

## Title 8

### HEALTH AND SAFETY

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#### Chapter 8.04

### FIREWORKS

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#### 8.04.010 Authority.

The provisions of this chapter are enacted pursuant to the authority set forth in the State Fireworks Law and particularly in the provisions of Sections 12600 through 12609 of the Health and Safety Code of the state. All definitions therein set forth are adopted. References to all or any portion of the State Fireworks Law refer to such law as amended and as in effect at any given time. (Prior code  $\beta$  4-3.201)

#### 8.04.020 Permits--Required--Exceptions.

A. Required. It is unlawful for any person to do any of the following without securing a permit from the fire chief:

1. Manufacture, import, export, possess or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wildlife control;
2. Discharge dangerous fireworks at any place;
3. Make a public display of fireworks; and
4. Transport fireworks, except as a public carrier.

B. Exceptions. The provisions of this section shall not apply to the transportation of safe and sane fireworks by retail licensees or to any purchase at retail or to the use of safe and sane fireworks; nor shall such provisions apply to purchases at retail or to the use of automobile, marine and aircraft signal flares. (Prior code  $\beta$  4-3.202)

8.04.030 Permits--Applications--Filing.

Any adult person or other group desiring to do any act set forth in Section 8.04.020 of this chapter shall first make a written application for a permit to the fire chief. Applications for such permits shall be made in writing at least thirty (30) days in advance of any proposed fireworks display. (Prior code  $\beta$  4-3.203)

8.04.040 Permits--Applications--Investigations.

The fire chief shall promptly investigate and submit a report of his or her findings and recommendations for or against the issuance of the permits required by the provisions of this chapter, together with his or her reasons therefor, to the council. In making his or her investigations, reports and recommendations, the fire chief shall be guided by those factors which, in his or her experience, he or she has learned materially affect the safety of the citizens of the city and the safety of their property. He or she may also consider the past history of any applicant or the lack of the applicant's experience with fireworks in the city, his or her safety record and any facts related to the applicant's ability to work with the fire department and police department. The fire chief may also consider whether or not the applicant is a charitable, benevolent or patriotic nonprofit organization. (Prior code  $\beta$  4-3.204)

8.04.050 Permits--Granting--Denial.

The council shall have the power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as the council shall prescribe. (Prior code  $\beta$  4-3.205)

8.04.060 Permits--Compliance conditions.

Compliance with the provisions of Sections 12604, 12606, 12608 and 12609 of the Health and Safety Code of the state shall be conditions precedent to the issuance of a permit pursuant to the provisions of this chapter. (Prior code  $\beta$  4-3.206)

8.04.070 Permits--Displays--Granting--Denial.

If the application is for a permit for a public display of fireworks, the fire chief shall make the investigation and grant or deny the application either conditionally or absolutely in accordance with the provisions of Section 12605 of the Health and Safety Code of the state. (Prior code  $\beta$  4-3.207)

8.04.080 Permits--Limitations.

In granting or denying any application for a permit pursuant to the provisions of this chapter, the council or the fire chief, as the case may be, may limit the number of permits granted to any number which is found to be a

suitable number of permits which will give the maximum effective control by the public safety departments of the city, taking into consideration the inherently dangerous nature of fireworks and the resultant serious dangers to persons and property likely or possibly resulting from insufficient control and the supervision of their sale and use. (Prior code  $\beta$  4-3.208)

8.04.090 Sales and displays--License fees.

The sale or display of fireworks is declared to be a business upon which there is fixed, for revenue purposes, a license fee of two hundred fifty dollars (\$250.00) for the portion of any calendar year in which the licensee is granted a permit for that purpose. (Prior code  $\beta$  4-3.209)

8.04.100 Sale and discharge prohibited.

The sale and discharge of "safe and sane" fireworks is prohibited within the city limits. (Prior code  $\beta$  4-3.210)

Chapter 8.08

LITTER

Sections:

- 8.08.010 Short title.
- 8.08.020 Definitions.
- 8.08.030 Littering prohibited.
- 8.08.040 Placement of litter in receptacles to prevent scattering.
- 8.08.050 Duty to keep public places free of litter.
- 8.08.060 Clearing of litter from private premises and adjacent public places by the city.
- 8.08.070 Litter thrown by persons in vehicles.
- 8.08.080 Placing commercial and noncommercial handbills on vehicles.
- 8.08.090 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
- 8.08.100 Distributing handbills on posted property.
- 8.08.110 Distributing commercial and noncommercial handbills to inhabited private premises.
- 8.08.120 Posting notices prohibited.
- 8.08.130 Alternative procedure.

8.08.010 Short title.

This chapter shall be known and may be cited as the "city of Colfax anti-litter law." (Prior code  $\beta$  5-9.01)

8.08.020 Definitions.

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

"Authorized private receptacle" means an approved refuse container as required and authorized by Chapter 8.20 of this title relating to garbage and rubbish.

"City" means the city of Colfax.

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature:

1. Which advertises for sale any merchandise, product, commodity or thing; or
2. Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
3. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefits and gain of any person so engaged as advertiser or distributor.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Litter" means garbage, refuse and rubbish as defined in this section and all other materials which, if thrown, deposited or allowed to accumulate as prohibited by this chapter, tend to create a danger to the public health, safety and welfare and which are not within a receptacle provided therefor.

"Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statutes or regulations and any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

"Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions of a commercial handbill or newspaper as set forth in this section.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private premises" means any private property, together with any structure thereon, whether inhabited or temporarily or continuously uninhabited or vacant, including the yard, grounds, walks, driveway, porch, steps, vestibule or entryway thereof and any off-street parking area.

