

Visalia, CA Municipal Code

Chapter 8.28 Update

SOLID WASTE COLLECTION AND DISPOSAL

Updated Sections:

- 8.28.150 Commercial and Multi-Family Recycling Requirements
- 8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements

8.28.150 Commercial and Multi-Family Recycling Requirements.

A. Each generator of commercial solid waste or multi-family dwellings of 5 or more units, referred to herein as a "Commercial generator", shall be responsible for ensuring and demonstrating its compliance with the requirements of this section. Nothing in this section shall preclude any person from self-hauling recyclable materials generated by that person to a recycling facility.

B. Commercial Generator Self-haul. A commercial generator may transport recyclable materials generated at its business or property to a recycling facility only if the commercial generator completes its activity by utilizing a vehicle owned by either the commercial generator or generator's employee. This self-haul exemption does not include contracting with a third party to transport the recyclable materials except as permitted herein. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The self-hauling form shall be made available to the Public Works Director or designee upon request. At a minimum, the Commercial generator shall provide the following information on the self-hauling form:

1. The name, address and telephone number of the Commercial generator's representative that will be signing the self-hauling form.
2. A list of the types of recyclable materials that are being transported.
3. For each type of recyclable material, the amount that is being taken from the Commercial generator's business or property to a recycling facility on a quarterly basis.
4. The name and address of the recycling facility.
5. A written statement, signed by the Commercial generator or representative, certifying that the generator is in compliance with the requirements of this Section.
 - a. The Public Works Director or designee may restrict or prohibit self-hauling by a Commercial generator if it is determined that after providing notice and an opportunity for a hearing, the Commercial generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

C. On-site Practices.

1. Each Commercial generator shall use separate and readily identifiable containers to collect and store recyclable materials and shall designate areas to collect and/or store recyclable materials in all areas where disposal containers are provided for customers.

2. Each Commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials are collected and/or stored that specify the materials to be recycled and how to recycle such material.

3. Each Commercial generator shall notify and instruct employees or tenants in writing of applicable recycling requirements within 14 days of occupancy, including outreach and training on what materials are required to be recycled and how to recycle such material. A copy of such instruction or training materials shall be provided to the Public Works Director or designee upon request.

4. Each commercial generator shall prohibit their employees or tenants from placing recyclable material in a container not designated to receive that type of recyclables.

D. All recyclable materials shall be placed for collection in city provided or approved covered containers. No container shall be loaded beyond its capacity. It shall be the Commercial generator's responsibility to keep the containers used for the storage and collection of recyclable material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No recyclable material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The Public Works Director is specifically authorized to promulgate rules and regulations regarding any and all recyclable material containers including organic containers and as related to the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection and the proper use of containers.

E. Required Collection of Recyclable Materials. Each commercial generator shall arrange for the collection of recyclable material through one of the following methods:

1. Utilize the recycling services of city; or

2. Enter into a written service agreement with a franchised permittee or enter into a written service agreement with recycling business that pays the commercial generator for recyclable materials collected and is exempt from city franchise requirements. Should the commercial generator choose to enter into an agreement with a franchised permittee, the commercial generator shall be responsible for verifying that the franchised permittee holds a valid business license with the city and is a permitted franchise hauler within the City limits; or

3. Self haul recyclable materials generated on site; complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance

with this ordinance or any other applicable law or regulation. A copy of such form shall be available to the Public Works Director upon request.

4. Each commercial generator entering into a written service agreement with a franchised permittee or self-hauling recyclable materials shall ensure all recyclable materials are source separated.

5. Recycling service agreements and all other recycling documents shall be available for inspection by the Public Works Director or designee at the principal location of the Commercial generator's business, Commercial facility, special event, or non-residential property during normal business hours.

6. Each commercial generator shall ensure that recyclable materials generated at the Commercial generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Commercial generators shall not dispose of, or arrange for disposal of recyclable materials by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Public Works Director. Further, all Commercial generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Public Works Director.

F. Commercial and multi-family recycling exemption. The following shall be exempt from the requirements of this section:

1. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.

2. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.

3. A Commercial generator shall be exempt from the requirements in this section if the business, commercial facility or non-residential property:

~~— a. generates less than 2 cubic yards of commercial solid waste per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount; or~~

~~— b. demonstrates to the Public Works Director that there is no collection service or other system available for such materials; or~~

ae. demonstrates to the Public Works Director that there are no recyclable materials being generated by any activities in the Commercial generator's business, commercial facility, or non-residential property; or

bd. demonstrates, through a site visit required by the Public Works Director, that either:

i. There is inadequate storage space for automatic lift Containers, bins or roll-off boxes for recyclable materials on site and that it is infeasible for the commercial generator to share automatic lift Containers, bins or roll-off bins for recyclable materials with another Commercial generator or an adjoining property; or

ii. Compliance with this section will result in a violation of zoning codes or City regulations for minimum parking spaces.

iii. If, after reviewing the site, the Public Works Director determines that it is feasible for recycling Containers to be placed either on-site or shared with an adjoining business or property, then the Commercial generator will not be exempted from these requirements and will be responsible for full compliance with this section.

~~— e. demonstrates to the Public Works Director that there are no viable markets or recycling facilities available, as determined by the Public Works Director or designee.~~

G. If the Commercial generator seeks an exemption, an application for such exemption shall be submitted in writing to the Public Works Director. After reviewing the exemption request, and after an on-site review, if applicable, the Public Works Director may either approve or disapprove the exemption request.

H. A violation of this section shall constitute an infraction.

(Ord. 2018-03, 2018)

8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements.

Each generator of commercial solid waste or multi-family dwellings of 5 or more units, referred to herein as a "Commercial generator" shall be responsible for ensuring and demonstrating its compliance with the requirements of this section. Nothing in this chapter shall preclude any person from self-hauling organic waste generated by that person to an organic waste or compost facility.

Commercial generator self-haul. A generator may transport organic waste generated at its business or property to an organic waste recycling facility only if the Commercial generator completes its activity by utilizing a vehicle owned by either the generator or generator's employee. This self-haul exemption does not include contracting with a third party to transport the organic waste. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The self-hauling form shall be made available to the Public Works Director or designee upon request. At a minimum, the Commercial generator shall provide the following information on the self-hauling form:

A. The name, address and telephone number of the Commercial generator's representative that will be signing the self-hauling form.

1. A list of the types of organic waste that are being transported.

2. For each type of organic waste, the amount that is being taken from the Commercial generator's business or property to an organic waste facility on a quarterly basis.

3. The name and address of the recycling facility.

4. A written statement, signed by the Commercial generator or representative, certifying that the generator is in compliance with the requirements of this Section.

B. The Public Works Director may restrict or prohibit self-hauling by a Commercial generator if the Public Works Director determines, after providing notice and an opportunity for a hearing, that the Commercial generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

C. On-site Practices.

1. Each Commercial generator shall use containers to collect and store organic waste and shall designate areas to collect and/or store organic waste in all areas where disposal containers are provided for customers.

2. Each Commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where organic waste are collected and/or stored that specify the materials to be recycled and how to recycle such material.

3. Each Commercial generator shall notify and instruct employees or tenants in writing of applicable recycling requirements within 14 days of occupancy, including outreach and training on what materials are required to be recycled and how to recycle such material. A copy of such instruction or training materials shall be provided to the Public Works Director or designee upon request.

4. Each commercial generator shall prohibit their employees or tenants from placing organic waste in a container not designated to receive organic waste.

D. All organic waste shall be placed for collection in City provided or approved covered containers. No container shall be loaded beyond 2/3 full to prevent spillage during servicing. It shall be the Commercial generator's responsibility to keep the containers used for the storage and collection of organic waste generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No organic waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The Public Works Director is specifically authorized to promulgate rules and regulations regarding any and all organic waste containers including as related to the organic waste to be placed therein, the placement and maximum weight of high-density materials for Collection and the proper use of Containers.

E. Required collection of organic waste.

1. Each commercial generator shall arrange for the collection of organic waste through one of the following methods:

- a. Utilize the recycling services of city; or
- b. Enter into a written service agreement with a franchised permittee. Should the Commercial generator choose to enter into an agreement with a franchised permittee, the Commercial generator shall be responsible for verifying that the franchised permittee holds a valid business license with the City and is in compliance with this ordinance; or
- c. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this ordinance or any other applicable law or regulation. A copy of such form shall be provided and made available to the Public Works Director upon request.

2. Each commercial generator entering into a written service agreement with a franchised permittee or self-hauling organic waste shall ensure all organic waste is source separated and contamination kept to a minimum.

3. Any recycling service agreement and other recycling documents shall be available for inspection by the Public Works Director or designee at the principal location of the Commercial generator's business, commercial facility, special event, or non-residential property during normal business hours.

4. Each Commercial generator shall ensure that organic waste generated at the Commercial generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Commercial generators shall not dispose of, or arrange for disposal of organic waste by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Public Works Director. Further, all Commercial generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Public Works Director.

F. Commercial and Multi-Family Organic Waste Recycling Exemption. The following shall be exempt from the requirements of this section:

1. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting organic waste produced by operation or system of the entities described above.

2. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the Collection, transportation or disposal of organic waste within the boundaries of the City.

~~3. Prior to January 1, 2019, a business, Commercial facility or non-residential property generating less than 2 cubic yards of organic waste per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount.~~

~~4. On or after January 1, 2019, a business, Commercial facility or non-residential property generating less than 2 cubic yards of total refuse per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount.~~

35. A Commercial generator may not be required to source separate organic waste if:

~~a. the Commercial generator demonstrates to the Public Works Director that there is no collection service or other system available for such materials; or~~

ab. the Commercial generator demonstrates to the Public Works Director there is no organic waste being generated by any activities in the Commercial generator's business, commercial facility, or non-residential property; or

~~c. there are no viable markets or recycling facilities available, as determined by the Public Works Director.~~

bd. it is determined through a site visit conducted by the Public Works Director or designee, that either:

i. There is inadequate storage space for automatic lift containers, bins or roll-off bins for organic waste on site and that it is infeasible for the Commercial generator to share automatic lift containers, bins or roll-off bins for organic waste with a Commercial generator or an adjoining property; or

ii. Compliance with this section will result in a violation of zoning codes or city regulations for minimum parking spaces.

iii. If, after reviewing the site, the City Manager determines that it is feasible for recycling containers to be placed either on-site or shared with an adjoining business or property, then the Commercial generator will not be exempted from these requirements and will be responsible for full compliance with this section.

