's agents and employees shall handle all containers with care.

8.08.460            Unauthorized Removal from containers.

No person other than a Collector who provides collection services at the premises, or the owner or employee of the owner of the container, or the person upon whose premises such container is located, or a City employee, shall remove any material from a solid waste or recyclable container.

8.08.470            Tampering with containers.

No person other than the owner or occupant of the premises where a container is located, or a Collector who provides collection services at the premises where the container is located, or a City employee shall tamper with, or remove any container or other equipment used for the storage of solid waste or recyclables.

8.08.480            Covering containers for solid waste.

Any container to be placed for collection containing solid waste shall have a tightly fitting cover. Said cover shall be used at all times.

8.08.490            Unauthorized setting out of containers.

No person occupying, using or in charge of any premises shall set out or cause to be set out for collection any solid waste or recyclables not generated on the premises.

8.08.500            Containers at residential premises.

A. Unless containers are to be provided by a Collector pursuant to the Franchise Agreement, every customer in the City shall provide sufficient containers as to accommodate the amount of solid waste generated by the premises. All containers shall be constructed of metal, hard rubber or plastic, shall be constructed so as not to permit the contents thereof to sift or pass through any opening therein other than the top, shall be maintained in a clean and sanitary condition by the customer and shall not contain any rough or jagged surfaces. Heavy-duty plastic bags especially manufactured for solid waste collection and trash compactor sacks may also be used provided they are securely tied, not perforated or split.

B. Any solid waste not susceptible to placement in a container may be placed for collection at the same place and time as the container if it is securely tied in bundles not heavier than sixty pounds, not more than four feet in length, nor more than eighteen inches in diameter. Wooden boxes, crates, pallets, or cardboard boxes are to be broken down and stacked neatly at the depositor's refuse collection point.

C. No cardboard box, paper bag or oil drum may be used as a container for solid waste.

D. A Collector shall schedule to collect bulky items from customers at least three times during each calendar year. The dates for such collections will be set forth in the collection schedule mailed out to all customers pursuant to Section 8.08.320.C. and the timing, item placement and other specifications for the collection shall be set forth in the Agreement.

8.08.510 Accumulation of solid waste prohibited.

It is unlawful for any customer or person owning, managing or having the control of any premises or vacant lot within the City to permit an accumulation of solid waste and/or recyclables to become or remain offensive, unsightly or unsafe to the public health or safety or hazardous from fire. It is unlawful to deposit, keep or accumulate, or permit or cause any solid waste and/or recyclables to be deposited, kept or accumulated, upon any property, lot or parcel of land, or any public or private place in the City except as provided in this Chapter. No customer or person occupying, owning or in control of any premises shall permit solid waste and/or recyclables to accumulate, or to blow about in a manner which creates an unsightly appearance, or a health hazard. It is unlawful for any person to dispose of their solid waste into containers at locations other than those that may be located upon property which they own or occupy or where they work. It is unlawful for any person to place bulky items on the street except that bulky items may be placed on the street within the two days prior to a bulky item collection scheduled pursuant to Section 8.08.500.D, or within the two days prior to otherwise scheduled collection or removal of the item.

8.08.520 Placement of containers at residential premises.

A. In the case of residential premises, each container or bundle shall be kept in the service yard of the premises reasonably concealed from view by neighbors. Such areas shall be readily accessible to a Collector by a pathway. Access to the containers shall not be impaired by the presence of any vehicles or other obstructions.

B. A Collector shall collect containers from the service yard and shall return all containers in an upright position to the same approximate location where found by a Collector and without any unnecessary noise or wear and tear or damage to said receptacles. A Collector shall replace a container or reimburse the customer for any damage caused to receptacles by the unnecessary wear and tear of a Collector.

C. In the event a Collector declines to collect any solid waste on a required collection day, the Collector shall leave a tag on the container indicating the reason for refusal to collect and the Collector's name and telephone number. A record shall be kept by the Collector of all locations where such tags have been left, with the reasons noted. Such record shall be made available for inspection by City upon reasonable notice.

8.08.530 Container storage areas.

The owner or occupant of residential premises where a container is placed shall provide a clean, safe and sanitary place for its storage.