"Public place" means any and all public streets, sidewalks, gutters, boulevards, alleys or other public rights-of-way and any and all public parks, squares, spaces, grounds and buildings.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, paper, wrappings,

cardboard, tin cans, yard clippings, leaves, dirt (other than the natural soil in place), wood, glass, bedding, crockery, abandoned, dismantled or no longer used automobiles, junk, worthless and useless articles which are in such a state or such a quantity as to be unsightly against the general welfare, unhealthful, dangerous to persons or property or so as to interfere with the abatement of weeds and similar materials.

"Sidewalk" means the paved or unpaved, planted or unplanted, area maintained between the property line and the curb line or the edge of the surfaced roadway and shall include a driveway, curbing, bulkhead, retaining wall and other works for the protection of any sidewalk or parking located in any public street, way or thoroughfare within the city.

"Vehicle" means every device upon or by which any person shall or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Prior code § 5-9.02)

#### 8.08.030 Littering prohibited.

No person shall throw, deposit or accumulate litter in or upon any public place or private premises, as defined in Section 8.08.020 of this chapter, within the city, except for collection or at a city dump or except while such person is temporarily engaged in clearing such public place or private premises of litter and improving such public place or private premises. No person shall deposit or cause to be deposited in any city-owned receptacle located in a public place the garbage or litter which was accumulated in the residence or place of business occupied by such person. (Amended during 2004 codification; prior code § 5-9.03)

#### 8.08.040 Placement of litter in receptacles to prevent scattering.

Persons placing litter in authorized public or private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any public place or private premises. (Prior code § 5-9.04)

#### 8.08.050 Duty to keep public places free of litter.

Persons owning or occupying private premises within the city shall keep the public places abutting or adjacent to such premises free of litter, except while such person is temporarily engaged in clearing the public place or private premises. No person owning, occupying or controlling private premises shall sweep into or deposit in any public place within the city the accumulation of litter from any private premises or public place, except for the collection thereof when properly authorized by the city. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or flat or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalks in front of their business premises free of litter. (Prior code § 5-9.05)

#### 8.08.060 Clearing of litter from private premises and adjacent public places by the city.

A. Notices to Remove. The city engineer and director of public works are authorized and empowered to notify the owner, his or her agent or person in control of any private premises within the city to dispose of litter on such premises or upon the public places abutting or adjacent to such premises. Such notice shall be given by posting private premises and by certified mail addressed to such owner, his or her agent or such other person at his or her last known address or by personal service on the owner, agent, person in control or occupant of such property.

B. Contents of Notices. The notice shall describe the work to be done and shall state that if the work is not commenced within five days after the receipt of the notice and diligently prosecuted to completion without interruption, the director of public works shall dispose of the litter and the cost thereof shall be a lien on the property. The notice shall be substantially in the following form:

Notice to Remove Litter

The owner of the property described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
commonly known as

\_\_\_\_\_ is hereby ordered to properly dispose of the litter located on said property, to wit,

\_\_\_\_\_ within five (5) days from the date hereof. If the disposal of the litter herein indicated is not commenced and diligently prosecuted to completion within the time fixed herein, the Director of Public Works of the City of Colfax shall cause such disposal to be done and the cost thereof, including any incidental expenses, will be made a lien upon the property pursuant to the provisions of Chapter 8.08 of the Colfax Municipal Code.

Estimated Cost of Disposal:

\$ \_\_\_\_\_

Dated: \_\_\_\_\_

C. Director of Public Works to Keep Records. The director of public works shall cause to be kept in his or her office a permanent record containing:

1. A description of each parcel of property for which notice to dispose of litter has been given;
2. The name of the owner, if known;
3. The date on which such notice was mailed and posted;
4. The charges incurred by the city in disposing of the litter and all incidental expenses in connection therewith; and
5. A brief summary of the work performed.

Each such entry shall be made as soon as practicable after the completion of such work.

D. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of the litter within five days after notice has been given as provided in this section or within ten (10) days after the date of mailing such notice in the event the Post Office Department is unable to make delivery thereof provided the notice was properly addressed to the last known address of such owner or agent, the director of public works is authorized and empowered to pay for the disposal of such litter out of city funds or to order its disposal by city forces. The director of public works and his or her authorized representatives, including any contractor with whom he or she contracts for the work and the assistants, employees and agent of such contractor, are authorized to enter upon such property for the purpose of disposing of the litter described in the notice. Before the director of public works or contractor arrives, any property owner may dispose of the litter at his or her own expense.

E. Charges to Owners. Where the city has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of seven percent per year after the date of the completion of the work, shall be charged to the owner of such property and the owner or his or her agent shall be billed therefor or by mail if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill will result in a lien.