G. If the Commercial generator seeks an exemption, an application for such exemption shall be submitted on a form prescribed by the City Manager. After reviewing the exemption request, and after an on-site review, if applicable, the Public Works Director may either approve or disapprove the exemption request.

H. A violation of this section shall constitute an infraction.

(Ord. 2018-03, 2018)

ORDINANCE NO. 2018-03

**AN ORDINANCE OF THE CITY COUNCIL
UPDATING AND REVISING CHAPTER 8.28 OF THE VISALIA MUNICIPAL CODE
PERTAINING TO GARBAGE COLLECTION SERVICES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1 – Preamble and Findings. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City Council of the City of Visalia hereby makes the following findings

- A. State Assembly Bill (AB) 939 establishes a waste reduction policy that mandates a 75% reduction in the amount of material disposed of in landfills.
- B. State Assembly Bills, 341 and 1826 apply and mandate source separation, collection and disposal of recyclables (including organics) for commercial and multi-family properties disposed of at sites other than in landfills, and require local agencies to establish compliance and enforcement policies.
- C. The current City Garbage ordinance 8.28 does not require recycling, or provide sufficient compliance and enforcement provisions to meet these new mandated recycling measures.
- D. The current City Garbage ordinance 8.28 contains outdated or missing information in several sections.

SECTION 2 – Revisions to Municipal Code Chapter 8.28. All sections in Visalia Municipal Code 8.28 have been modified, moved or merged as described below, and four (4) new sections added. Chapter 8.28 of the Visalia Municipal Code is hereby repealed in its entirety and readopted with the following section changes and additions listed below and a copy of the revised Chapter 8.28 is attached hereto and made a part hereof by reference:

Current List of Sections	New List of Sections
8.28.010 Purpose and policy.	8.28.010 Purpose and policy.
8.28.030 Definitions.	8.28.020 Definitions
8.28.020 Authorization.	8.28.030 City Manager Authorization
8.28.040 Collection service requirements.	8.28.040 Garbage Collection Service
8.28.050 Container--Usage.	8.28.050 Minimum Service Requirements
8.28.060 Containers--Types.	
8.28.070 Placing containers for collection.	
8.28.040 paragraphs in 8.28.040 removed and made its own section	8.28.060 Waste not Accepted by City
Not Included	8.28.070 Disabled Exemption
8.28.140 Establishment of rates, charges and fees.	8.28.080 Establishment of Rates, Charges and Fees
Not Included	8.28.090 Ownership/Scavenging of Refuse or Rubble
8.28.060 Containers--Types, partial	8.28.100 Container Requirements
8.28.080 Special collection services.	8.28.110 Special Collection Services.
8.28.090 Special Hauling partial	8.28.120 Special Hauling
8.28.090 Special Hauling partial	8.28.130 Roll-Off Box Franchised Permittee Requirements
8.28.100 Temporary service.	8.28.140 City Provided Temporary Bin and Roll-Off Box Service
Not Included	8.28.150 Mandatory Commercial and Multi-Family Recycling

		Requirements (AB 341)
Not Included	8.28.160	Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)
8.28.130 Administration.	8.28.170	Administration
8.28.150 Fee collection.	8.28.180	Fee collection
8.28.160 Late charges.	8.28.190	Late charges
8.28.170 Means of collection of delinquent fees including late charges.	8.28.200	Delinquent Fee and Late Charge Collection
8.28.110 Restrictions.	8.28.210	Restrictions
8.28.120 Enforcement.	8.28.220	Enforcement

SECTION 3 – Effective Date. This ordinance shall take effect thirty (30) days from the date of adoption.

SECTION 4 – Ordinance Chapter Title. Chapter 8.28 of the Visalia Municipal Code shall henceforth be titled **Solid Waste Collection and Disposal**.

SECTION 5 – Severance. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

PASSED AND ADOPTED: June 18, 2018

WARREN GUBLER, MAYOR

ATTEST:

RANDY GROOM, CITY CLERK

APPROVED BY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Randy Groom, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2018-03 passed and adopted by the Council of the City of Visalia at a regular meeting held on June 18, 2018 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: *July 16, 2018*

RANDY GROOM, CITY CLERK

Michelle Nicholson

By Michelle Nicholson, Chief Deputy City Clerk

Visalia, CA Municipal Code

Chapter 8.28**SOLID WASTE COLLECTION AND DISPOSAL**

Sections:

- 8.28.010 Purpose and policy.
- 8.28.020 Definitions
- 8.28.030 City Manager Authorization
- 8.28.040 Garbage Collection Service
- 8.28.050 Minimum Service Requirements
- 8.28.060 Waste not Accepted by City
- 8.28.070 Disabled Exemption
- 8.28.080 Establishment of Rates, Charges and Fees
- 8.28.090 Ownership/Scavenging of Refuse or Rubble
- 8.28.100 Containers Requirements
- 8.28.110 Special Collection Services.
- 8.28.120 Special temporary Hauling
- 8.28.130 Roll-Off Box Franchised Permittee Requirements
- 8.28.140 City Provided Temporary Bin and Roll-Off Box Service
- 8.28.150 Mandatory Commercial and Multi-Family Recycling Requirements (AB 341)
- 8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)
- 8.28.170 Administration
- 8.28.180 Fee collection
- 8.28.190 Late charges
- 8.28.200 Delinquent Fee and Late Charge Collection
- 8.28.210 Restrictions
- 8.28.220 Enforcement

8.28.010 Purpose and policy.

The City of Visalia, in order to promote and protect the public and refuse worker health and safety and to reduce the danger and hazards of fires and conflagrations, reserves unto itself the exclusive right and power to collect, transport, and dispose of, or to authorize, regulate, permit and control said collections, transportation and disposition of all refuse and rubble produced or found within the corporate limits of said city. (Prior code § 4030)

8.28.020 Definitions.

For the purpose of this chapter certain words and terms are defined as follows:

Types of waste:

- A. "Bulky wastes" means and includes large items of solid waste such as appliances, furniture, large auto parts, trees, large branches, stumps, asphalt, concrete, large rock, and other oversize wastes of large size which precludes or complicates handling by normal collection or disposal methods.
- B. "Commercial solid wastes" means and includes refuse generated by stores, offices, and other commercial sources, excluding wastes from residential single family and multi-family with less than 4 units, and industrial wastes.
- C. "Construction and demolition wastes" means and includes the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements and structures.
- D. "Garbage" includes:
 - 1. All kitchen and table food waste and animal, fruit or vegetable waste that attends or results from the storage, sale, preparation, cooking or handling of food stuffs;
 - 2. Uncleaned containers originally used for foodstuffs;
 - 3. Consists of every accumulation of animal, vegetable, and other matter that attends the sale, preparation, consumption, dealing in or storage of meats, fish, fowl, birds, fruits or vegetables;
 - 4. All other abandoned putrescible organic matter.
 - 5. The term garbage does not include dishwater or wastewater.
 - 6. The term garbage does not include dead animals, medical waste, hazardous waste, or household hazardous waste which the city will not collect with its regular service.
- E. "Hazardous wastes" is defined as any waste with properties that make it potentially dangerous or harmful to human health or the environment. Hazardous wastes can be liquids, solids, or contained gases, and can exhibit the properties of being ignitable, corrosive, toxic or reactive to other chemicals or substances. They can be the by-products of manufacturing processes, discarded used materials such as used oil, or discarded unused products, such as paint, cleaning fluids (solvents) or pesticides. Also includes any substance contaminated with hazardous waste, such as contaminated soil or dirt. Hazardous wastes are not collected or accepted by City and must be disposed of at a properly licensed disposal facility.
- F. "Household Hazardous Waste" means leftover household products that contain corrosive, toxic, ignitable or reactive ingredients and includes products such as paints, cleaners, oils, batteries and pesticides that contain potentially hazardous ingredients. Improper disposal of these wastes can pollute the environment and pose a health threat. Household hazardous waste may not be disposed of by pouring them down the drain, on the ground, or into the storm sewers or by putting them in the trash. Household hazardous waste may be disposed

of properly by taking it to the Household Hazardous Waste collection center during normal operating hours.

- G. "Industrial wastes" means and includes all types of solid wastes that result from industrial processes and manufacturing operations. Industrial wastes do not include wastes discharged to the sanitary sewer system.
- H. "Infectious waste" is defined as refuse capable of causing infectious disease; items contaminated with blood, saliva, or other body substances, or those actually or potentially infected with pathogenic material.
- I. "Medical Waste" is defined as "any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals." This definition includes, but is not limited to:
 - 1. blood-soaked bandages
 - 2. culture dishes and other glassware
 - 3. discarded surgical gloves
 - 4. discarded surgical instruments
 - 5. discarded needles used to give shots or draw blood (e.g., medical sharps)
 - 6. cultures, stocks, swabs used to inoculate cultures
 - 7. removed body organs (e.g., tonsils, appendices, limbs)
 - 8. discarded lancets
- J. "Oils" are defined as any mineral, vegetable, or synthetic substance or animal or vegetable fats that are generally slippery, combustible, viscous, liquid or liquefiable at room temperatures, soluble in various organic solvents such as ether but not in water. Common oils include but are not limited to:
 - 1. Petroleum or a petroleum derivative, such as engine oil or lubricants.
 - 2. Oil based paints
 - 3. Cooking oil or fat
 - 4. Fuels such as gasoline or diesel fuel
- K. "Organic waste" means all organic putrescible materials including food, leaves, grass, landscaping prunings, trimmings, branches, stumps, compostable paper including food-soiled paper or cardboard products and other compostable paper. Organic wastes are included within the definitions for garbage and refuse as outlined in this section.
- L. "Putrescible wastes" means and includes wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions, and include materials such as food wastes and offal.
- M. "Recyclable wastes" means residential, commercial or industrial solid waste, which includes but is not limited to clean CRV redeemable cans and containers, clean recyclable plastics, paper and cardboard and other such materials that are determined by the Director to be recyclable and are not soiled or deteriorated. Recyclable wastes do not include treated or painted wood or other materials that are coated with a toxic or non-compostable

substance. Recyclable wastes are included within the definitions for garbage, refuse and rubble, as outlined in this section.