VII  
EXCLUSIONS

8.08.540 Residential waste and recyclable exclusion.

No provision of this Chapter shall prevent customers from collecting and disposing of occasional loads of solid waste generated in or on their residential premises, or from composting green waste, or from selling or disposing of recyclables generated in or on their residential premises; provided, however, that no customer shall employ or engage any solid waste enterprise, other than a Collector franchised in the City of Rolling Hills, to haul or transport such materials to a transfer station or landfill.

8.08.550 Dwellings under construction.

When solid waste is not being generated on a property due to construction at a temporarily vacant residential dwelling or at a newly constructed residential dwelling that has not yet been occupied, the property owner may suspend mandatory collection service for the time that the dwelling is not being occupied and may not be liable for collection charges for such period of time as follows:

A. Residential dwellings undergoing alterations or repairs, but occupied or vacant for less than four full weeks, shall receive regular service for collectible solid waste during the construction period.

B. Residential dwellings which remain unoccupied for four full weeks or longer, may suspend mandatory collection service and may not be liable for collection fees during period or be eligible for a refund of the collection fees for such periods.

C. The property owner shall notify the City Manager and all Collectors responsible for collection at that dwelling, at their respective offices, of the temporary suspension of mandatory service. The notice shall be in writing and the effective date shall be one week after the date of the notification. Receipt of the notice shall be acknowledged by mail, fax or email communication and a reference number assigned to avoid misunderstanding;

D. The property owner shall notify the City Manager and the Collectors responsible for collection at that dwelling of the duration of the vacancy, if known, at the time of the suspension of the collection service; otherwise owner shall notify by mail, fax, email or phone within three calendar days of occupancy or resumption of occupancy and service shall be resumed immediately thereafter; and

E. The premises described in the notice shall not be occupied during the period of the vacancy, and no solid waste of any type, other than construction/demolition waste that is removed pursuant to Section 8.08.580, shall be produced during the period or collected from the dwelling.

F. When collection fees have been prepaid on the property tax bill, a property owner may request a refund of solid waste collection fees for the period that the property

was vacant and the service was suspended by filing a refund form with the City Manager within sixty calendar days of occupying or reoccupying the premises. The City Manager shall process the request within sixty days from receipt of the request and may grant a refund for the proportionate amount of fees for the time the property was vacant and service was suspended.

8.08.560 Gardener's exclusion.

A franchise shall not be required for the occasional removal of green waste as a result of routine and regular tree trimming, gardening or landscaping activities. In order to help the City meet its diversion requirements, gardeners, tree trimmers and landscapers are encouraged to divert the occasional loads of green waste from the landfill to a legitimate composting or alternative fuel facility or to use the waste as cover material at a landfill, so that City can receive credit for diverting the green waste. Gardeners, tree trimmers and landscapers are encouraged to collect a tonnage form or tonnage report for all green waste diverted from the landfill and residents are encouraged to submit such tonnage forms or tonnage reports to the City Manager evidencing the amount of diverted green waste.

8.08.570 Commercial Recycler Exclusion for Source-Separated Recyclables.

No provisions of this chapter shall prevent a recycling business from contracting to collect source-separated recyclables that are donated or sold to that recycling business by a customer. "Source-separated recyclables" within the meaning of this subsection means recyclables which have been separated from solid waste for the purpose of sale or donation, which have not been mixed with or contain more than incidental or minimal solid waste, and which do not have a negative market value inclusive of collection, transportation, and disposition costs. This exclusion does not apply if the material collected is hauled for a net fee.

8.08.580: Construction or demolition waste.

A. Minimum construction or demolition waste diversion requirements

Every covered project shall divert at least fifty percent (50%), measured by weight, of all construction or demolition waste generated by the covered project.

B. Exempt projects.

The diversion and reporting requirements of this Section shall not apply to the following projects:

1. Any construction, remodeling or demolition project that does not require a building permit and does not generate recyclable materials and construction and demolition waste.
2. Any project that requires emergency demolition in order to protect the public health or safety as determined by the Manager prior to the issuance of a demolition permit.

Notwithstanding the exemptions set forth in this paragraph, permittees working on exempt projects are encouraged to divert as much construction or demolition waste as practicable and encouraged to use permitted haulers for removal of waste from the project.