F. Recorded Statements Constitute Liens. Where the full amount due the city is not paid by such owner within thirty (30) days after the date of such billing by the director of public works, he or she shall cause to be recorded with the director of finance a sworn or certified statement showing the costs and expenses incurred for the work, the date the work was done and the location of the property on which such litter disposal work was done. The recordation of such sworn or certified statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be subject to a delinquency penalty of ten (10) percent in the event they are not paid in full on or before the date the amount due becomes a lien. Sworn or certified statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest and costs, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The director of finance shall record such lien with the county recorder. The remedy provided in this section shall not constitute an election of remedies by the city. (Amended during 2004 codification; prior code  $\beta$  5-9.06)

8.08.070 Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. (Prior code  $\beta$  5-9.07)

8.08.080 Placing commercial and noncommercial handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Prior code  $\beta$  5-9.09)

8.08.090 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Prior code  $\beta$  5-9.10)

8.08.100 Distributing handbills on posted property.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or have any such handbills left upon such premises. (Prior code  $\beta$  5-9.11)

8.08.110 Distributing commercial and noncommercial handbills to inhabited private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, in case of inhabited private premises which are not posted as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal laws or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined in Section 8.08.020 of this chapter,) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Prior code  $\beta$  5-9.12)

8.08.120 Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, shade tree or upon any public structure or building, except as may be authorized or required by law. (Prior code  $\beta$  5-9.13)

8.08.130 Alternative procedure.

The procedures established by this chapter are alternative and cumulative to any other procedure allowed by law for the accomplishment of the objectives of this chapter. (Prior code β 5-9.14)

## Chapter 8.12

### MUNICIPAL DUMP

#### Sections:

8.12.010 Prohibited acts.

8.12.020 Exceptions.

8.12.010 Prohibited acts.

Except as otherwise provided in Section 8.12.020 of this chapter, no person shall fire or discharge any gun, rifle, pistol, firearm, air rifle, gas gun or BB gun, explode any rocket, firecracker, Roman candle, torpedo, blank cartridge or other combustible device or explosive substance, ignite or cause to be ignited any flammable materials or smoke any cigarette, cigar or pipe within the Colfax municipal dump. (Prior code β 4-3.301)

8.12.020 Exceptions.

The provisions of Section 8.12.010 of this chapter relating to the use of firearms shall not apply to peace officers in the discharge of their official duties, nor shall the provisions of Section 8.12.010 of this chapter relating to the burning of flammable materials apply to the duly constituted custodian of the Colfax municipal dump in the course of his or her employment nor to the members of the fire department under conditions of controlled burning. (Prior code β 4-3.302)

## Chapter 8.16

### NUISANCES

#### Article I

##### Nuisances Generally

#### Sections:

8.16.010 Purpose and intent.

8.16.020 Definition of nuisance.

8.16.030 Nuisances declared.

8.16.040 Nuisance abatement.

#### Article II

##### Abatement Procedure

#### Sections:

- 8.16.050 Abatement--Notification.
- 8.16.060 Abatement--Administrative hearing.
- 8.16.070 Notice of hearing.
- 8.16.080 Administrative hearing by city manager.
- 8.16.090 Procedure--No appeal.
- 8.16.100 Appeal procedure --Hearing.
- 8.16.110 Council decision.
- 8.16.120 Service of order to abate.
- 8.16.130 Hearing procedure before city manager and council.
- 8.16.140 Abatement by city.
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- 8.16.160 Demolition.
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### Article III

#### Lien Procedure

##### Sections:

- 8.16.180 Record of costs of abatement.
- 8.16.190 Assessment lien.

### Article IV

#### Miscellaneous

##### Sections:

- 8.16.200 Appropriate actions.
- 8.16.210 Summary abatement.
- 8.16.220 Burning permits--Required.

### Article I

#### Nuisances Generally

- 8.16.010 Purpose and intent.

The purpose of this chapter is to preserve locally recognized values of community appearance to safeguard and enhance property values in residential, commercial and industrial areas. The intent of this chapter is to protect public investment in the character of public thoroughfares; to aid in the attraction of tourists and other visitors who are important to the economy of the city; to reduce hazards to motorists and pedestrians traveling on the public way; and to thereby promote the public health, safety and welfare. (Ord. 454 (part), 1999: prior code § 9-4.101 (part))

- 8.16.020 Definition of nuisance.

For the purpose of this chapter, a "nuisance" shall be any use, activity, structure or condition found to exist to be a hazard to the public health, safety or welfare of the community. (Ord. 454 (part), 1999: prior code § 9-4.101 (part))

- 8.16.030 Nuisances declared.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained in such manner that any of the following conditions are found to exist, except as may be allowed by this code. Except as otherwise specifically noted, a condition described herein is declared a nuisance if existing for a period of ten (10) days.

A. The accumulation of dirt, litter or debris on the property which is visible from a public street;

B. Clotheslines or clothes hanging in front yards, side yards, porches or balconies and visible from a public street at any time;

C. Trash, garbage or refuse cans, bins, boxes or other such containers stored in front or side yards and visible from a public street, except when concealment is an unreasonable burden on the business or residence affected;

D. Packing boxes, lumber, junk, trash, salvage materials or other debris kept on the property for thirty (30) days and visible from a public street;

E. Attractive nuisances dangerous to children and visible from a public street, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds and excavations at any time;

F. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property for thirty (30) days and visible from a public street;

G. Overgrown vegetation likely to harbor rats, vermin and other nuisances causing detriment to neighboring properties or property values or obstructing necessary views of drivers on public streets or private driveways and visible from a public street;

H. Dead, decayed, diseased or hazardous trees, weeds or other vegetation constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property value and visible from a public street;

I. Graffiti, letters or drawings which remain on the exterior of any building, fence or wall;

J. Buildings where the paint on the building exterior is mostly worn off or not in compliance with the general plan design element, established design guidelines or historic design guidelines and any amendments and visible from a public street for sixty (60) days;

K. Boats, trailers, vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair for thirty (30) days in front yards, side yards, driveways, sidewalks or walkways and are visible from a public street;

L. Camper shells which are left for an unreasonable length of time in front yards, driveways, side yards, sidewalks or walkways are visible from a public street;