- N. "Refuse" includes organic and inorganic waste, recyclable waste and all other general material waste streams acceptable for collection except rubble (defined below). Refuse does not include Hazardous waste, household hazardous waste, or other non-acceptable material.
- O. "Residential wastes" means and includes all types of domestic refuse which originate in dwelling units.
- P. "Rubbish" means all organic or inorganic materials, not defined herein as garbage or rubble, which are rejected, abandoned or discarded by the owners or producers thereof, as offensive or useless or no longer desired by such owners or producers. These materials include, but are not limited to, corrugated cardboard, paper, wood, rags, used clothing, discarded or abandoned bedding, discarded or abandoned carpets, discarded or abandoned oil cloth and linoleum, sweepings, cuttings, or cleanings from buildings, yards, lawns or gardens, bottles, tin cans or containers which have no food residue, broken crockery and glassware, old metal, wire packing or wrapping materials, ashes, trimmings from lawns, shrubs, plants or trees, rope, twine, jute, bagging or burlap.
- Q. "Rubble" means rocks, concrete, bricks and similar solid material; plaster, dirt and similar abandoned or discarded inorganic, noncombustible, non-putrescible materials; building construction or demolition waste materials; sod.
- R. "Sod" is defined as soil with some type of grass or plant growing in it, cut or dug up from the ground.
- S. "Soil or dirt" is defined as the upper layer of earth in which plants grow, a black or dark brown material typically consisting of a mixture of organic remains, clay, and rock particles; dirt is loose soil.
- T. "Solid Waste" means any waste stream that is not in a completely liquid or gaseous state. Solid waste can contain some liquid, but cannot be in a state where the material may leak or run out of the container it is put in. Residential food waste should be drained of as much liquid as possible before disposing in a container.
- U. "Trash" means organic and inorganic refuse that cannot be recycled, composted, or otherwise reprocessed for beneficial use.

All Other Definitions:

- V. "Automated lift container" means a container with a hinged lid that is designed to be lifted, dumped, and returned by refuse collection vehicles that have a mechanical lifting device.
- W. "Authorized containers": The term refers to the types of containers provided by the City that are authorized to be used for refuse collection within the City. Authorized containers

are 96 gallon or smaller automated lift containers provided by the City for residential refuse collection. The Director must authorize in writing the use of any other type container for residential refuse collection. Refuse set out for collection in any unauthorized or unapproved containers will not be serviced until the refuse is placed in an authorized container for collection.

- X. "Bin" or "automated lift bin" means a metal or composite material 1 to 10 cubic yard container supplied by the city for a rental fee, approved by the Director for the deposit of refuse (loose or compacted) which shall:
1. Have a close-fitting cover for each compartment;
 2. Be leak-proof if carrying wet wastes;
 3. Be free of sharp, rough, or jagged surfaces or edges likely to cause injury;
 4. Uses casters or other means for easy movement (for bins up to four cubic yards in size);
 5. Be designed in a manner to be emptied mechanically.
- Y. "Bundle" means a package containing rubbish only (no liquids), not exceeding four feet in its longest dimension, two feet in diameter nor twenty-five (25) pounds in weight, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage including, but not limited to, the following:
1. Tree limbs;
 2. Brush and prunings;
 3. Magazines and newspapers.
- Z. "Cart" see "automated refuse containers" above
- AA. "City" means the City of Visalia, California.
- BB. "City council" means the city council of the City of Visalia.
- CC. "City manager" means the city manager of the City of Visalia or the manager's authorized deputy, agent, or representative.
- DD. "Commercial Generator" means any commercial or industrial property that generates solid waste, or multi-family dwelling of 5 or more units.
- EE. "Container" see "automated lift container" above.
- FF. "County" means the County of Tulare, California.
- GG. "Customer" means the person in whose name an account for solid waste service is established.
- HH. "Delinquent balance" means fees which are not paid in accordance with the schedule established by the director as required by Section 4044(F). At the time the fees become delinquent, they shall constitute an unrecorded lien against the property.

- II. "Director" or "Public Works Director" means the director(s) of the department(s) responsible for carrying out the provisions of this chapter, the City of Visalia Public Works Department.
- JJ. "Dwelling unit" means a building or portion of a building arranged, intended or designed to be occupied by not more than one family and having facilities for sleeping, eating, cooking and sanitary purposes.
- KK. "Franchised permittee" means a permitted entity that provides roll-off box service for the removal of construction and demolition material, yard waste, or recyclable material within the City of Visalia and is subject to the provisions of Section 130 of this Chapter.
- LL. "Lien" means the delinquent balance of billed fees which may be recorded or unrecorded.
- MM. "May" is permissive.
- NN. "Multiple family dwelling" means a dwelling complex, such as a duplex or apartment, consisting of more than one dwelling unit.
- OO. "Nuisance" means anything which is injurious to health or is offensive to the senses or an obstruction to the free use of property so as to interfere with a person's comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- PP. "Overfull" means filled to a level in excess of the designed capacity. A container shall be deemed overfull when the material therein extends above the lip of the container and/or the lid of the container is unable to close fully.
- QQ. "Person" means any individual, partnership, corporation, association, or any other entity that owns, controls or occupies any property within the city.
- RR. "Property" means each individual residential, commercial or industrial establishment or dwelling unit, as defined by property lines.
- SS. "Roll-off box" means a large (10 cubic yards to 40 cubic yards) metal container approved by the Director for the deposit of refuse or rubble which shall:
1. Be leak-proof if carrying wet wastes;
 2. Be free of sharp, rough, or jagged surfaces or edges likely to cause injury;
 3. Have the ability to be covered with a tarpaulin, lid, or other suitable covering;
 4. Be compatible to be safely lifted onto city roll-off trucks.
- TT. "Shall" is mandatory.
- UU. Standard containers. See "authorized containers."
- VV. "Temporary service" means limited-term service for bins and roll-off boxes which may be requested for a period not to exceed 30 days in any 12-month period, unless authorized by the Director or his or her designee, and except for construction sites or work requiring a

permit where temporary service may be required for longer periods of time or where longer terms are authorized in writing by the Director. (Prior code § 4032)

8.28.030 City Manager Authorization

The city manager is authorized to delegate authority and expend all necessary resources in order to carry out the provisions of this chapter. The city manager and/or his or her designee is also authorized to:

- A. Establish residential and commercial minimum service required to prevent accumulations of refuse and rubble which would lead to a threat to the health and safety of the citizens of the city;
- B. Set policies and standards for efficient and effective refuse and rubble collection and disposal services;
- C. Recommend to the city council revisions to fees and charges for regular service which are needed to insure that all refuse and rubble collection, transport, and disposal costs, both direct and indirect, are met;
- D. Set charges for service not specified in the rates adopted by resolution by the city council;
- E. Enforce the rules and regulations contained in this chapter;
- F. For commercial accommodations or units under this chapter, the Director shall have the authority to establish appropriate service variances in applying this chapter. Such variance shall be at the sole discretion of the Director. (Prior code § 4031)

8.28.040 Garbage Collection Service.

- A. Subscription Required. Any and all person(s) as defined in this chapter in possession or control of all places and premises within the city shall be required to use, and shall pay for refuse and rubble collection and disposal services provided by the city, as found by the Director to be necessary to allow for removal of all refuse and rubble normally created, accumulated or produced on the premises during the intervals between regular collections.
- B. Storage of Refuse. It shall be the duty of every owner of any private dwelling unit, apartment house, flat, commercial or industrial establishment, restaurant, eating house, boarding house, or other building generating garbage as defined in Section 8.28.020 to provide, and at all times to keep within the building or on the lot on which the building is situated, sufficient automatic lift containers, bins and/or roll-off boxes to allow storage of all refuse and rubble normally accumulated on the premises during the intervals between regular collections without spillage, escape of odors, fly breeding, or creation of any nuisance.

1. Owners of any residential, commercial or industrial zoned property shall provide sufficient space on the property to store all permanent service containers, bins or roll-off boxes being used to collect all waste streams generated on the property (temporary service bins or boxes may be stored in an appropriate location on the street during the term of service as defined below in section 8.28.140.D).
 - a. Residential containers shall be stored on the property off the street during non-collection days and in a location where the containers cannot be easily viewed from the public right of way.
 - b. In order to maintain cleanliness, restrict public view, contain waste spillage and restrict access, all bins used for waste collection must be stored on the property in approved enclosure(s) built to City standards, with a minimum of 40' clearance in front of the enclosure to allow direct stab access by the collection trucks. Enough enclosure space shall be allocated to provide a minimum of one 10'-6" (inside dimensions) wide storage area for each waste stream or bin on the property (for example if trash, recyclables and organics are required to be separately collected on the property, three single enclosures or one double enclosure and one single enclosure are required).
 - c. If the City determines it is unfeasible or unsafe to locate the enclosure(s) on the property for direct stab service accessibility, at his or her discretion, the Public Works Director may authorize the execution of a written agreement with the property owner and recorded with the property, to allow the owner or tenant to roll the bin(s) out to the street for collection by 4am on service days and roll them back in after collection. However, all bins are required to be stored on the property in enclosures built to City standards on non-service days.
 - d. Commercial and industrial roll-off box service shall be located on the property so as to provide a minimum of 40' clear space in front of the box or compactor to allow room for the truck to line up and load or unload the box/compactor. Drive path on the property from the public right-of-way to the roll-off box/compactor shall be constructed to withstand the weight of a 56,000 lb. truck.
 - e. Any exceptions to the above requirements must be authorized in writing by the Public Works Director or designee.
2. Owners or tenants of a property shall be responsible to maintain and clean/pick up any spillage or littering of refuse or rubble prior to the container, bin or box being serviced, regardless of who caused the spillage or littering.