C. Construction/demolition hauling permit.

1. Permit required. No person or solid waste enterprise shall remove construction and demolition waste from a covered project within the City without first obtaining a construction/demolition hauling permit. The City Manager shall maintain a list of all permitted construction/demolition haulers and residents shall only use a permitted construction/demolition hauler for removal of construction/demolition waste from any covered project within the City.
2. Application for construction/demolition hauling permit. An application for a permit shall be filed with the City Manager and be accompanied by an application fee in an amount set by City Council resolution to reimburse the City for all expenses incurred by it in connection with granting the permit. The application shall include, at a minimum, the following information:
  - a) Name, address, telephone number of the applicant and any other principals in the hauler's business.
  - b) The type and amount of materials and waste material that the hauler is capable of transporting.
  - c) The number of vehicles that the enterprise utilizes.
  - d) The name, address and contact information for the waste disposal facilities where the hauler will take diverted material and where the hauler will take waste.
  - e) Such other pertinent facts or information as the City Manager may require including but not limited to evidence of state certification, evidence of previous experience, and demonstration of reliable and safe equipment.
3. In order to be legally qualified to obtain a construction/demolition hauler permit:
  - a) The applicant shall be willing and able to comply with the provisions of this Code, applicable law, and all requirements of the permit.
  - b) The applicant shall have demonstrated ability to remove and transport the required construction/demolition waste to the appropriate waste disposal facilities
  - c) The applicant shall not have filed materially misleading information in its application or intentionally withheld information that the applicant lawfully is required to provide.
4. Issuance of permits. The City Manager may issue a non-exclusive construction/demolition hauler permit subject to such conditions as are

necessary to protect the public health, safety and welfare and to assure that the permit is exercised for its circumscribed purposes. A permit shall not be transferred to another person or solid waste enterprise. Permits shall remain in effect for one year and must be renewed annually.

5. A permitted construction/demolition hauler shall be subject to the following provisions of Chapter 8.08: Sections 8.08.150 Collector's liability insurance, 8.08.160 Worker's compensation insurance, 8.08.170 Indemnification, 8.08.190 Office for inquiries and complaints, 8.08.200 Permits and licenses, 8.08.250 Vehicle identification, 8.08.260, City Inspection Authority, 8.08.270 Operation of equipment, 8.08.310 Hours of collection, 8.08.320 Litter, 8.08.340 Trespass, 8.08.350 Noise, 8.08.360 Ownership, 8.08.370 Disposal, 8.08.380 Resource recovery, and all other applicable provisions of the Municipal Code.
6. Failure by a permitted hauler to comply with the diversion and/or reporting requirements of this Section will result in automatic revocation of the construction/demolition hauler permit. A hauler whose permit has been revoked shall not be eligible to reapply for a new permit for a period of three-years from the date of revocation.

D. Condition precedent to issuance of building or demolition permit.

As a part of any application for, and prior to the issuance of, any building or demolition permit for a covered project, every permittee shall identify the permitted hauler that has been designated to remove all construction/demolition waste associated with the project. The application shall also be accompanied by a construction/demolition waste fee, set by resolution of the City Council to reimburse the City for all expenses incurred by it in connection with monitoring compliance with this Section.

E. Records.

During the term of any covered project, the permitted hauler shall keep records of the amount of waste disposed and diverted in tonnage or in other measurements approved by the City Manager that can be converted to tonnage.

F. Reporting.

Within thirty (30) calendar days following the completion of any covered project, the hauler shall submit under penalty of perjury, and as a condition precedent to final inspection and issuance of any certificate of occupancy, documentation to the satisfaction of the Manager establishing compliance with the requirements of this Section. The documentation shall consist of a completed "Recycling and Waste Reduction Final Compliance Report" showing the weight of materials disposed and diverted, supported by evidence satisfactory to the Manager, which may include originals or photocopies of receipts and weight tickets/invoices or other records of measurement from recycling

companies and/or landfill and disposal companies. Receipts and weight tickets may be required by the Manager to verify the amount of construction or demolition waste generated from the site that has been diverted.

If a project involves issuance of both a demolition and building permit, the report and documentation for the demolition permit shall be submitted to and approved by the Manager before issuance of a building permit.

G. Monitoring responsibility of Manager.

The City Manager shall monitor each covered project for compliance with this Section.

H. Implementing Regulations

The Manager shall have the authority to establish regulations for the implementation of this Section, and when duly established, such regulations shall be in full force and effect.

Section 2. This ordinance shall apply to all franchise agreements amended, extended or executed after the effective date of this ordinance.

Section 3. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 23rd day of February, 2009.

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FRANK HILL, MAYOR

ATTEST:

\_\_\_\_\_  
Heidi Luce, Deputy City Clerk