M. Buildings which are abandoned, boarded up, partially destroyed or left in a state of partial construction for sixty (60) days and subject to applicable Uniform Building Codes and city codes which specify time periods;

N. Abandoned vehicles pursuant to Chapter 16: Roads and Traffic, Abandoned Vehicle Ordinance of the Placer County Code and any amendments made

thereto and incorporated by reference herein. (Ord. 454 (part), 1999: prior code § 9-4.102)

#### 8.16.040 Nuisance abatement.

Any property found to be maintained in violation of Section 8.16.030 of this chapter is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 454 (part), 1999: prior code § 9-4.103)

## Article II

### Abatement Procedure

#### 8.16.050 Abatement--Notification.

Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Section 8.16.030 of this chapter, he or she shall cause to be given a written notice (notice to abate) to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than seven or more than thirty (30) calendar days for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with the provisions of Section 8.16.070 of this chapter covering service in person or by mail. (Ord. 454 (part), 1999: prior code § 9-4.104)

#### 8.16.060 Abatement--Administrative hearing.

In the event the owner shall fail, neglect or refuse to comply with the notice to abate, the city manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance. (Ord. 454 (part), 1999: prior code § 9-4.105)

#### 8.16.070 Notice of hearing.

Notice of the hearing shall be served upon the owner not less than seven calendar days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth as Attachment 1 attached to the ordinance codified in this chapter. (Ord. 454 (part), 1999: prior code § 9-4.106)

#### 8.16.080 Administrative hearing by city manager.

A. At the time stated in the notice, the city manager shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to such alleged public nuisance and to proposed

rehabilitation, repair, removal or demolition of such property. The hearing may be continued from time to time.

B. If the city manager finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the city manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed but in no case, in less than seven days. The order shall include reference to the right to appeal set for in Section 8.16.100 of this chapter. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of Section 8.16.070 of this chapter. In addition, a copy of the findings and order shall be conspicuously posted on the property. (Ord. 454 (part), 1999: prior code  $\beta$  9-4.107)

#### 8.16.090 Procedure--No appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered the city manager shall cause the same to be abated by city employees or private contract. The costs shall be billed to the owner, as specified in Section 8.16.130 of this chapter. The city manager is expressly authorized to enter upon the property for such purposes. (Ord. 454 (part), 1999: prior code  $\beta$  9-4.108)

#### 8.16.100 Appeal procedure --Hearing.

A. The owner may appeal the city manager's findings and order to the city council by filing an appeal with the city clerk within seven calendar days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and address of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signatures of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be not less than seven calendar days nor more than thirty (30) calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Continuances of the hearing may be granted by the council on request of the owner for good cause shown or on the council's own motion. (Ord. 454 (part), 1999: prior code  $\beta$  9-4.109)

8.16.110 Council decision.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the resolution. The resolution shall set forth the time within which the owner, in no event shall complete such work less than fifteen (15) days. The decision and order of the council shall be final. (Ord. 454 (part), 1999: prior code § 9-4.110)

8.16.120 Service of order to abate.

A copy of the resolution of the council ordering the abatement of the nuisance shall be served upon the owner(s) of the property in accordance with the provisions of Section 8.16.060 of this chapter. Upon abatement in full by the owner, the proceedings hereunder shall terminate. (Ord. 454 (part), 1999: prior code § 9-4.111)

8.16.130 Hearing procedure before city manager and council.

All hearings shall be tape-recorded. Hearings need not be conducted according to the technical rules of evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in conduct of serious affairs. Oral evidence shall be taken only on oath or affirmation. Irrelevant and unduly repetitious evidence shall be excluded. (Ord. 454 (part), 1999: prior code § 9-4.112)

8.16.140 Abatement by city.

If such nuisance is not abated as ordered within the abatement period; the city manager shall cause the same to be abated by city employees or private contract. The city manager is expressly authorized to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30) days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, costs incurred in documenting the nuisance, the actual expenses and costs of the city in the preparation of notices, specifications and contracts and in inspecting the work and the costs of printing and mailing required hereunder. (Ord. 454 (part), 1999: prior code § 9-4.113)

8.16.150 Limitation of filing judicial action.

Appeals of the council's decision and order shall be commenced within thirty (30) calendar days of the date of service of the decision. (Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.114)

8.16.160 Demolition.

No property shall be found to be a public nuisance under Section 8.16.030 of this chapter and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance. (Ord. 454 (part), 1999: prior code § 9-4.115)

#### 8.16.170 Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under Section 8.16.110 of this chapter shall be forthwith recorded with the Placer County recorder. (Ord. 454 (part), 1999: prior code § 9-4.116)

### Article III

#### Lien Procedure

#### 8.16.180 Record of costs of abatement.

The city manager shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition or repair of the property, including any salvage value relating thereto; provided that before the report is submitted to the city council, a copy of the same shall be posted for at least five days upon such property, together with a notice of the time when the report shall be heard by the city council for confirmation. A copy of the report and notice shall be served upon the owners of the property in accordance with the provisions of Section 8.16.070 of this chapter at least five calendar days prior to submitting the same to the city council. Proof of the posting and service shall be made by affidavit filed with the city clerk. (Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.117)

#### 8.16.190 Assessment lien.

A. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, upon recordation in the office of the county recorder or a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

B. Such notice of lien for recordation shall be in form substantially set forth as Attachment 2 attached to the ordinance codified in this chapter. (Ord. 454 (part), 1999: prior code § 9-4.118)