3. The city reserves the right to require the exclusive use of city-provided automatic lift containers, bins, and/or roll-off boxes for all regular refuse and rubble collection services provided by the city.
- C. Source Separation Required. All residential, commercial and industrial accounts in the city, except those specifically exempted in this chapter or in writing by the Public Works Director, must source separate their recyclable waste and organic waste, and place each type in a separate container designated for that specific type of collection.
1. Contamination. No person may mix refuse and rubble of one type in a collection container designated for another type, except as otherwise provided in this Chapter. A violation of this section shall constitute an infraction, and result in the contaminated container(s) being left unserviced, with a tag placed on the container describing the violation and why the container was left unserviced and notifying the customer of any actions or fines being assessed. Customer is required to correct the contamination issue prior to the container being serviced. Repeated instances of contamination may result in higher service fees to service the contaminated container.
 2. Curbside Special Program. Residential accounts in good standing are provided three (3) curbside special collections in any given 12-month period. Each curbside special collection may consist of servicing one (1) standard residential container of any type, or up to 10 items or bundles. Loose items or bundles cannot measure more than 48" long on any side, and cannot weigh over 25 pounds. Each loose item must be able to be lifted and carried by one person, and each container or loose item must conform to the content restrictions as listed in section 8.28.060.A.

8.28.050 Minimum Service Requirements

- A. Manner of Subscription and Payment. The owner of the property is ultimately responsible for ensuring each property/dwelling unit owned subscribes to and pays for minimum service as defined in this section. Non-payment by a tenant or lessee for services rendered can be cause for the tenant's account to be closed and sent to collections in the tenant's name, and the property address\account to then be placed in the property owner's name with the property owner receiving the account billing and held responsible for payment going forward. This condition will continue for a minimum of 3 years before the account can again be placed in a tenant or lessee's name for billing and/or payment.
- B. Prior to occupancy, a property owner or tenant must establish appropriate utility service for the property, including solid waste services. Failure to do so is a violation of this chapter. City reserves the right, at the sole discretion of the Director, to establish utility service for the property in either the tenant or property owner's name and to make such service effective as of date of occupancy, as determined by the Director.

- C. Failure of a tenant to establish service prior to occupancy may, at the sole discretion of the Director, result in City establishing utility service for the property in property owner's name, effective as of date of occupancy, as determined by the Director.
- D. Minimum Container Service, single family residential.
1. Prior to January 1, 2019, one split container for trash and recyclable material and one undivided container for organic waste shall be the minimum refuse service for each dwelling unit or each unit of a multiple dwelling unit complex, not to exceed three units, unless authorized by the Director. The Director may authorize or require alternative automatic lift container services to be shared by two units of a multiple dwelling unit complex or mobile home park.
 2. Beginning January 1, 2019, one container for trash, one container for recyclables, and one container for organic wastes shall be the minimum refuse service for each dwelling unit or each unit of a multiple dwelling unit complex, not to exceed three units, unless authorized by the Director. The Director may authorize or require alternative automatic lift container services to be shared by two units of a multiple dwelling unit complex, or mobile home park.
 3. Each business permitted to operate at a residential single family property address (herein referred to as "home business") and that generates waste shall have its own waste service separate from the residential waste service. Home business waste services may be either residential container service or commercial bin service, but in no case shall be less than 1 bin or container (or split bin or container for two waste streams) per waste stream, serviced a minimum of one time per week, as determined by a waste assessment.
 - a. If there is little or no measurable waste generated by the home business as determined by a waste assessment and the customer requests a waiver in writing to the Director, the Director may waive the requirement for waste service for the home business and/or allow the existing residential service to be shared by the residence and the business.
- E. Minimum Service - Commercial, Industrial and Multi Family (4 or more units). Minimum service for all commercial and multi-family units 4 units or more shall be determined by a waste stream assessment conducted with the customer either on site or remotely by City staff. A waste assessment will determine the volume of demand for each waste stream generated on site, and the appropriate bin size and service frequency required to accommodate each of the generated waste streams in order to remove all waste generated on site in a timely manner and not allow waste to accumulate or become a nuisance.

1. In the event a determination is made that the site does not generate enough waste to warrant bin service, or where bin service would be impractical or unfeasible, the Director may grant an exception and allow residential containers to be used for the service, but in no case shall minimum service be less than one (1) residential container for each waste stream generated on site.

F. Frequency of Collection.

1. Service to residential single dwelling units and multiple dwelling unit complexes shall be at the rate of a minimum of one collection per week for each container type (split, greenwaste, trash or recyclable).
 2. Bin or box service to multi-family complexes exceeding 3 units, boarding houses, hotels and motels, restaurants, and all other commercial establishments generating garbage shall be at the rate of a minimum of one collection per week, and bin/box size and service frequency shall be sufficient enough to accommodate the waste streams generated on site, unless otherwise authorized by the Director.
- G. Where a curbside recyclable waste collections program, or other special collection program as authorized by the city is implemented, the Director has the authority to designate some of the collections identified in Section 8.28.040 through Section 8.28.070 to be used exclusively for such a program.
- H. The owners of all premises upon which refuse or rubble is produced or accumulated shall subscribe for service as herein required and shall be given the type and frequency of service, according to the rates set forth by the city council, that will, in the opinion of the Director, cause all refuse and rubble to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises to the detriment of public health and/or convenience.
1. The City reserves the right, upon notice to the primary account owner, to increase the number, bin size and/or frequency of service on an account if it is determined that the current level of service is insufficient to accommodate the waste stream(s) being generated, or if the compactor or box is repeatedly overfull or overweight at current service levels.

8.28.060 Waste Not Accepted by City.

- A. Wastes that will not be collected by the city, except as provided in subsection E, include but may not be limited to the following:
1. Ammunition or other explosive or combustible materials;
 2. Dead animals;

3. Hazardous waste;
4. Hot ashes;
5. Infectious waste;
6. Medical Waste;
7. Oils;
8. Soil or dirt.

B. Certain wastes shall not be collected by the city in automated lift containers, except as provided in subsection E, including . but not be limited to the following:

1. Axles;
2. Brick;
3. Building blocks;
4. Concrete;
5. Heavy machinery parts;
6. Large appliances;
7. Rocks;
8. Soil or dirt;
9. Sod.

These wastes may be placed in an appropriate roll-off box or bin for collection.

C. **Overweight Loads:**

Heavy material placed in bins or roll-off boxes cannot exceed the allowable gross transport weight for the trucks. Overweight bins or boxes will not be serviced until they are reduced to an allowable weight by the customer. Maximum roll-off box weight shall not exceed seven (7) tons. All loads must not exceed established Department of Transportation (DOT) requirements on road weight limits.

D. The city shall not collect hazardous wastes or infectious wastes, either alone or mixed with other matter which would normally be collected, unless the city establishes specific collection services for such wastes that meets all applicable state and federal rules and regulations.

E. Certain waste listed under subsections A and B of this section may be collected as part of special collection services as established by the city.

8.28.070 Disabled Exemption.

Notwithstanding any other provisions of this chapter or any other provisions of the city code to the contrary, an exemption from placing a container at the curb as described in Section 8.28.100C may be made, upon approval of an application to the Director, to certain service users. If approved, a "pack out" service will be provided free of charge, where the operator will roll the

containers out from the house, service them and roll them back (containers cannot be in garages or behind fences). The requester must attest and provide verifiable documentation that:

- A. They are physically unable to place a full waste container at the curb (must provide a doctor's note attesting that individual is physically unable to place refuse containers curbside or roll them back after service), AND
- B. They can demonstrate financial inability to subscribe or pay for assistance in moving a container to the curb, as determined by the current standards for household low income thresholds by the California Alternative Rates for Energy program (CARE). This can be done by providing a copy of the most current year signed IRS tax form or copies of the last three (3) employers pay stubs, AND
- C. There is no other able bodied person living or staying more than 2 hours a day during the week at the address or available that is physically able to place a full waste container curbside.

The Director is authorized to set standards, terms and conditions for said exemptions. The exemption provided for in this section shall be applied for on a form provided by the city and will allow the recipient to receive in-yard service exempt from the applicable curbside "packout" fee as established by resolution of the city council. Customers not qualifying for an exemption but still desiring to have their containers packed out must apply for the service and pay the applicable fee for the service as set forth and approved by City Council in the City's Rates and Fees.

8.28.080 Establishment of Rates, Charges and Fees.

Notwithstanding any provision of this chapter or any other provision in the Municipal Code to the contrary, except as outlined in Section 8.28.030C, the rates, charges and fees for regular service established or provided for in this chapter shall be established by resolution of the city council. Fees for extra or special service shall be set by the Director. (Prior code § 4043)

8.28.090 Ownership/Scavenging of Refuse or Rubble.

- A. All refuse or rubble placed in containers designated for refuse or rubble provided by city or franchised permittee shall be considered owned by and be the responsibility of the city, or franchised permittee. Without permission of the city or franchised permittee, no person shall be allowed to remove waste or materials placed in such a container.
- B. All materials placed in recyclable materials containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a city or franchised permittee's designated point of collection, or in containers as described below on Section 8.28.100.

- C. It shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of any recyclable materials without first registering as a franchisee with the City.
- D. Any person violating any of the provisions of this section or failing to comply with the mandatory requirements of this section shall be guilty of a misdemeanor. At the discretion of the enforcement officer, the violation may alternatively be charged as an infraction or an administrative code violation.