### Article IV

#### Miscellaneous

#### 8.16.200 Appropriate actions.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a

nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the city pursuant to any other provision of the law. (Ord. 454 (part), 1999: prior code § 9-4.119)

#### 8.16.210 Summary abatement.

Notwithstanding any provisions of this chapter, the city council may cause a nuisance to be summarily abated if the city council determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place or area involved of the nuisance and requests him or her to immediately abate the nuisance. If, in the sole discretion of the city council, the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The city shall notify in writing the owner or possessor of the property, place or area upon which the city has abated a nuisance and of the costs thereof. (Ord. 454 (part), 1999: prior code § 9-4.120)

#### 8.16.220 Burning permits--Required.

A. It is unlawful, within the city boundaries for any person to set fire to, or burn, brush, stumps, logs, fallen timber, fallows, slash or grass, forest land or any other flammable material and it is unlawful for any person to set fire to burn flammable material in an incinerator, except upon the issuance of a permit for such burning, issued by the city clerk, city manager, their duly authorized agents or the chief or officers of any legally constituted fire department or fire protection district in the city.

B. The permit shall be issued in writing and shall state the times at which and the terms and conditions subject to which such burning shall be done and it is unlawful for any such person to violate any of the terms, provisions or conditions of such permit.

C. Regardless of such permit, any person burning any material or setting any fire shall observe all reasonable and proper care and precautions in so doing and nothing contained in such permit shall relieve or exonerate any such person from civil liability by any reason of any violation of law. (Ord. 454 (part), 1999: prior code § 9-4.121)

## Chapter 8.20

### REFUSE COLLECTION

#### Sections:

8.20.010 Definitions.

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- 8.20.030 Refuse--Deposit and storage.
- 8.20.040 Refuse collection and disposal system--Established.
- 8.20.050 Refuse collection and disposal system--Exclusivity.
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- 8.20.070 Refuse collection service--Rates--Establishment.
- 8.20.080 Refuse collection service--Rate--Basis.
- 8.20.090 Refuse collection service--Rates--Payments.
- 8.20.100 Refuse collection service--Rates--Liability.
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- 8.20.220 Administration.
- 8.20.230 Settlement of disputes.
- 8.20.240 Enforcement.
- 8.20.250 Violation--Penalty.

8.20.010 Definitions.

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

"Approved refuse container" means a commercially manufactured can made of galvanized metal, heavy-duty plastic, pressed fiberboard or other nonbreakable watertight material of at least twenty-six (26) gallons capacity, but not to exceed thirty-five (35) gallons capacity, with a close-fitting, removable insect-proof cover and including a cover handle and side handles. An approved refuse container may also include any other container approved by the contractor. Approved refuse containers shall be maintained in such a manner as to be free from rough edges or jagged surfaces which would be likely to cause injuries to persons handling them.

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

"Business establishment" means any commercial, professional or industrial use and any multiple-family dwelling housing three or more residential units, where refuse is gathered collectively for all units and/or residents.

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

"Collection" means the accumulation and disposal of refuse.

"Contractor," "contract agent" or "franchisee" means an agent or employee of the city or any person or the agents or employees thereof, with whom the city

shall have duly contracted pursuant to the provisions of this chapter to collect, transport through the streets, alleys and public ways and dispose of garbage, rubbish and refuse produced within the city.

"Disposal area," "dump" or "sanitary landfill" means any site, location, tract, area, building, structure or premises so specifically designed and authorized for refuse disposal.

"Franchise" means any license or permit issued or contract entered into pursuant to the provisions of this chapter to engage in the occupation of collecting, removing and disposing of garbage, rubbish and refuse.

Franchisee. See definition of "contractor" in this section.

"Garbage" is a sub-classification of refuse and means and includes all animal and vegetable kitchen waste, all household waste which has resulted from the preparation of food, all table refuse or offal and every accumulation of animal, vegetable or other matter that attends the preparation, consumption, packing, canning, storage and decay of meats, fish, fowl, vegetables and fruits intended for human and animal consumption.

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

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

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

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

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

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

"Refuse" is a general classification which includes the sub-classifications of garbage, garden refuse and solid waste (also known as rubbish).

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

"Residence or residential" means any single building housing from two or fewer families in separate units.

Rubbish. See definition of "solid waste" in this section.

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

"Solid waste" means combustible and noncombustible waste materials not included in the term "garbage" and includes paper, pasteboard, magazines, books,

rags, rubber, carpets, clothing, boots, shoes, hats, furniture, bedding, bottles, cans, metals, mineral matter, glass, crockery, dirt, dust, packing boxes and cartons, crates, packing materials and all other kinds of rubbish, trash or waste materials which ordinarily accumulate in the operation of a residence or a business.

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

"Standard service" means curbside collection service provided on a weekly basis to occupants not receiving bin service. (Prior code § 6-2.01)

#### 8.20.020 Refuse collection and disposal system--Findings.

A. The council finds that, for the preservation of the public health, safety and welfare, the establishment of a municipal system for the collection and disposal of all refuse is necessary.

B. The council finds that, for the purpose of maintaining adequate control of a refuse disposal system, the city must retain exclusive rights to the system.

C. The council finds that the disposal of refuse by individuals on a voluntary basis, throughout California cities, has been unsuccessful. Therefore mandatory subscription to a refuse disposal system is necessary.

D. The council finds that the periodic collection of refuse from all places and premises in the city benefits all people in the city and that inasmuch as it is necessary that charges be assessed to support the cost of the refuse disposal system, then such charges shall be assessed to all places and premises where refuse is produced or generated to assure the equitable spread of financial liability. This means that all places and premises, regardless of whether the occupant places such refuse for collection in a manner prescribed in this chapter or not and regardless of whether the occupant has any refuse for collection, the cost of removal thereof should be shared by all persons.