8.28.100 Container Requirements

A. Container--Usage.

1. The city has determined that automatic lift container service will be the regular service for all single dwelling units and multiple dwelling unit complexes (three units or less), except where such service, in the opinion of the Director, is impracticable or not feasible. The Director has the authority to require automatic lift container service at any refuse collection service account within the city, where such designation will benefit the city through more efficient and economic collection services. The city will provide automatic lift containers, unless otherwise authorized by the Director, to all accounts where such service is required.
2. Containers, including automatic lift containers, bins and boxes provided by the city, and container/bin enclosures shall be kept in a sanitary condition by property owners and persons in possession or control thereof.
 - a. Containers, including automatic lift containers, bins and boxes provided by the city shall not be overfilled by the user. A container shall be deemed overfull when the material therein extends above the lip of the container and/or the lid is unable to close fully.
 - b. Overfilled containers may not be serviced if, in the opinion of the solid waste operator, servicing of the container could likely result in solid waste material being spilled to the ground or damage to the waste collection equipment. If an overfilled container was scheduled for collection and it could not be collected due to noncompliance with the provisions of this section, a collection fee shall be charged. The customer must remove any excess material prior to the container being serviced and may call to reschedule service, if required. A fee for additional service shall apply and shall be determined by the Director.
3. Ashes placed in containers, bins or boxes shall be wet down thoroughly by owners at least one day prior to placing them in a container for collection as a protection to city employees and city equipment.

4. Except for foodwaste placed in an organics collection container, bin or box, all wet refuse must be bagged.
5. Any boxes, barrels, packing or wrapping materials, or empty cardboard containers left upon any public street, alley or sidewalk within the city continuously for a period of six hours or more shall be deemed to be abandoned by the owners and constitute rubbish within the meaning of the term as used in this chapter and shall be subject to be collected and disposed of by the city pursuant to the provisions of this chapter. Cost of disposal shall be charged to the owner.
6. The Director may permit containers of different capacity when, in his or her opinion, it is impossible or impracticable, because of location, construction or other physical characteristics of the premises, to comply with the capacity limitations outlined in this chapter; provided further, that in the event the Director so determines, the Director may impose such conditions as he or she may deem necessary to, or convenient upon, the use, location, collection, and physical characteristics of any such containers.
7. It is unlawful to have, store, deposit, or keep any waste where rats or any other disease vector can have access thereto or feed thereon. (Prior code § 4034)

B. Containers--Types.

It is unlawful to keep, place, or deposit garbage on any private grounds or premises whatsoever, except in containers as designated in this section.

1. Automatic Lift Containers.
 - a. Only the city-authorized automatic lift containers may be used in automatic lift container service areas.
2. Bins.
 - a. The city will collect appropriately designed commercial compactor bins which have a capacity not exceeding 40 cubic yards.
 - b. Non-city provided compactor bins must be compatible with city collection equipment and their use must be approved in writing by the Director.
 - c. The city will provide all non-compactor bins with a capacity of two, three, four, six, eight or ten cubic yards for an appropriate rental fee. Additional bin sizes may be available with Director approval. Privately owned or private hauler provided bins are not authorized for any waste stream or service collected by the City.
 - d. Bins, except for six cubic yard and higher capacity bins, must be on rolling casters for easy mobility unless, upon approval of the Director, they are located where city collections equipment can easily access the bins. Bin and enclosure locations shall be as directed by the city.

- e. For collection, the area surrounding the bins, the enclosure and the access path to the bins or enclosures must be cleared of obstacles that may block or impair the ability to service the bins. Bins must not be overfull or overweight. In addition, any access gates that would prevent servicing the bin must be opened, or keys or codes provided to the City. The bin shall be placed such that a minimum of two feet of space is available on all sides.
 - f. If the bin was scheduled for collection and it could not be collected due to noncompliance with the provisions of this section, a collection fee shall be charged. The customer must call to schedule additional service, if required. The fees for additional service shall be determined by the Director.
3. Boxes (Roll-Off).
- a. The city will provide regular collection service to customers who own or rent commercial compactor roll-off boxes compatible with city collection equipment. All boxes not rented from the city must be approved by the Director prior to obtaining service.
 - b. All locations for boxes must be approved by the Director.
 - c. Boxes shall not be filled above the top so that they can be easily tarped. Overfull boxes will not be collected.
 - d. Gross vehicle weight for roll-off trucks cannot exceed 52,000 pounds. The maximum safe load weight (material only) to avoid being overweight is seven (7) tons. Boxes which, when filled, exceed the weight limits for gross vehicle weight and individual axle weights established by the state, will not be collected unless and until the excess material and weight is reduced to a safe legal limit by the customer. Additional fees and charges may be incurred for additional trips and/or service.
 - e. For collection, the area surrounding the box must be cleared of any obstacles that may block the box, and the rear doors of the box must be securely closed. In addition, any gates that would prevent servicing of the box must be opened or a key or gate code provided to the City. A clearance of forty (40) feet is required in front of the box to enable collection.
 - f. If the box was scheduled for collection and it could not be collected due to noncompliance with the provisions of this section, a collection fee shall be charged. The customer must correct the noncompliance and then call to schedule additional service, if required. The fees for additional service shall be determined by the Director.
- C. Placing Containers for Collection

All regular residential container collection will be provided from the curb. Certain commercial bin and roll-off box service may be authorized by the Director to be collected

at other locations. The Director has the authority to determine what sizes of automatic lift containers will be used at any and all locations.

1. Container(s) for receiving garbage, rubbish or waste matter must be placed for collection only in the gutter area of a street, not in alleys, on the sidewalk, on a footpath, or on any other public place and only in accordance with rules and regulations established under this chapter for the collection of same.
2. Unless otherwise specifically provided in this chapter, any person occupying property upon which refuse or rubble is produced shall place the refuse and/or rubble out for collection in an approved or City provided container, bin or roll-off box. Any container(s) placed for curbside collection shall be placed in the gutter so as to minimize interference with traffic.
3. The handles of automatic lift containers shall be placed with the handles away from the truck (toward the sidewalk) for collection. For collection, automatic lift containers shall be within one foot of the curb, two feet from obstructions such as fences, posts and mailboxes, and ten feet from parked cars, boats, trailers, portable sports equipment, and similar obstructions. If there is more than one automatic lift container, then the containers shall be placed at least two feet apart.
4. Containers shall be placed at ground level and shall be located such that they will not be a public nuisance, impede traffic, or be in any degree offensive.
5. Automatic lift container(s), and any other containers as authorized by the Director, shall be placed for collection no earlier than seven p.m. standard time or eight p.m. daylight savings time, the evening prior to the scheduled collection day, and must be available for collection at curbside no later than six a.m. on the day of collection. The container or containers shall be removed from the curb no later than seven p.m. on the day of collection. Bins and roll-off boxes placed curbside for collection (except for temporary service) shall meet the time requirement as authorized above, except that they must be available for collection no later than four a.m. on the day of collection, unless otherwise authorized by the Director. Temporary service bins and roll-off boxes may be left at the curb for the term of service.
6. All bins (except for temporary service), when not placed out for collection, must be kept on the property in appropriate enclosures meeting design specifications issued by the Director, or in locations approved by the Director.
7. It shall be an infraction to have permanent service containers, bins or boxes placed in such a manner that they are easily visible from public right-of-way on days of no scheduled collection. The Director may extend a waiver of this provision upon application from the property owner. A violation of this section shall constitute an infraction. (Prior code § 4036)

8.28.110 Special Collection Services.

The city may establish a separate and special collection service for recyclable wastes, including organic wastes, and establish specific guidelines for such service, which are consistent with the rules and regulations contained within this chapter. The city may also establish or authorize a recyclable waste processing franchise(s) to separate out and process separately collected recyclable wastes.

- A. It is an infraction to place anything other than recyclable materials, as defined by the Director, into recycling collection containers.
- B. Recyclable Material. Unless otherwise provided by contract, recyclable materials, including but not limited to paper, glass, cardboard, plastics, ferrous metal, aluminum, and other waste materials which are segregated for the purpose of recycling and placed in authorized containers at the designated collection location, may not be removed by anyone other than the city or authorized collection agent of the city.
- C. The city may provide special collection services for collection of refuse in excess of amounts normally collected or at a time other than the normal scheduled route, and for special, hard-to-handle, and/or bulky wastes. The fees will be based on the cost of providing the services.
- D. The city may provide refuse and rubble collection service outside the city limits according to service schedules and for fees as prepared by the Director and approved by the city council and the county. (Prior code § 4037)

8.28.120 Special Hauling.

Except as provided in Section 8.28.130 below, any owner of any premises may contract only with the city for special haul service for the removal of refuse or rubble in residential containers or commercial bins or boxes, except construction, demolition, tree trimming and yard maintenance contractors may remove rubble and/or recyclables produced as a result of their contract service if transported in equipment owned by the contractor, and only upon receiving authorization in writing from the Director for removal of construction rubble and recyclables.

- A. In addition to the required minimum refuse services as determined in section 8.28.050 above and provided by the City or its authorized designee, an owner or occupant of any premises may self-haul refuse and rubble generated on their premises to an appropriate county disposal site, another city-designated sanitary fill site, hazardous waste collection site, or organics or recycling collection facility. The owner or occupant is, however, still required to maintain minimum City provided refuse services as defined in section 8.28.050 above, and pay all associated fees for the service as established by the city.

- B. All refuse and rubble hauled by any person (or firm) over public streets in the city shall be securely covered during hauling thereof so as to prevent leakage, spillage, or blowing. No person shall allow refuse or rubble of any kind whatsoever to leak, spill, blow or drop from any vehicle onto any public street within the city. The cost of cleanup associated with any such spillage shall be borne by the owner of the vehicle transporting the material.