E. The council finds that losses in revenue attributed to "skipped" accounts receivable and increased administrative overhead costs to maintain a system of billing and accounting records on an occupant basis are prohibitive and, because only limited legal collection recourses are available, it is imperative that refuse collection fees become a liability to the owner and be billed and accounted for on that basis.

F. The council finds that to operate an exclusive refuse disposal system with mandatory subscription to the service, together with providing special arrangements for the disposal of special solid waste, will satisfy the collection and disposal requirements of its citizens. Further, the council finds that the satisfaction of those disposal requirements will obviate the need to maintain an "open dump" policy. Further, the council finds that in order to

protect the city sanitary landfill capacity, it is in the best interests of the city to close the city dump to the public.

G. The council finds that the successful operation of a refuse disposal system requires the adoption of supplementary rules and regulations which are binding on both the contractor and patrons of the service to include an appellate process. (Prior code  $\beta$  6-2.02)

#### 8.20.030 Refuse--Deposit and storage.

It is unlawful for any person to deposit, store or maintain refuse within the city, except as provided in this chapter. (Prior code  $\beta$  6-2.03)

#### 8.20.040 Refuse collection and disposal system--Established.

There is established a refuse collection and disposal system for the city. (Prior code  $\beta$  6-2.04)

#### 8.20.050 Refuse collection and disposal system--Exclusivity.

A. The city and its refuse collection contractor shall have the exclusive right to collect, transport and dispose of refuse in the city and all refuse placed for collection by the city or its refuse collection contractor shall be deemed to be the property thereof, except as otherwise provided in this chapter.

B. Collectors of refuse originating outside the city may haul such refuse over city streets.

C. Any person may collect, transport and dispose of refuse during a period in which collection services by the city or its refuse collection contractor are interrupted or delayed due to a labor strike or other circumstances affecting collection services throughout the city provided such persons comply with any and all directives of the city manager.

D. This chapter shall not apply to the hauling, removal or disposal at a legal point of disposal of grass cuttings, prunings, manure or other trash as a result of gardening or horticulture by any commercial gardener licensed to do business in the city.

E. Special solid waste may be arranged for removal and disposal between the occupant and the contractor; however, nothing in this section shall be construed as preventing an occupant or owner from disposing of solid waste directly, either personally or by other contract, to any approved sanitary landfill site and in accordance with Sections 8.20.200 and 8.20.210 of this chapter.

F. No person shall bury refuse at any place within the city without a valid permit or license granted by the council.

G. No person shall burn garbage at any place within the city.

H. No person shall burn solid waste at any place within the city, except in conformance with the rules and regulations of the county air pollution control district and the applicable laws of the state.

I. The provisions of this section shall not be construed as prohibiting the composting of appropriate refuse for composting, which compost is intended for exclusive use on the property on which it is maintained, provided it does not, in the opinion of the health officer, create a public health hazard.

J. No person shall transport household refuse to deposit the same in a commercial bin, the container owned by another or a city-owned litter container.

K. Any person, other than the city or its refuse collection contractor, who collects, transports or disposes of refuse or who pays another to do so, other than as permitted in this chapter, shall be guilty of a misdemeanor.  
(Prior code § 6-2.05)

#### 8.20.060 Mandatory subscriptions.

There is established mandatory subscriptions to the refuse disposal system service of the city. Effective July 1, 1980, every person in possession, charge or control of any place or premises in the city in, upon or from which refuse is created, produced or accumulated shall dispose of such refuse through the regular refuse collection service of the city or its authorized collector.  
(Prior code § 6-2.06)

#### 8.20.070 Refuse collection services--Rates--Establishment.

The council shall establish by resolution the rates to be charged for the collection and disposal of refuse. Such rates may be established by competitive bidding, negotiation or other means deemed acceptable by the council and may be reviewed annually. (Prior code § 6-2.07)

#### 8.20.080 Refuse collection service --Rate--Basis.

A. Despite variations in the amount of refuse produced at residential locations, such deviation does not justify the expense of measuring the quantities at such residential locations and would be greater than any difference in hauling costs per container.

B. The amount of refuse produced at places of business varies greatly. The most equitable method of charging for collection refuse at such locations is based on the amount of refuse produced or generated, the related basis of the size and number of containers required for the collection of refuse and upon differing schedules and the regularity of collection. (Prior code § 6-2.08)

#### 8.20.090 Refuse collection service--Rates--Payments.

A. Each and every household or tenant occupying any dwelling, house or residence and each and every proprietor or each and every store, shop, apartment house, rooming house or factory, shall pay to the city or its authorized agent, the applicable rate as and for garbage and rubbish collection. Such fees are based upon the calls as indicated, irrespective of whether there is any refuse to remove from any premises.

B. For purposes of this chapter, a dwelling, house, residence or other structure whether it is a store, shop, apartment house, rooming house or factory, shall be considered to be occupied, despite temporary absence therefrom unless electrical services have been discontinued for a period of not less than ninety (90) days. (Prior code § 6-2.09)

#### 8.20.100 Refuse collection service--Rates--Liability.

All rates and other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof

and shall be deemed delinquent at the same time and in the same manner as the next regular refuse collection bill. No change of ownership or occupation shall in any way affect the application of this section. The owner of the property shall remain liable for the payment of all rates and charges notwithstanding any agreement he or she may have with a tenant, manager or other third party to the contrary. (Ord. 431 § 1, 1995: prior code § 6-2-10)

#### 8.20.110 Refuse collection service--Charges--Delinquencies.

A. All charges imposed by this chapter shall be due and payable upon presentation of the bill. The charges for refuse collection service between the time of the commencement of the service and the thirtieth day of the same month or the close of the established billing period shall be added to the next billing period. If the charge remains unpaid thirty (30) days after the billing date, the charge becomes delinquent and the refuse collection service may be discontinued.

B. At least ten (10) days prior to the discontinuance of the service the city manager or his or her designee shall notify the property owner of record by mail and by personal delivery to the service address that the service will be discontinued. Notwithstanding the cessation of service the owner shall remain obligated for payment of the minimum mandatory rates and charges for refuse collection applicable to the subject property.

C. When an account becomes delinquent the full amount of both the delinquent and current bill must be paid to avoid discontinuation of the service. (Ord. 431 § 2, 1995: prior code § 6-2-11)

#### 8.20.120 Refuse collection service--Charges--Delinquencies--Penalties.

A penalty of ten (10) percent of the charge shall be imposed on the first day of the third month following the date such charge was due and payable. In addition, a penalty of two percent per quarter of the basic charge, plus the ten (10) percent, shall be imposed on the first day of the third month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties. (Prior code § 6-2.12)

#### 8.20.130 Refuse collection service--Charges--Delinquencies--Liens.

A. If any charge imposed by this chapter remains delinquent for a period of sixty (60) days or longer, preceding the first Monday in March, such charge shall constitute a lien against the lot or parcel of land against which the charge was imposed and the recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years after the time of recording, unless sooner released or otherwise discharged.

B. The city shall include a statement on its bill to each property owner which shall give notice of the lien provided by this section. (Prior code § 6-2.13)

#### 8.20.140 Franchises or contracts--Authority.

A. The council may provide for solid waste collection by the granting of an exclusive franchise or contract for such purpose, subject to such terms and conditions as the council deems appropriate.

B. The franchise or contractor, during the term of the franchise, shall be the sole person permitted to perform solid waste collection within the city. (Prior code § 6-2.14)

#### 8.20.150 Franchises or contracts--Right to contract.

Notwithstanding any provision of this chapter to the contrary, any owner shall have the right to remove and dispose of or to contract for the removal and disposal of, his or her own refuse as otherwise provided by law, but the exercise of such right shall not release such owner from any obligation imposed by this chapter to pay the city the minimum mandatory rates and charges as set for residential and business establishments respectively. (Prior code § 6-2.15)

#### 8.20.160 Franchises or contracts--Solid waste landfill facilities.

The council may provide for the operation and use of any city solid waste landfill or transfer station in any franchise or contract; provided, however, such operation shall be in accordance with Chapter 9 of Article I of the county provisions relating to solid waste landfill areas adopted May 8, 1979, on file in the office of the city clerk, which is adopted by reference as though set forth in full in this chapter and the provisions shall take effect at such time as the solid waste landfill areas are so designated and operative. (Prior code § 6-2.16)

#### 8.20.170 Solid waste landfill facilities--Right to close to public.

The council reserves the right to close the city solid waste landfill facilities and privileges to the general public. (Prior code § 6-2.17)

#### 8.20.180 Solid waste landfill facilities--Declared closed to public.

Pursuant to the provisions of Section 8.20.170 of this chapter, the council declares that the city solid waste landfill facilities and privileges are closed to the public, except as otherwise provided in this chapter. (Prior code § 6-2.18)

#### 8.20.190 Standard service regulations.

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

A. All residential refuse presented for collection and disposal shall be kept and placed in an approved refuse container (see Section 8.20.010 of this chapter) not to exceed sixty (60) pounds.

B. All business establishment refuse presented for collection and disposal shall be kept in approved refuse containers in a number not to exceed six or metal bins or roll off containers (debris boxes) of a type approved by the city. The city may require that a bin or roll off container be used, even though the number of cans which would otherwise be used does not exceed six, when necessary to prevent an unhealthy or unsightly condition. All business

establishment refuse shall be gathered collectively for all units and/or residents and shall be kept in centralized areas. The location of the centralized refuse containers shall be as determined by the city.

C. Every owner, occupant, manager or person in control of the premises of any dwelling unit or units or of any place of business or institution within the city where garbage and refuse accumulates, shall provide or cause to be provided, a sufficient number of approved refuse containers of adequate size to accommodate all refuse and garbage accumulated on the premises between collection days. The occupant, manager or person in control of the premises shall be primarily responsible for providing and maintaining containers in such condition so as to prevent injury, not attract vermin, rodents or flies or otherwise from becoming a public health matter and upon failure to do so shall comply with the requirements of this section within five days after the receipt of written notice by the health officer or his or her authorized representative to do so. Occupants shall maintain containers, including bin containers obtained from the city's refuse collection contractor, in a reasonably sanitary condition, free from obnoxious odors and from attachments of garbage likely to create breeding grounds for insects or vermin, beyond that incidental to refuse deposited since the previous collection; provided, however, occupants receiving bin service may order bin cleaning services, subject to a reasonable fee, from the city's refuse collection contractor in lieu of cleaning such bin containers themselves.

D. Except as provided in this section, all solid waste shall be presented for collection not less than once weekly.

E. Except as provided in subsection F of this section, all containers, except bins and roll off containers, shall be placed within five feet of the edge of pavement or, if there is no pavement, within five feet of the edge of the public or private right-of-way along established routes.

F. A person who demonstrates to the city that he or she has a permanent physical impairment or disability which makes it difficult or impossible to place containers for collection in the location required by subsection E of this section and that no one occupying the premises is capable of so doing, may place such containers at a location not more than fifty (50) feet from the curb, edge of pavement or right-of-way.

G. All bins and roll off containers shall be placed in a convenient location, accessible to the loading apparatus used to empty them, as may be directed by the fire marshal.

H. Where a business establishment has a bin or roll off container which, because of the amount of solid waste generated, does not require weekly service, the bin or roll off container may be presented for collection on any reasonable periodic basis approved by the city or its authorized agent, provided such bin or container does not contain putrescible waste.

I. All business establishments engaged in the preparation, sale, distribution or storage of perishable food products shall present refuse for collection not less than twice weekly.

J. Where necessary to prevent an insanitary or unsightly condition, the city may require that a residence or business establishment present refuse for collection more often than once per week.

K. The schedule for the collection of refuse shall be as determined by the city and refuse shall be presented for collection on the day or days specified.

L. Except as prohibited by subsection A of this section, cardboard or wood cartons or bags made for refuse disposal purposes may be used as temporary containers; provided, however, they shall be considered as refuse and will not be returned. Any cardboard or wooden carton not specifically used as a temporary container shall be broken down, flattened and disposed of as set forth in subsection M of this section.

M. Cardboard, paper, magazines, palm fronds, tree limbs, brush, weeds and similar dry materials shall be tied in bundles with a heavy cord or wire strong enough to act as a handle or shall be placed in other acceptable containers. No such bundle shall exceed four feet in length, eighteen (18) inches in thickness or forty (40) pounds in weight.

N. Large bulky items, such as furniture and household equipment (see "special solid waste" as defined in Section 8.20.010 of this chapter) will not be collected unless broken down and packaged to a size and weight easily handled by one person, except upon such days as may be designated by the city for the special collection of large bulky items without charge.

O. All kitchen waste, ashes, hair clippings, floor sweepings and similar light materials shall be well and securely wrapped to prevent spillage. Hot ashes will not be collected. Free liquids shall be drained from the refuse prior to placement for collection.

P. No occupant shall allow refuse or empty containers to remain along, at or near any public street, sidewalk or parkway (excluding alleys), except:

1. Between the hours of four p.m. of the day preceding the occupant's weekly collection day and twelve midnight of such collection day;

2. Pursuant to an agreement for collection services between the occupant and the city's refuse collection contractor; or

3. During any period in which regular collection service is interrupted or delayed.

Q. The following are not approved refuse containers:

1. Oil or grease drums or similar heavy metal containers;

2. Paper grocery bags or bags which are torn or which are not securely closed;

3. Broken or wet cardboard boxes; and

4. Broken wooden boxes or crates or any other container with sharp, rough or jagged edges which may hamper or injure the collector. (Amended during 2004 codification; prior code  $\beta$  6-2.19)

#### 8.20.200 Refuse collection vehicles--Governing regulations.

All vehicles used for refuse collection and disposal activities owned by the city, franchisee or contractor to the city and transporters of refuse pursuant to Section 8.20.050(B) through (E) of this chapter shall be under license to the same and shall meet all the requirements of all the laws and ordinances of the state, county and city. (Prior code  $\beta$  6-2.20)

#### 8.20.210 Refuse collection vehicles--Transporting over city streets.

No refuse collection vehicle (including transporters of refuse pursuant to Section 8.20.050(B) through (E) of this chapter) shall transport refuse or other waste materials along the streets of the city unless such refuse or other materials are enclosed or otherwise secured so as to prevent the refuse or other waste materials from being blown, dropped, spilled or leaked. (Prior code B 6-2.21)

#### 8.20.220 Administration.

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

A. To establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of garbage, refuse and cuttings;

B. To establish the routes, hours and days of collection, to change the same as he or she deems necessary and to give notice of such routes, hours, days and changes as he or she deems advisable;

C. To determine whether waste material falls within the definition of refuse;

D. To determine whether the conditions for the receipt of standard service have been satisfied;

E. To determine whether agreements between occupants and the city's refuse collection contractor for special or additional services are reasonable and consistent; and

F. To establish regulations pertaining to periods of labor strikes or other circumstances affecting collection services throughout the city. (Prior code B 6-2.22)

#### 8.20.230 Settlement of disputes.

The city manager or his or her designated representative, shall hear any dispute which may arise between the collectors and patrons of the service over complaints regarding service. Any person aggrieved by a rule or determination of the city manager shall have the right of appeal to the council, who shall retain the authority to confirm, modify or revoke the same. (Prior code B 6-2.23)

#### 8.20.240 Enforcement.

The chief of police and his or her designated representative are authorized to enforce any provision of this chapter, the violation of which is made an infraction or a misdemeanor or which declares any condition to constitute a public nuisance. The health officer is likewise authorized to enforce any such provisions insofar as they pertain to the protection of the public health and sanitation. (Prior code B 6-2.24)

#### 8.20.250 Violation--Penalty.

Violations of the provisions of this chapter shall constitute:

A. In the case of any person allowing the accumulation or maintenance of solid waste in violation hereof and/or of the health, safety and welfare, a public nuisance; and

B. In all instances, including those specified in subsection A of this section, a misdemeanor, as the same is now or may hereafter be defined by the laws of the state. (Amended during 2004 codification; prior code  $\beta$  6-2.25)