8.28.130 Roll-Off Box Franchised Permittee Requirements.

Any owner of any premises may contract with a franchise permittee for removal of construction and demolition and or recyclable materials collected in roll-off boxes or compactors only. Additionally, any provider of construction, demolition and yard maintenance services may contract for roll-off box services with a franchise permittee for removal of construction and demolition and/or recyclables generated as result of their services. The Director may issue a franchise permit to contractors to provide services pursuant to this section subject to the following conditions and limitations:

- A. Franchise Permit. A franchise permit must be acquired before any roll-off bin services can be provided within the city limits. The franchise permit shall be for the duration of one year. It may be renewed annually provided the permit holder has complied with all terms and conditions of this section.
- B. Reporting. All franchise permittees will be required to report quarterly. The report shall include a listing of all boxes in the franchise permittee's inventory by serial number and size, the location of each box in service in the City limits, what type of material the box is collecting, how many times each box has been emptied during the reporting period, and tonnage of each load.
- C. Franchise Fee. All franchise permittees will be required to pay a quarterly franchise fee at the time they submit their quarterly report. The private contractor will pay twenty-five dollars (\$25.00) per roll off box per empty that was placed in service during the reporting period. In January of every year there will be an increase in the franchise fee per empty based on the consumer price index. (U.S. CPI-U) Fees are due to the city by the fifteenth of April, July, October and January.
- D. Franchise Fee Exceptions. There shall be no exceptions granted to the franchise permit and fee requirement, except as granted by the Public Works Director on a case-by-case basis. The franchise fee and franchise permit process shall not apply in instances involving a hauler paying persons or entities to obtain recyclable materials as provided for in this section. The hauler must provide proof of payment to the Public Works Director for each roll off box in service. Without submitting proof of payment for materials collected, the hauler will be presumed to be in violation of the franchise fee requirement.

- E. Inspection. All franchise permittee equipment utilized to perform the services authorized by the franchise permit shall be subject to inspection by the Director or the Director's delegated representative. All such equipment shall meet state regulations and requirements and be inspected as required by such regulations. It shall be maintained in good working order. Such equipment, other inspection reports and maintenance records shall be subject to inspection by the Director or the Director's representative at any time upon reasonable notice.
- F. Roll-Off Boxes. All roll-off boxes utilized to provide the services authorized by the franchise permit shall meet city specifications and be identified with a unique serial number. The city shall be provided all vehicle identification license plate numbers for vehicles used to transport construction, demolition and recyclable waste. Roll-off boxes must be covered while transporting to prevent materials from blowing out along public streets or otherwise escaping from such vehicle.
- G. Proof of Insurance and Business License. The franchise permittee shall provide copies of required vehicle insurance, worker's compensation insurance, comprehensive general liability insurance and evidence of business license.
- H. Record Maintenance. The franchise permittee shall maintain records of all demolition, construction and/or recyclable materials hauled pursuant to the permits granted under this section. Such records shall indicate where such demolition, construction and/or recyclable materials were disposed. Records must be kept for a period of at least five years and shall, upon reasonable request, be made available to the Director or Director's delegated representative for inspection.
- I. Right to Audit. The Director or Director's delegated representative may conduct an audit of the franchise permit holder's records upon reasonable notice. The purpose of such audit will be to determine that the franchise permittee has complied with all the provisions of this section with respect to hauling demolition, construction and/or recyclable materials. Such audit may also be for the purpose whether the franchise permit holder has paid the requisite franchise fees as mandated by the provisions of this section.
- J. City Right to Revoke Franchise Permit. The Director may revoke the franchise permit provided under this section for failure of the franchise permit holder to comply with the terms and conditions of this section or make required franchise fee payments to the city. In the event the Director determines that the franchise permit holder has failed to comply with the terms of this ordinance or to make the requisite franchise fee payments, the Director shall notify the franchise permit holder of his or her intention to revoke the permit in writing at least fifteen (15) days prior to such revocation. The franchise permit holder may request a hearing before the Director to contest the proposed revocation of the permit and present evidence to support his or her position. After the conduct of such hearing the

Director shall make a written finding with respect to the revocation of the franchise permit which determination shall be final. The Director may also determine not to renew a permit if he or she finds that the permit holder has been in violation of the terms and conditions of this section or has failed to pay the franchise fees as required by this section.

- K. Each franchised permittee shall provide information to each of its customers about recycling services as follows:
1. Types of recyclable materials accepted, the location of recycling Containers, and the customer's responsibility to recycle pursuant to this section. This information shall be distributed to all customers annually;
 2. All new customers shall be given information and instructions upon establishment of service with the franchised permittee; and
 3. All customers shall be given new information and instructions upon any change in recycling service.

8.28.140 City Provided Temporary Bin and Roll-Off Box Service

The city may provide temporary bin and roll-off box service for residential accounts or areas upon application for such service, and upon a finding by the Director that regular service would not be appropriate. Temporary service may be authorized for short-term, intermittent refuse and/or rubble collection needs. Temporary service shall not be authorized to replace regular, minimum service.

- A. Length of Service. Except for verified permitted construction projects, temporary bin or roll-off service will not be authorized for a period longer than 30 days within any given 12 month period, unless authorized by the Director or his or her designee. This is to minimize unsightly appearance, opportunity for illegal dumping and/or scavenging and congestion/loss of parking that temporary bins or boxes can cause in a neighborhood.
- B. Priority. Temporary service requests are accepted on a first-call, first-service basis.
- C. Location. Bins provided by the city for temporary service shall be placed for curbside collection no later than four a.m. on the morning of scheduled collection. The bin shall be placed such that a minimum of four feet of space is available on all sides of the bin so the bin may be serviced. The bin shall not be overfull or overweight. If the bin was scheduled for collection and it could not be collected due to noncompliance with the provisions of this section, a minimum collection fee shall be charged to the account of the customer. The customer must correct the noncompliance and then call to reschedule collection service.

- D. Temporary Roll-off Boxes. For collection, the area surrounding the box must be cleared of any obstacles that may block the box, and the rear doors of the box must be securely closed. The box shall not be overfull or overweight. In addition, any gates that would prevent servicing of the box must be opened, or a key or gate code supplied to the City. A clearance of forty (40) feet is needed in front of the box to enable collection. If the box was scheduled for collection and it could not be collected due to noncompliance with the provisions of this section, a minimum collection fee will be charged to the account of the customer. The customer must correct the noncompliance and then call to reschedule collection service. (Prior code § 4039)
- E. Responsibility. It will be the responsibility of the person renting the temporary bin or box to ensure that the container;
1. Does not create an unsightly or unsafe environment around the container in the neighborhood where the container is placed or being used. Complaints from the public about the container or its contents may be cause for the City to remove the container and not allow temporary bin or box rental at that location.
 2. Does not become over full or have rubble or rubbish placed, dropped or scattered around the container. The area around the container shall be kept clean and free of debris at all times.
 3. Is not subject to or available for illegal dumping or scavenging. It will be the responsibility of the person renting the temporary bin or box to properly collect and dispose of any materials illegally dumped, scavenged or scattered in or around the bin or box.

8.28.150 Commercial and Multi-Family Recycling Requirements

- A. Each generator of commercial solid waste or multi-family dwellings of 5 or more units, referred to herein as a “Commercial generator” shall be responsible for ensuring and demonstrating its compliance with the requirements of this section. Nothing in this section shall preclude any person from self-hauling recyclable materials generated by that person to a recycling facility.
- B. Commercial Generator Self-haul. A Commercial generator may transport recyclable materials generated at its business or property to a recycling facility only if the Commercial generator completes its activity by utilizing a vehicle owned by either the Commercial generator or generator’s employee. This self-haul exemption does not include contracting with a third party to transport the recyclable materials except as permitted herein. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The

self-hauling form shall be made available to the Public Works Director or designee upon request. At a minimum, the Commercial generator shall provide the following information on the self-hauling form:

1. The name, address and telephone number of the Commercial generator's representative that will be signing the self-hauling form.
2. A list of the types of recyclable materials that are being transported.
3. For each type of recyclable material, the amount that is being taken from the Commercial generator's business or property to a recycling facility on a quarterly basis.
4. The name and address of the recycling facility.
5. A written statement, signed by the Commercial generator or representative, certifying that the generator is in compliance with the requirements of this Section.
 - a. The Public Works Director or designee may restrict or prohibit self-hauling by a Commercial generator if it is determined that after providing notice and an opportunity for a hearing, the Commercial generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

C. On-site Practices.

1. Each Commercial generator shall use separate and readily identifiable containers to collect and store recyclable materials and shall designate areas to collect and/or store recyclable materials.
 2. Each Commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials are collected and/or stored that specify the materials to be recycled and how to recycle such material.
 3. Each Commercial generator shall notify and instruct employees or tenants in writing of applicable recycling requirements, including outreach and training on what materials are required to be recycled and how to recycle such material. A copy of such instruction or training materials shall be provided to the Public Works Director or designee upon request.
- D. All recyclable materials shall be placed for collection in City provided or approved covered containers. No container shall be loaded beyond its capacity. It shall be the Commercial generator's responsibility to keep the containers used for the storage and collection of recyclable material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance.

No recyclable material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The Public Works Director is specifically authorized to promulgate rules and regulations regarding any and all recyclable material containers including organic containers and as related to the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection and the proper use of containers.

- E. Required Collection of Recyclable Materials. Each commercial generator shall arrange for the collection of recyclable material through one of the following methods:
1. Utilize the recycling services of city; or
 2. Enter into a written service agreement with a franchised permittee or enter into a written service agreement with recycling business that pays the commercial generator for recyclable materials collected and is exempt from city franchise requirements. Should the commercial generator choose to enter into an agreement with a franchised permittee, the commercial generator shall be responsible for verifying that the franchised permittee holds a valid business license with the City and is a permitted franchise hauler within the City limits; or
 3. Self haul recyclable materials generated on site; complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this ordinance or any other applicable law or regulation. A copy of such form shall be available to the Public Works Director upon request.
 4. Each commercial generator entering into a written service agreement with a franchised permittee or self-hauling recyclable materials shall ensure all recyclable materials are source separated.
 5. Recycling service agreements and all other recycling documents shall be available for inspection by the Public Works Director or designee at the principal location of the Commercial generator's business, Commercial facility, special event, or non-residential property during normal business hours.
 6. Each commercial generator shall ensure that recyclable materials generated at the Commercial generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Commercial generators shall not dispose of, or arrange for disposal of recyclable materials by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Public Works Director. Further, all Commercial generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Public Works Director.

F. Commercial and multi-family recycling exemption. The following shall be exempt from the requirements of this section:

1. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
2. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.
3. A Commercial generator shall be exempt from the requirements in this section if the business, commercial facility or non-residential property:
 - a. generates less than 4 cubic yards of commercial solid waste per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount; or
 - b. demonstrates to the Public Works Director that there is no collection service or other system available for such materials; or
 - c. demonstrates to the Public Works Director that there are no recyclable materials being generated by any activities in the Commercial generator's business, commercial facility, or non-residential property; or
 - d. demonstrates, through a site visit required by the Public Works Director, that either:
 - i. There is inadequate storage space for automatic lift Containers, bins or roll-off boxes for recyclable materials on site and that it is infeasible for the commercial generator to share automatic lift Containers, bins or roll-off bins for recyclable materials with a another Commercial generator or an adjoining property; or
 - ii. Compliance with this section will result in a violation of zoning codes or City regulations for minimum parking spaces.
 - iii. If, after reviewing the site, the Public Works Director determines that it is feasible for recycling Containers to be placed either on-site or shared with an adjoining business or property, then the Commercial generator will not be exempted from these requirements and will be responsible for full compliance with this section.

- e. demonstrates to the Public Works Director that there are no viable markets or recycling facilities available, as determined by the Public Works Director or designee.
- G. If the Commercial generator seeks an exemption, an application for such exemption shall be submitted in writing to the Public Works Director. After reviewing the exemption request, and after an on-site review, if applicable, the Public Works Director may either approve or disapprove the exemption request.
- H. A violation of this section shall constitute an infraction.

8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements

Each generator of commercial solid waste or multi-family dwellings of 5 or more units, referred to herein as a "Commercial generator" shall be responsible for ensuring and demonstrating its compliance with the requirements of this section. Nothing in this chapter shall preclude any person from self-hauling organic waste generated by that person to an organic waste or compost facility.

Commercial generator self-haul. A generator may transport organic waste generated at its business or property to an organic waste recycling facility only if the Commercial generator completes its activity by utilizing a vehicle owned by either the generator or generator's employee. This self-haul exemption does not include contracting with a third party to transport the organic waste. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this section or any other applicable law or regulation. The self-hauling form shall be made available to the Public Works Director or designee upon request. At a minimum, the Commercial generator shall provide the following information on the self-hauling form:

- A. The name, address and telephone number of the Commercial generator's representative that will be signing the self-hauling form.
 - 1. A list of the types of organic waste that are being transported.
 - 2. For each type of organic waste, the amount that is being taken from the Commercial generator's business or property to an organic waste facility on a quarterly basis.
 - 3. The name and address of the recycling facility.
 - 4. A written statement, signed by the Commercial generator or representative, certifying that the generator is in compliance with the requirements of this Section.

- B. The Public Works Director may restrict or prohibit self-hauling by a Commercial generator if the Public Works Director determines, after providing notice and an opportunity for a hearing, that the Commercial generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.
- C. On-site Practices.
1. Each Commercial generator shall use containers to collect and store organic waste and shall designate areas to collect and/or store organic waste.
 2. Each Commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where organic waste are collected and/or stored that specify the materials to be recycled and how to recycle such material.
 3. Each Commercial generator shall notify and instruct employees or tenants in writing of applicable recycling requirements, including outreach and training on what materials are required to be recycled and how to recycle such material. A copy of such instruction or training materials shall be provided to the Public Works Director or designee upon request.
- D. All organic waste shall be placed for collection in City provided or approved covered containers. No container shall be loaded beyond 2/3 full to prevent spillage during servicing. It shall be the Commercial generator's responsibility to keep the containers used for the storage and collection of organic waste generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No organic waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The Public Works Director is specifically authorized to promulgate rules and regulations regarding any and all organic waste containers including as related to the organic waste to be placed therein, the placement and maximum weight of high-density materials for Collection and the proper use of Containers.
- E. Required collection of organic waste.
1. Each commercial generator shall arrange for the collection of organic waste through one of the following methods:
 - a. Utilize the recycling services of city; or
 - b. Enter into a written service agreement with a franchised permittee. Should the Commercial generator chose to enter into an agreement with a franchised permittee, the Commercial generator shall be responsible for verifying that the franchised

permittee holds a valid business license with the City and is in compliance with this ordinance; or

- c. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this ordinance or any other applicable law or regulation. A copy of such form shall be provided and made available to the Public Works Director upon request.
 2. Each Commercial generator entering into a written service agreement with a franchised permittee or self-hauling organic waste shall ensure all organic waste is source separated and contamination kept to a minimum.
 3. Any recycling service agreement and other recycling documents shall be available for inspection by the Public Works Director or designee at the principal location of the Commercial generator's business, commercial facility, special event, or non-residential property during normal business hours.
 4. Each Commercial generator shall ensure that organic waste generated at the Commercial generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Commercial generators shall not dispose of, or arrange for disposal of organic waste by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Public Works Director. Further, all Commercial generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Public Works Director.
- F. Commercial and Multi-Family Organic Waste Recycling Exemption. The following shall be exempt from the requirements of this section:
1. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting organic waste produced by operation or system of the entities described above.
 2. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the Collection, transportation or disposal of organic waste within the boundaries of the City.
 3. Prior to January 1, 2019, a business, Commercial facility or non-residential property generating less than 4 cubic yards of organic waste per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount.

4. On or after January 1, 2019, a business, Commercial facility or non-residential property generating less than 4 cubic yards of total refuse per week. This exemption does not apply to special events unless the Commercial generator demonstrates to the Public Works Director that the event will produce less than the threshold amount.
 5. A Commercial generator may not be required to source separate organic waste if:
 - a. the Commercial generator demonstrates to the Public Works Director that there is no collection service or other system available for such materials; or
 - b. the Commercial generator demonstrates to the Public Works Director there is no organic waste being generated by any activities in the Commercial generator's business, commercial facility, or non-residential property; or.
 - c. there are no viable markets or recycling facilities available, as determined by the Public Works Director.
 - d. it is determined through a site visit conducted by the Public Works Director or designee, that either:
 - i. There is inadequate storage space for automatic lift containers, bins or roll-off bins for organic waste on site and that it is infeasible for the Commercial generator to share automatic lift containers, bins or roll-off bins for organic waste with a Commercial generator or an adjoining property; or
 - ii. Compliance with this section will result in a violation of zoning codes or City regulations for minimum parking spaces.
 - iii. If, after reviewing the site, the City Manager determines that it is feasible for recycling containers to be placed either on-site or shared with an adjoining business or property, then the Commercial generator will not be exempted from these requirements and will be responsible for full compliance with this section.
- G. If the Commercial generator seeks an exemption, an application for such exemption shall be submitted on a form prescribed by the City Manager. After reviewing the exemption request, and after an on-site review, if applicable, the Public Works Director may either approve or disapprove the exemption request.
- H. A violation of this section shall constitute an infraction.

8.28.170 Administration.

The administration of this chapter is the responsibility of the Public Works Director or his or her designee. The Director shall have the authority to establish rules and regulations required to enforce or carry out the provisions of this chapter. The Director, any of his or her staff authorized by the Director, and such other persons as may be authorized by the Public Works Director are authorized to enter any restaurant, hotel or other public place, or yard or out building to determine compliance with the provisions of this chapter. (Prior code § 4042)

8.28.180 Fee collection.

- A. Billing for refuse disposal service, and payment thereof, shall be to and by the person residing at a location or to the owner of the property as stated in section 8.28.050 if a tenant does not pay. City may require proof of residency prior to opening account and may require a deposit prior to service. Deposit fees must be set and adopted by the Visalia City Council. Upon written application by the property owner of tenant-occupied property, billing and payment may be to and by each property owner.
- B. The date charges for service begin to accrue for refuse service is the date occupancy begins, or the date the bill is transferred to the owner, or the date utility service is activated in occupant's name, whichever is earliest.
- C. If a prepayment or deposit is collected but not entirely used for service, the city may automatically prepare a refund; however, it shall be the responsibility of the billing party to apply for the refund.
- D. Service charges shall be calculated on a monthly basis. Service missed as a result of non-compliance with this chapter can be rescheduled for a fee. Service missed as a result of an error by the city can be rescheduled by the customer; however, the monthly service charge will not be adjusted.
- E. Schedules for billing, payment due dates and delinquency schedules shall be determined by the Director. The schedule shall allow at least fifteen (15) days for payment prior to considering the unpaid balance delinquent.
- F. At the discretion of the city, service on accounts may be stopped or reduced to a minimum as a result of delinquency. The total due on all accounts under the control of the party and a restart fee may be required prior to reinstatement of the necessary or desired service level.
- G. Fees for service may be billed through more than one account on more than one billing system. Balances for each property or each billing period may be transferred within the city billing systems to ensure collections, or to minimize the service and administration costs of billing.

- H. The city may, at the Director's sole discretion, approve of a temporary suspension in residential service if the residential property will be vacant for a period of not less than three months. A written application for a temporary suspension of residential service must be submitted by the property owner or tenant a minimum of ten working days prior to the effective date of the suspension. Upon approval, all City containers at the property will be removed on the effective date of the suspension and utility service will be terminated for the duration of the temporary suspension. Customer is responsible for all fees accruing to the account prior to the effective date of the temporary suspension of service, without regard to whether the property was occupied prior to the effective date. The Director shall have the authority to establish a fee for the cost of removal and delivery of containers associated with a suspension of service. No temporary suspension of service is established for commercial or industrial businesses. (Ord. 2000-18 §§ 1 (part), 2 (part), 2000: Ord. 9615 § 2, 1996; prior code § 4044)

8.28.190 Late charges.

For refuse collection and disposal service charges, as defined in Section 8.28.080, remaining unpaid balances, which are deemed delinquent according to the schedule defined in Section E, there may be added and collected herewith a late charge as set by resolution of the City Council, and any such unpaid charge, together with the late charge shall bear interest at the rate as set by resolution of the City Council until paid. (Ord. 2000-18 §§ 1 (part), 2 (part), 2000: prior code § 4045)

8.28.200 Delinquent Fee and Late Charge Collection.

- A. At the time the fees for owner-occupied property become delinquent, or fees for properties that are not owner-occupied but are being billed to the owner become delinquent until such time as they are fully paid, the delinquent account balance, including late charges, shall constitute an unrecorded lien against the property and, as such, may be identified during a title search. For commercial businesses, delinquent account balances, including late charges, may be considered an unrecorded lien against the business name and/or owner of the business.
- B. Once a year, the City Council may cause to be prepared a report of delinquent fees including late charges. The Council shall fix a time, date and place for hearing the report and receive any objections or protests thereto.
- C. The Council shall cause notice of hearing to be mailed to the landowners listed on the report not less than ten days prior to the date of the hearing.
- D. At a hearing the Council shall hear any objections or protests of landowners liable to be assessed for delinquent fees, including late charges and administrative fees, as set by

resolution of the City Council. The Council may make revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

1. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees including late charges.
 2. A certified copy of the confirmed report shall be filed with the county auditor for the amounts or the respective assessments against the respective parcels of land as they appear on the current assessment roll.
 3. The lien(s) created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation.
 4. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes.
 5. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment; except, that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection and recorded in the name of the prior property owner following city policies and procedures.
- E. In addition to, or in lieu of other collection processes, delinquent balances may be processed through a collection bureau.
- F. In addition or in the alternative, and at the option of the city, the city may file a civil action for the collection of any amounts due and unpaid. This remedy shall be cumulative and in addition to the remedy of means of enforcing payment of the sum required to be paid by this chapter stated in subsection 8.28.180A through subsection F of this section. (Ord. 2000-18 §§ 1 (part), 2 (part), 2000: prior code § 4046)

8.28.210 Restrictions.

- A. It is a misdemeanor for any person to bury refuse at any place within the city, or to keep, place or deposit refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied or under possession and control of such person; provided, however, that lawn and garden trimmings may be composted.
- B. It is an infraction to create, cause or add to any refuse accumulation not placed for regular or special collection, or to cause the attraction or collection of insects or rodents.
- C. It is an infraction to use more service, or cause the city to provide more service than is subscribed to.
- D. It is an infraction for any person to burn garbage or rubbish at any time within the city.
- E. It is a misdemeanor to deposit refuse or rubble into containers, bins, or roll-off boxes which are not assigned to the property at which the refuse or rubble is generated.
- F. It is a misdemeanor to deposit or use refuse for lot filling or leveling purposes.
- G. It is an infraction for any person, firm, corporation or association to permit any manure to accumulate on premises under his, her, or its control in such manner or such extent as to give rise to fly breeding conditions or objectionable odors upon any public highway, street or alley or upon any premises within the city.
- H. It is a misdemeanor for any person, firm, corporation or association or any agent or employee thereof, to hinder, threaten, impede or obstruct any City refuse collector in the performance of their duty as defined in this chapter.
- I. It is an infraction for any persons, other than the city or the city's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the city.
- J. It is a misdemeanor for any person to collect refuse, waste paper refuse, or rubble within the city or transport same through the streets, alleys, and public ways in the city unless such person has been authorized in writing to do so by contract or otherwise by the Director or by state law. Nothing herein shall be construed to prohibit any person from hauling refuse, waste paper refuse, or rubble which has been produced on the premises actually occupied by the persons in his/her own vehicle, by himself/herself or an employee, or as outlined in Section 8.28.120. This provision does not apply to voluntary or charitable efforts to collect refuse or rubble for the benefit of the community.

- K. It is an infraction to place anything other than the specific recyclable material types, as defined by the Director, into source separating recycling collection containers, bins or boxes, including organic collection containers.
- L. It is a misdemeanor to dispose of any waste prohibited in Section 8.28.060 into city collection containers, bins or boxes. It is the responsibility of the property owner to dispose of such waste properly. If prohibited waste is included in any city authorized automatic lift container, bin or box, it shall be deemed contaminated and shall not be collected. It shall be the responsibility of the property owner to properly dispose of the waste in containers, boxes or bins deemed contaminated. If an authorized container, automatic lift container, bin or box, including prohibited wastes is inadvertently collected by the city, at the time the city identifies the prohibited wastes, the city shall identify where the prohibited waste originated. The entire truck load shall be considered contaminated. It shall be the responsibility of the property owner and generator who disposed of the prohibited waste to properly dispose of the entire contaminated load of refuse and rubble and to cover any related costs including, but not limited to, ensuring that equipment that was in contact with the prohibited waste is safe and decontaminated.
- M. It shall be an infraction to mix refuse and rubble of one type in a collection container designated for another type, except as otherwise provided in this Chapter
- N. Any other violation of this chapter shall be an infraction unless specifically noted and in the alternative may be prosecuted as an administrative code violation of the Visalia Municipal Code. (Prior code § 4040)

8.28.220 Enforcement.

This chapter shall be enforced as a health and safety measure to prevent the nuisances of refuse accumulations and disposition, including odors, insect or rodent attractions, smoke problems or odor problems. The city council finds that each and all of the above specified conditions constitute a public nuisance, and are unlawful, in violation of this chapter, and subject to immediate abatement by any officer of this city. Any costs associated with enforcement and abatement which the city incurs may be charged to the offending party or property owner for reimbursement. Criminal penalties for violations are described below. Alternatively, in its sole discretion, the city may take enforcement action pursuant to the administrative code procedure described in Chapters 1.12 and 1.13 of the Visalia Municipal Code.

- A. Any person convicted of a misdemeanor under this Article shall be punished by:
 - 1. A fine not to exceed five hundred dollars (\$500.00) and/or thirty (30) days in the county jail for a first violation;

2. A fine not exceeding one thousand dollars (\$1,000.00) and/or ninety (90) days in the county jail for a second violation of this chapter within one year; and
 3. A fine not exceeding one thousand dollars (\$1,000) and/or six months in the county jail for each additional violation of this chapter within one year. Each day that a violation continues shall be regarded as a new and separate offense.
- B. Any person convicted of any infraction of this chapter shall be punished by:
1. A fine not exceeding fifty dollars (\$50.00) for a first violation;
 2. A fine not exceeding one hundred dollars (\$100.00) for the second violation of this chapter within one year; and
 3. A fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of this chapter within one year. Each day a violation continues shall be regarded as a new and separate offense. (Prior code § 4041)

ORDINANCE NO. 2022-05

**AN ORDINANCE OF THE CITY COUNCIL UPDATING CHAPTER
8.28.150 and 8.28.160 OF THE VISALIA MUNICIPAL CODE
PERTAINING TO GARBAGE AND RECYCLING COLLECTION SERVICES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1 – Preamble and Findings. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City Council of the City of Visalia hereby makes the following findings

A. State Assembly Bills, (AB) 341 and (AB) 1826 apply and mandate source separation, collection, and disposal of recyclables (including organics) for commercial and multi-family properties disposed of at sites other than in landfills and require local agencies to establish compliance and enforcement policies. The threshold that exists in the current ordinance needs to be updated to two yards instead of four yards of generated rubbish per week.

B. State Senate Bill (SB) 1383 requires that jurisdictions enforce on other entities, the requirement for generators to participate in organic waste collection programs.

C. The current City Garbage ordinance 8.28 contains outdated or missing information in sections that do not meet these new mandated recycling and organics collection measures.

SECTION 2 – Revisions to Municipal Code Chapter 8.28. All sections in Visalia Municipal Code 8.28 have been modified as described below. Chapter 8.28 of the Visalia Municipal Code is hereby revised with the following section changes and additions listed below and a copy of the revised Chapter 8.28 is attached hereto and made a part hereof by reference:

Current List of Sections Modified	New List of Sections
8.28.150 Mandatory Commercial and Multi-Family Recycling Requirements (AB 341)	8.28.150 Mandatory Commercial and Multi-Family Recycling Requirements (AB 341)
8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)	8.28.160 Mandatory Commercial and Multi-Family Organic Recycling Requirements (AB 1826)

SECTION 3 – Effective Date. This ordinance shall take effect thirty (30) days from the date of adoption.

SECTION 4 – Severance. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

PASSED AND ADOPTED: April 4, 2022


STEVE NELSEN, MAYOR

ATTEST:



LESLIE B. CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY



STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2022-05 passed and adopted by the Council of the City of Visalia at a regular meeting held on April 4, 2022 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: 3/14/23

LESLIE B. CAVIGLIA, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk

ORDINANCE NO. 2022-07

**AN ORDINANCE OF THE CITY COUNCIL
AMENDING CHAPTER 8.28 OF THE VISALIA MUNICIPAL CODE
PERTAINING TO EDIBLE FOOD GENERATORS AND FOOD RECOVERY ORGANIZATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1 – Preamble and Findings. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City Council of the City of Visalia hereby makes the following findings

- A. State Senate Bill (SB) 1383 requires that jurisdictions ensure that Tier 1 food generators, which include large (more than 10,000 square feet) grocery stores, food distributors, wholesale food vendors, and Tier 2 food generators, which include large (5,000 or more square feet) restaurants, large hotels, education agencies with on-site food facilities, have contracts with edible food recovery organizations.
- B. The current City Garbage ordinance 8.28 needs updates to definitions in relation to State Senate Bill (SB) 1383 language.

SECTION 2 – Revisions to Municipal Code Chapter 8.28. Chapter 8.28 of the Visalia Municipal Code is hereby revised with the following section changes and additions described below, a copy of the amended sections of Chapter 8.28 is attached hereto, with added language in italics and deleted language in strikeout, and made a part hereof by reference:

8.28.020 Definitions (additional definitions added)

8.28.161 Requirements for Commercial Food Generators (new section added)

8.28.162 Requirements for Food Recovery Organizations (new section added)


SECTION 3 – Effective Date. This ordinance shall take effect thirty (30) days from the date of adoption.

SECTION 4 – Severance. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

PASSED AND ADOPTED: September 19, 2022

STEVE NELSEN, MAYOR

ATTEST:



LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY



STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2022-07 passed and adopted by the Council of the City of Visalia at a regular meeting held on September 19, 2022 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: 3/14/23

LESLIE CAVIGLIA, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk