

CHAPTER 2. SOLID WASTE, GREEN WASTE AND RECYCLABLE MATERIALS COLLECTION PROCESSING AND DISPOSAL*

** Chapter 2, entitled "Garbage and Refuse," consisting of Sections 6-2.01, through 6-2.10 and 6-2.15, recodified from Sections 4700, 4701, 4703 through 4710, and 4716, T.O.O.C., and Sections 6-2.11 through 6-2.14, codified from Ordinance No. 64, as amended by Ordinance No. 78, repealed by Section I, Ordinance No. 361-NS, effective May 24, 1973. Chapter 2 entitled "Garbage and Refuse Collection and Disposal" consisting of Sections 6-2.01 through 6-2.36, added by said Ordinance No. 361-NS, repealed by Section II, Ordinance No. 584-NS, effective August 19, 1976. Chapter 2, entitled "Garbage and Refuse Collection and Disposal," consisting of Sections 6-2.01 through 6-2.34, as added by Ordinance No. 584-NS, effective August 19, 1976 as amended by Ordinance No. 765-NS, effective December 25, 1980, Ordinance No. 780NS, effective June 18, 1981, Ordinance No. 907, effective February 11, 1986, Ordinance No. 939, effective October 14, 1986 and Ordinance No. 1131, effective January 7, 1992, repealed by Section I, Ordinance No. 1200-NS, effective March 15, 1994.*

Article 1. General Provisions

Sec. 6-2.101. Purpose.

The storage, accumulation, collection, processing and disposal of solid waste, green waste and recyclable materials are matters of great public concern. Improper control of such matters creates a public nuisance, can lead to air pollution, fire hazards, illegal dumping, pest infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The establishment and regulation of waste reduction programs are necessary for the City to avoid environmental damage and to achieve diversion goals mandated by the California Integrated Waste Management Act of 1989 (AB 939).

(§ 2, Ord. 1200-NS, eff. March 15, 1994; as amended by § 1 Ord. 1473-NS, eff. December 29, 2006)

Sec. 6-2.102. Flow control.

All solid waste, green waste and recyclable materials, once such materials have been placed at the curb, or, in the case of a commercial or industrial customer, in the bin or drop box placed for collection by a contractor, are subject to the City's control and this chapter.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.103. Anti-scavenging and materials handling.

Other than the property owner or tenant of the premises, contractor or permittee, it is unlawful for any person to remove, interfere or tamper with, or otherwise disturb any solid waste, green waste or recyclable materials or their containers which have been placed for collection by the waste generator. No individual, other than the property owner or tenant of the premises, contractor or permittee, may physically enter a commercial bin for the purpose of refuse compaction.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998)

Sec. 6-2.104. Violations.

It shall be unlawful for any person, firm, company or corporation to violate any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, company or corporation violating any of such provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a violation of this chapter, and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title I of the Thousand Oaks Municipal Code. Each such person shall be guilty of a separate

offense for each and every day during any portion of which any violation of any provision of this chapter, or the provisions of any code adopted by reference to this chapter, is committed, continued or permitted by such person and shall be punishable accordingly. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this Code, or the provisions of any code adopted by reference by this Code, shall be deemed a public nuisance and may be summarily abated by this City, and each day such condition continues shall be regarded as a new and separate offense.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Article 2. Definitions

Sec. 6-2.200. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this article, unless it is apparent from the context that a different meaning is intended. If any words or phrases are not defined in this article, such terms shall have the meaning applied to them in the California Integrated Waste Management Act of 1989, as amended (California Public Resources Code).

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.201. Act.

"Act" means Division 30 of the California Public Resources Code known as the California Integrated Waste Management Act of 1989 (AB 939), as amended (California Public Resources Code section 40000 et seq.).

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.202. Agreement.

"Agreement" means the written agreement between the City and the contractor covering the work to be performed and all contract documents attached to the agreement and made a part thereof.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.203. Animal waste.

"Animal waste" means solid waste consisting of any carcass, manure, fertilizer, or any form of solid excrement produced by any and all forms of commercial livestock such as cattle, but not including household pet wastes.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.204. Applicant.

"Applicant" means any person requesting application for an exclusive franchise, nonexclusive franchise, or permit for the authorized collection of solid waste, green waste or recyclable materials, subject to the conditions of this chapter.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.205. Bin.

"Bin" means a waste container designed to be serviced by a commercial front-end loader vehicle. It shall be designed to hold from one and one-half (1- 1/2) to six (6) cubic yards of material with the lid properly closed.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.206. Bulky waste.

"Bulky waste" means solid waste consisting of discarded, white goods, furniture, tires, carpets, mattresses and similar large items which require special handling due to their size, but can be collected and transported without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. It does not include abandoned automobiles and other vehicles.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.207. Charitable or nonprofit institution.

"Charitable or nonprofit institution" means any institutional establishment exempt from Federal and State taxation under the most current version of the Internal Revenue Code.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.208. City.

"City" means the City of Thousand Oaks.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.209. Combined solid waste.

"Combined solid waste" means putrescible and nonputrescible material placed in a single container.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.210. Commercial contractor.

"Commercial contractor" means every contractor authorized by an exclusive or nonexclusive franchise or permit to collect solid waste, green waste or recyclable materials from commercial and industrial premises in the City.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.211. Commercial customer.

"Commercial customer" means every owner of, and every tenant or person who is in possession of or has the care and control of, a place of business or service, including multi-family dwelling unit complexes receiving bin service, stores, business offices, commercial warehouses, industrial premises, hospitals, educational, health care, military and correctional institutions, nonprofit research organizations, and government offices.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.212. Commercial premises.

"Commercial premises" means any site for financial establishments, business and service-oriented concerns, retail stores and commercial warehouses, professional offices, civic concerns, religious facilities, hotels and motels, multifamily residential complexes, trailer parks, hospitals and other health care facilities, libraries and nonprofit organizations within the City.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by § 4, Ord. 1392-NS, eff. June 7, 2002)

Sec. 6-2.213. Compacted waste.

"Compacted waste" means any waste that has been baled or compacted by a mechanical device prior to placement into a collection container, as well as waste that has been compressed in size by any means, so that it does not fall freely from a commercial or industrial container designed for loose collection, into a collection vehicle, thereby interfering with the normal and usual collection and disposal process.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998)

Sec. 6-2.214. Compost.

"Compost" means the product resulting from a method of treatment in which organic wastes are biologically decomposed under controlled, aerobic or anaerobic conditions to produce a product which can be reused.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.215. Construction and demolition waste.

"Construction and demolition waste" means solid waste consisting of building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavement, residences, commercial or industrial premises, buildings, and other structures, and land clearing operations.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.216. Contractor.

"Contractor" means any solid waste, green waste and recyclable materials collector authorized by the City by exclusive or nonexclusive franchise or permit to collect, process and/or dispose of solid waste, green waste and recyclable materials.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.217. Customer.

"Customer" means a person, business or institution which has subscribed to solid waste, green waste, or recyclable materials collection service with a contractor, or who has received such service without subscription.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.218. Day.

"Day" means a calendar day of twenty-four (24) hours, measured from midnight to the next midnight.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.219. Delivery.

"Delivery" of solid waste shall be deemed to occur when solid waste is deposited in a receptacle or at a location that is designated for collection pursuant to the City's Municipal Code, or is otherwise discarded.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.220. Designated waste.

"Designated waste" means those substances classified as designated wastes by the State of California in the most current version of the California Code of Regulations.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by part 17, Ord. 1437-NS, eff. July 7, 2005)

Sec. 6-2.221. Designated zone.

"Designated zone" means a geographical area describing the extent of collection by an exclusive, nonexclusive or permitted contractor for the collection and disposal of solid waste, and the collection and processing of source-separated green waste and recyclable materials.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.222. Disposal.

"Disposal" means disposal of solid waste at City-approved permitted facilities.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.223. Disposal site.

"Disposal site" means the place, location, tract of land, area or premises in use, intended to be used, or which has been used, for the landfill disposal of solid waste.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.224. Drop box.

"Drop box" means a portable container normally supported on casters and approved by the City for mechanical handling by collection trucks. It shall be designed to hold from ten (10) to sixty (60) cubic yards of material when properly filled.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.225. Drop box contractor.

"Drop box contractor" means every contractor authorized by a City exclusive or nonexclusive franchise or permit to collect solid waste, green waste and recyclable materials from residential, commercial and industrial premises in drop boxes.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.226. Effective date of agreement.

"Effective date of agreement" means the date designated in the agreement as the effective date. If no such date is indicated, it shall mean the date on which the agreement is signed and delivered by the last of the parties to sign and deliver.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.227. Encroachment permit.

"Encroachment permit" means a permit issued by the City for placement of containers, bins or drop boxes, within the City's right-of-

way or easements so as to prevent, obstruct or interfere with the normal use of the right-of-way. Bins, containers or drop boxes placed on private property shall be exempt as described in the City's Municipal Code.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.228. Exclusive franchise.

"Exclusive franchise" means a residential or commercial franchise issued pursuant to Article 3 of this chapter, which permits a contractor on an exclusive basis to collect solid waste, green waste and recyclable materials within a designated zone of the City.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.229. Facility.

"Facility" means any plant or site, owned, used, or leased and maintained and/or operated by the contractor for purposes of performing under an agreement or permit.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.230. Food waste.

"Food waste" means solid waste consisting of all animal and vegetable wastes generated by food facilities or residences that result from the storage, handling, preparation or cooking of food.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.231. Garbage.

"Garbage" means solid waste consisting of putrescible animal, fish, food, fowl, fruit or vegetable matter, or any product thereof, resulting from the preparation, storage, handling or use of such substances.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.232. Green waste.

"Green waste" means solid waste consisting of any waste generated from the maintenance or alteration of residential, commercial or industrial premises including, but not limited to, grass clippings, leaves, tree trimmings, prunings, brush and weeds.

Sec. 6-2.233. Hazardous waste.

"Hazardous waste" means a waste, or combination of wastes as defined by Federal or State guidelines, which because of its concentration, or physical, chemical or infectious characteristics may do any one of the following:

- (a) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- (b) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.234. Holiday.

"Holiday" means a day of the year recognized by a disposal and/or processing facility as a holiday and where collection service will not be provided until the following day, excluding Sunday.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.235. Home composting.

"Home composting" means the on-site recycling of organic materials such as leaves and grass clippings generated at residential premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.236. Household hazardous waste.

"Household hazardous waste" means that waste resulting from products purchased by the general public for household use which, because of its quantity, concentration or physical, chemical or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed or otherwise managed, or, in combination with other solid waste, may be infectious, explosive, poisonous, caustic, toxic or exhibit any of the characteristics of ignitability, corrosivity, reactivity or toxicity.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.237. Industrial premises.

"Industrial premises" means any site for mechanized manufacturing activities including factories, food processing, mineral extraction, power generation, fuel storage facilities, refineries and publicly operated treatment works.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.238. Land clearing.

"Land clearing" means an activity performed by a licensed contractor that involves clearing of land and removal of dirt and mixed green waste, but does not include removal of solid waste or construction or demolition material.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.239. Legislation.

"Legislation" means any code, ordinance, resolution, or any other formal enactment of the governing body of an authorized Federal, State, or local entity which now exists or which may hereafter be adopted which constitutes law or regulations governing the operation of the contractor.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.240. Materials recovery and processing facility (MRF).

"Materials recovery and processing facility (MRF)" means a facility to which commingled solid waste, green waste and recyclable materials are brought for separation into marketable recyclables.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.241. Medical waste.

"Medical waste" means those materials defined in the most current version of the State of California Health and Safety Code.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.242. Multi-family dwelling unit complex.

"Multi-family dwelling unit complex" means any structure containing more than two residential dwelling units with shared walls, including, but not limited to, an apartment building, triplex, multiple condominium building or townhome complex.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.243. Nonexclusive franchise.

"Nonexclusive franchise" means a residential or commercial franchise issued pursuant to Article 3 of this chapter, which permits a contractor on a nonexclusive basis to provide for service to collect solid waste, green waste and/or recyclable materials within a designated zone of the City.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.244. Nonputrescible material.

"Non-putrescible material" means solid waste consisting of waste which is not organic and not subject to decomposition by microorganisms.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.245. Permit.

"Permit" means City Manager authorization granted to a contractor for operation within one or more of the City's designated zones for the collection and processing of green waste and/or recyclable materials.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by § 1, Ord. 1545-NS, eff. November 12, 2010)

Sec. 6-2.246. Permittee.

"Permittee" means the operator or responsible party authorized to execute a nonexclusive permit with the City.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.247. Person.

"Person" means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, the State of California, the County of Ventura, and special purpose districts.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.248. Putrescible material.

"Putrescible material" means solid waste consisting of waste which is organic and subject to decomposition by microorganisms.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.249. Premises.

"Premises" means any land or building in the City where waste is generated or accumulated.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.250. Recyclable materials.

"Recyclable materials" means solid waste consisting of any material which retains useful properties and can be reclaimed after the production or consumption process.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.251. Recycling.

"Recycling" means the process of collecting, sorting, cleansing, treating and/or marketing recyclable materials which would otherwise be disposed of in a landfill. The collection, transportation or disposal of solid waste not intended for, or capable of, reuse is not recycling.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.252. Residential contractor.

"Residential contractor" means every contractor authorized by City franchise or permit to collect solid waste, green waste, green waste and recyclable materials from residential premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.253. Residential customer.

"Residential customer" means every owner of, and every tenant or person who is in possession of, or has the care and control of, a residential premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.254. Residential premises.

"Residential premises" means each dwelling used for residential purposes. No dwelling used primarily for business purposes shall be considered as a residential premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.255. Residential solid waste.

"Residential solid waste" means solid waste originating from residential premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.256. Rubbish.

"Rubbish" means solid waste consisting of waste wood, wood products, printed materials, paper, posterboard, rags, straw, clothing, packaging materials, ashes, floor sweepings, glass, and other waste materials not included in the definition of garbage, designated

waste, hazardous waste, green waste or recyclable materials, and placed for disposal.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.257. Single-family/duplex residence.

"Single-family/duplex residence" means a single detached dwelling unit, and/or a duplex structure of two (2) single attached dwelling units, each designed for use by one bona fide housekeeping group.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.258. Solid waste.

"Solid waste" means the same as that term is set forth in California Public Resources Code Section, as amended from time to time.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.259. Source separated.

"Source separated" means the segregation, by the waste generator, of materials designated for separate collection for some form of materials recovery or special handling.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.260. Subscription.

"Subscription" means an arrangement or agreement between a waste generator and a contractor for collection service of solid waste, green waste and recyclable materials.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.261. Term.

"Term" means the time period or duration of an exclusive or nonexclusive agreement or permit.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.262. Transfer station.

"Transfer station" means those facilities utilized to receive solid waste, temporarily store and transfer such waste directly from smaller to larger vehicles for transport.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.263. Transformation.

"Transformation" means incinerated, pyrolysed, distilled, gasified or biologically converted waste materials other than composted waste materials.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.264. Waste.

"Waste" means the useless, unused, unwanted or discarded material and debris resulting from normal residential and business activity, or materials which, by their presence, may injuriously affect the health, safety and comfort of persons or depreciate property values in the vicinity thereof.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.265. Waste diversion.

"Waste diversion" means to divert solid waste, in accordance with all applicable Federal, State and local requirements, from disposal at landfills or transformation facilities through source reduction, composting or recycling.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.266. Waste generator.

"Waste generator" means any person, as defined by the most current version of the Public Resources Code, whose act or process produces solid waste as defined in that same code, or whose act first causes solid waste to become subject to regulation.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.267. White goods.

"White goods" means enamel coated major appliances, such as washing machines, clothes dryers, hot water heaters, stoves and refrigerators.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.268. Wood waste.

"Wood waste" means solid waste consisting of stumps, large branches, tree trunks, and wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Article 3. Franchise and Permit System

Sec. 6-2.301. Authorization.

The City Council, pursuant to the California Public Resources Code, does hereby determine that the collection, processing and/or disposal of solid waste, green waste and recyclable materials shall be provided within the City through the issuance of exclusive or nonexclusive franchises or permits, with or without public bidding, in accordance with the terms of this chapter.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.302. Franchises or permits required for solid waste, green waste and recyclable materials collection.

(a) Authorization to grant franchises and permits. The City Council may grant, at its discretion, exclusive or nonexclusive franchises to designated contractors. The City Manager, or designee, may grant permits to those applicants meeting the criteria of this chapter. The City Council may establish by resolution standards regarding the collection, processing, and or disposal of solid waste, green waste

and recyclable materials generated from residential, commercial and industrial premises.

(b) Collection by contractor. So long as any such exclusive or nonexclusive franchise or permit remains in force, collection and handling of material provided for in this chapter shall be made by the contractor in accordance with the terms and conditions of this chapter and the rules and regulations adopted by the City.

(c) Unlawful collection. Except as expressly provided in this chapter, it is unlawful for any person to collect or transport solid waste, green waste or recyclable materials within the City unless such person is a contractor, or the material collected is exempted under subsections (c)(1) through seven (7) of this section. It is unlawful for any person to knowingly permit, allow or enter into any agreement for the collection or transportation of solid waste, green waste, or recyclable materials by a person who is not a contractor, except as follows:

- (1) Green waste removed from a premises by a gardening, landscaping, or tree trimming business or by a public agency representative as an incidental part of a landscape maintenance service rather than as a separate transportation service, or green waste delivered by a generator to a processing facility;
- (2) Debris removed from a premises by a licensed land clearing contractor using its own employees and equipment, when transport is provided as an incidental part of a total service offered by that contractor rather than as a separate transportation service;
- (3) Hazardous or dangerous materials, liquid and dry caustics, acids, biohazardous, flammable, and explosive materials, pesticides, and similar substances;
- (4) Infectious medical waste as defined in the most current version of the California Health and Safety Code;
- (5) Source separated recyclable materials delivered by the generator to a facility for recycling under the California Beverage Container and Recycling Litter Reduction Act, California Public Resources Code §§ 14500 et seq., and other materials such as, but not limited to, newspaper, cardboard, other paper, metal, glass and plastic;
- (6) By-products of sewage treatment, including sludge, grit and screenings;
- (7) Solid waste generated at any residential or commercial premises and which is transported personally by the owner or occupant of such premises to a licensed disposal facility, or disposed of in a manner consistent with the provisions of the Municipal Code and other applicable laws.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998, as amended by part 18, Ord. 1437-NS, eff. July 7, 2005, as amended by § 2 Ord. 1473-NS, eff. December 29, 2006, as amended by § 2, Ord. 1545-NS, eff. November 12, 2010)

Sec. 6-2.303. Types of franchises and permits.

The City may issue the following types of franchises or permits:

- (a) Exclusive franchise. An exclusive franchise will be issued for collection of residential, commercial and industrial solid waste, green waste and/or recyclable materials from a designated zone as defined in this chapter.
- (b) Nonexclusive franchise. A nonexclusive franchise will be issued for temporary collection of solid waste, green waste and/or recyclable materials from a designated zone as defined in this chapter.
- (c) Collection permit. A permit may be issued for the collection of residential and commercial animal waste and commercial and industrial recyclable materials from bins and or drop boxes within one or more of the designated zones as defined in this chapter.
- (d) Temporary permit. In emergencies, such as the breakdown of equipment, or other unforeseen or unpreventable circumstances where, in the judgment of the City Manager or designee, the particular situation justifies such action, limited or temporary permits to private persons or corporations to perform any of the services covered by this chapter may be issued by the City Manager or designee. These services shall be subject to such reasonable fees, charges and conditions as the circumstances may warrant and as the parties involved may agree upon.

Such temporary permit fees and charges received from or paid to any private persons or corporations under this chapter shall not exceed fifteen (15) days duration unless approved by the City Council.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.304. Designated zones.

(a) Contractor's zones for exclusive and/or nonexclusive collection. The City is divided into designated zones for exclusive, nonexclusive and/or permitted solid waste, green waste and recyclable materials collection purposes from residential, commercial and industrial premises. The following designated zones are hereby created as shown on the City's official map filed with the City Clerk:

- (1) Residential zones;
- (2) Commercial zones;
- (3) Permit zones.

(b) Future zones. The assignment to designated zones of new or annexed residential, commercial and industrial developments, other than as indicated on the City's official zone maps, shall be made by the City Council.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.305. Exclusive, nonexclusive franchise or permit: Prerequisites.

(a) Required information. The applicant shall provide the City Manager or designee with the following information:

- (1) Name of applicant;
- (2) Permanent business address and full address of the applicant;
- (3) Firm name;
- (4) The names of all partners, if a joint venture or a partnership or limited partnership, or corporation and the names of the officers, and their percentage of participation and their permanent addresses;
- (5) The address of contractor's yard where vehicles, containers, and other equipment and maintenance operations are located;
- (6) Qualifications of applicant to render efficient solid waste, green waste, and/or recyclable materials collection service;
- (7) Verification that the applicant owns or has under control in good mechanical condition, sufficient equipment to conduct the business of solid waste, green waste and/or recyclable materials collection adequately and that the applicant owns or has access to suitable facilities for maintaining the equipment in a clean and sanitary condition;
- (8) The number of collection trucks to be used in each zone and the make, model, year, description and license number of all trucks used in each zone;
- (9) Verification that vehicles and equipment conform to all applicable provisions of this chapter, State and local laws and regulations;
- (10) A contingency plan, demonstrating the contractor's arrangements to provide vehicles and personnel to maintain uninterrupted service during mechanical breakdowns, and in case of natural disaster or other emergency;
- (11) A financial statement in a form prescribed by the City Manager or designee;
- (12) A statement indicating whether the applicant has been convicted of any felony or misdemeanor, the nature of the offense and the punishment or penalty attached thereto;
- (13) Such other facts or information as the City Manager or designee may require.

(b) Performance bond. Before obtaining an exclusive or nonexclusive franchise or permit under the provisions of this chapter, the contractor, as a condition to the franchise or permit, may be required to post with the City Clerk, a cash performance bond, surety performance bond or authorized letter of credit with language approved by the City Attorney in an amount identified in the agreement or permit. The bond shall be furnished by a corporate surety or financial institution authorized to do business in the State of California, payable to the City of Thousand Oaks. The bond shall be conditioned upon the full and faithful performance by the contractor of obligations under the applicable provisions of this chapter and shall be kept in full force and effect by the contractor throughout the life of the exclusive or nonexclusive franchise or permit and all renewals thereof.

(c) Fees. Once a franchise or permit has been issued to the contractor, the contractor shall pay to City such fees as set by

resolution of the City Council.

(d) Indemnification by contractor. In consideration of the terms and provisions of any exclusive or nonexclusive franchise or permit, contractor shall indemnify the City as specified in the agreement.

(e) Liability and workers' compensation insurance. The contractor must furnish the City Manager or designee with proof of comprehensive general liability and automobile insurance with limits not less than those stated in the agreement or permit. Copies of such policies, or certificates evidencing such policies, shall be filed with the City Clerk. The policy shall name the city, its officers, agents, employees, attorneys, administrators, affiliates, representatives, servants, insurers, successors, heirs, by endorsement, as an additional insured on all such policies. All policies shall contain a provision requiring a sixty (60) day written notice to be given to the City Manager or designee prior to cancellation, modification or reduction of limits. Failure to provide written notification to the City Manager or designee sixty (60) days in advance of expiration of any liability and/or workers' compensation insurance required as part of any permit or exclusive or nonexclusive franchise shall be assessed a penalty as stated in the agreement or permit for each day in noncompliance. The amounts of insurance for bodily injury and property damage shall be subject to review and adjustment by the City Attorney. The amount of workers' compensation insurance shall comply with the limits required by the State of California.

(f) Compliance with Motor Vehicle Code. The contractor's vehicles used to collect, transport and dispose of solid waste, green waste or recyclable materials must comply with the regulations as set forth in the California Motor Vehicle Code, all other applicable California codes, and this chapter.

(g) Compliance with Federal, State and local laws and regulations. The contractor agrees by acceptance of a franchise or permit to perform the terms of the franchise or permit in such a manner so as to comply with all valid and applicable Federal, State and local laws and regulations pertaining to the collection, transportation, processing, storage and disposal of solid waste, green waste and/or recyclable materials. The contractor shall also comply with all other ordinances and regulations of the City and applicable laws and regulations of the County of Ventura and State of California, and shall obtain and keep in force all required permits and a City business tax certificate. No contractor, person or party shall, for a fee or charge, gather, collect or remove from any place of business or residence any solid waste and/or recyclable materials without a City business tax certificate issued by the Director of Finance. The collection of a franchise fee may be in lieu of all other business tax certificate fees required by the City as determined by the Director of Finance.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.306. Approval or denial of franchise or permit.

The City Manager or designee shall investigate the information required by this chapter and verify that the contractor is capable of complying with the provisions of this chapter and the rules and regulations of the City. The City Manager or designee shall notify the City Council of the findings prior to approval or denial of the exclusive or nonexclusive franchise.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by § 3, Ord. 1545-NS, eff. November 12, 2010)

Sec. 6-2.307. Issuance and term.

(a) Franchise issuance and term. An issuance of exclusive or nonexclusive franchises pursuant to this chapter shall only be effective when approved by the City Council and when a separate written agreement is signed by the contractor and the City. Each franchise shall terminate as referenced in the exclusive or nonexclusive agreement.

(b) Permit issuance and term. Each permit shall terminate as referenced in the permit agreement.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.308. Assignment or transfer of franchise or permit.

(a) The contractor shall not assign its rights or delegate or otherwise transfer its obligations under an exclusive or non-exclusive franchise granted pursuant to this chapter in whole or in part to any other person without the prior written consent of the City Council. Any such assignment made without the consent of the City Council shall result in the revocation of the exclusive or nonexclusive franchise. Permits issued under this chapter may not be assigned.

(b) For purposes of this section, "assignment" shall include, but not be limited to:

- (1) A sale, exchange or other transfer of substantially all of contractor's assets dedicated to service under this chapter to a third party;
- (2) A sale, exchange or other transfer of thirty (30) percent or more of the outstanding common stock of contractor;
- (3) Any reorganization, consolidation, merger, recapitalization, stock issuance or re-issuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction to which contractor or any of its shareholders is a party which results in a change of ownership or control of thirty (30) percent or more of the value or voting rights in the stock of contractor;
- (4) Any combination of the foregoing, whether or not in related or contemporaneous transactions, which has the effect of any such transfer or change of ownership. For purposes of this section, the term "proposed assignee" shall refer to the proposed transferee(s) or other successor(s) in interest pursuant to the assignment. Assignment shall not include the gifting or sale of ownership interest to a spouse or lineal family members nor shall it include a transfer by bequest to a spouse or lineal family members.

(c) If Contractor requests City Council consideration of and consent to an assignment, the City Council may deny or approve such request. No request by contractor for consent to an assignment need be considered by the City Council unless and until contractor has met the following requirements:

- (1) Contractor shall pay to City the cost for administrative staff time and attorney fees to investigate the suitability of any proposed assignee, and to review, evaluate and process any documentation required as a condition for approving any such assignment. Contractors possessing a non-exclusive franchise or permit who request an assignment or transfer of franchise or permit must apply for a termination of the franchise or permit and reapply for a new franchise or permit under a new name.
- (2) Contractor shall furnish City Manager or designee with audited financial statements of the proposed assignee's operations for the immediately preceding three (3) operating years, unless an exception is granted by the City Manager or designee.
- (3) Prior to consideration by the City Council, the Contractor shall furnish the City Manager or designee with satisfactory written proof the proposed assignee has at least ten (10) years of solid waste management experience on a scale equal to or exceeding the scale of operations conducted by Contractor under this chapter; that in the last five (5) years, the proposed assignee has not received any citations or other censure from any federal, state, or local agency due to any significant failure to comply with federal, state, or local laws and that the assignee has provided the City Manager or designee with a complete list of such citations and censures; that the proposed assignee has at all times conducted its operations in an environmentally safe and conscientious fashion; that the proposed assignee conducts its solid waste management practices in accordance with sound waste management practices in full compliance with all federal, state, and local laws regulating the collection and disposal of solid waste, including hazardous waste as identified in Title 22 of the California Code of Regulations; and, of any other information required by the City Council to ensure the proposed assignee can fulfill the terms of this chapter in a timely, safe and effective manner. Proposed assignees with less than above described experience must be approved by the City Council.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998, as amended by § 4, Ord. 1545-NS, eff. November 12, 2010)

Sec. 6-2.309. Revocation.

An exclusive or nonexclusive franchise or permit may be revoked, at the option of the City Council, if it determines, after following the procedures contained in this section, that the contractor has not complied with either the provisions of this chapter or State statute on solid waste collection or the City's rules and regulations.

The City Manager or designee shall issue a written notice of cancellation to contractor specifying the nature of contractor's noncompliance and require compliance within thirty (30) days. If the City Manager or designee finds that, for health and safety reasons, compliance cannot be delayed for thirty (30) days, the City Manager or designee shall order that the contractor shall immediately commence and diligently pursue correction. If said noncompliance is not corrected within said thirty (30) day period, or if contractor fails to immediately commence and diligently pursue correction as directed, as the case may be, then the contractor shall be given a minimum of five (5) days written notice, of a hearing before the City Manager or designee, at which time the City Manager or designee shall make findings, and by written decision, either take no action, revoke or add conditions to contractor's franchise or permit. Should revocation be ordered, contractor shall be given a maximum of ninety (90) days to cease operations within the City and remove all containers in service.

Within five (5) days of written notice of cancellation, contractor may appeal the City Manager or designee's decision to the City

Council. Any appeal request shall state in full all grounds for appeal. Action on the contractor's appeal shall be set on a City Council agenda; however, such appeal shall not act as a stay on the ordered compliance. The City Council shall announce its decision and thereafter adopt a resolution setting forth such decision. All City decisions shall be served on contractor in person or by certified return-request United States mail, postage prepaid. Service by mail shall be deemed complete two (2) days after the date of mailing.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.310. Charges for franchised service.

(a) Collection charge. A charge for the collection of solid waste, green waste and recyclable materials shall be imposed by the City or contractor on the customer, or assigned responsible party, of each residential, commercial and industrial property or entity subscribing to solid waste, green waste and recyclable materials collection service. The City Council shall establish fees, by resolution, to be charged for the collection, transportation, and disposal of solid waste, the collection and processing of green waste and recyclable materials, and the service of planning and administering the City's solid waste programs and franchises contemplated under this chapter.

(b) Rate adjustments. Contractor shall submit to the City Manager or designee an application for rate review annually, in accordance with the procedures described in the agreement and in the City of Thousand Oaks Solid Waste Rate Review Manual, dated September, 1992, or as amended. The contractor may apply to the City Manager or designee for consideration of an interim rate review should an event or circumstance arise which impacts the economic operation of the contractor. In addition to the procedure contained in the above referenced manual, the contractor shall submit any and all data requested by and in the format prescribed by the City Manager or designee. Contractor shall not charge customer fees other than those approved by resolution of the City Council.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Article 4. Billings for Franchised Services

Sec. 6-2.401. Billings for franchised service.

(a) Billings and penalties. Each customer in the City shall be billed periodically by the City or the contractor providing service at rates established by the City Council. Should any customer fail, refuse or neglect to pay any such bill, a late penalty may be added to the bill and the sum, together with any costs incurred by the City or by the contractor, may be recovered by either the City or the contractor, as provided by law. The amount of the late penalty will be determined by the City Council and set by resolution.

(b) Billings by contractor. If billing is performed by the contractor, the City shall not be responsible for the collection of any sums due to the contractor in providing said service, nor does the City guarantee or warrant payment to the contractor for said services in any way whatsoever, except the City will assist the contractor in placing an assessment against the property for the unpaid fees in accordance with the provisions of this chapter. Advance billing of customer shall not be permitted more than sixty (60) days in advance of delivery of collection service.

(c) Solid waste collection of delinquent accounts. Should the customer fail or refuse to pay the fee assessed for the collection of solid waste, green waste and recyclable materials according to the provisions stated above, then the contractor shall notify the City Manager or designee of such refusal. Failure to pay may, except for the provisions hereof, result in the noncollection of solid waste, green waste and recyclable materials, which condition the City Council may determine and may declare to be a threat to the public health, safety and welfare, and which condition may be declared to be, if permitted to exist, a public nuisance. Contractor shall continue to collect solid waste, green waste and recyclable materials when directed to do so by the City Manager or designee. In such cases, contractor may seek reimbursement from the City.

(d) Collect charges. All costs incurred by the City or contractor shall be charged against the property from which the solid waste, green waste or recyclable materials was collected.

(e) Payment under protest. Any customer who has been billed for service and desires to contest the extent, degree or reasonableness of the charge billed, shall make payment of such charges under protest and, at the same time, file a written statement of such protest with the contractor, who shall submit a copy of the protest to the City Manager or designee, or, if City provides billing services, with City Manager or designee. Within thirty (30) days after date of filing, the City Manager or designee shall notify the protesting customer of the findings and adjustment in the matter.

(f) Envelope for billing. Billings shall be placed in an envelope at least twenty-two (22) square inches in size and shall include a return envelope for each billing period. Billings shall include sufficient space on the statement to accommodate up to twenty (20) typed characters as specified by the City Manager or designee.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.402. Uniform City-wide rate.

The City Council shall set uniform rates applicable to all areas of the City for residential, commercial and industrial solid waste, green waste and recyclable materials collection service for each customer class. Rates shall be based on the type of service provided, type and quantity of waste generated, the number, size and location of containers, frequency of collection, and billing methods.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Article 5. Customer Responsibilities

Sec. 6-2.501. Payment Responsibility.

Payment for service of solid waste, green waste and recyclable materials collection from single-family/duplex and multi-family dwellings and all commercial and industrial accounts is an obligation of the service recipient, regardless of any lease or possession held by another. In the case of non-payment by the service recipient, the owner of the residential unit, commercial and industrial establishment shall be responsible for payment.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998, as amended by § 3 Ord. 1473-NS, eff. December 29, 2006)

Sec. 6-2.502. Containers.

(a) Residential solid waste containers. Residential customers shall acquire, provide and maintain containers as herein specified for the accumulation and disposal of solid waste, unless, by direction of the City Manager or designee, such containers shall be provided by the contractor. All containers used for the collection, removal and disposal of solid waste shall be water-tight, constructed of a material of suitable strength and durability and shall be tight-seamed. Paper bags and cardboard containers shall, not be used as containers for the disposal of solid waste.

The standard size container provided by residential customers shall not exceed forty-five (45) gallons. The combined weight of the container and contents shall not exceed fifty (50) pounds, unless the container is provided by the contractor and the contractor's collection vehicle is equipped for mechanical lifting.

If green waste from residential premises is too large to be placed in a container, it shall be placed beside the container, in securely tied bundles no larger than four (4') feet in length, eighteen (18") inches in diameter, and weighing no more than fifty (50) pounds.

Containers that do not comply with the requirements of this section will be tagged by the contractor and will be considered as solid waste and removed as solid waste if not replaced by the next regular collection day.

(b) Commercial and industrial solid waste containers. Customers of commercial and industrial premises shall place solid waste in bins and drop boxes provided by the contractor. Customer may provide a container to retain the materials in such a manner as not to constitute a health or fire hazard or nuisance to the general public, if such container conforms with the requirements as stated in this chapter, or as determined acceptable by the City Manager or designee. The combined weight of a commercial container and its contents shall not exceed a weight that can be managed safely by one person. Special handling charges shall apply for overweight bins. Lids must be kept closed, except during the loading and unloading process.

(c) Green waste and recyclable materials containers. As directed by the City Manager or designee, residential customer shall place green waste and recyclable materials in City-approved containers supplied by the customer, or, as directed by the City Manager or designee, in containers supplied by the contractor.

Commercial and industrial customers may request service from the contractor for the collection of green waste and recyclable

materials, and, if such service is provided, shall place these materials in City-approved containers supplied by the contractor.

(d) Filling of containers. No customer shall so fill any container with solid waste, green waste or recyclable materials above the top of the container to such an extent as to permit the contents of any container to be strewn about. Material may not be compacted in the container to the extent that it cannot be easily removed by the contractor.

(e) Residential collection limits. The maximum amount of solid waste that can be placed for weekly residential collection by a contractor is one hundred eighty (180) gallons, excluding source-separated recyclable materials. Residential customers can arrange with contractor for extra service for an additional charge. No residential customer shall set out, or cause to be set out, for collection, solid waste, green waste or recyclable materials other than solid waste, green waste or recyclable materials originating at that premises.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1315-NS, eff. April 2, 1998, as amended by § 4 Ord. 1473-NS, eff. December 29, 2006)

Sec. 6-2.503. Placement and maintenance of residential containers.

Residential customers shall set out or place containers for the collection of solid waste, green waste and recyclable materials as follows:

(a) Proper location of containers. Any container used for collection and removal of solid waste, green waste or recyclable materials shall be placed along the street curb in front of premises or along the alley in the rear of premises, depending upon whether the prescribed collection route is along the street or alley. Should the City or contractor alter the method of collection, containers may be placed on the street between the curb line and the property line as close to the curb as possible. Any receptacle placed for collection in an alley shall be placed as close to the property line as possible.

(b) Timing of placement and removal of containers. Customer shall not place solid waste, green waste and recyclable materials containers for collection at any time other than the days established by the contractor for the collection of such materials on the particular route involved, or earlier than 6:00 p.m. of the day preceding the day designated for collection. All containers shall be removed from the place of collection prior to midnight of the day the containers have been emptied. All containers shall not be stored in front or side yard areas which are exposed to the general public view except during collection periods.

(c) Responsibility for containers. Customer shall be responsible for the solid waste, green waste and recyclable materials containers on the premises and shall maintain the same in a sanitary condition. If the containers are not emptied and contents removed on the date and time scheduled by the contractor, customer should immediately notify the contractor who shall arrange for the collection and disposal or processing of the materials. Contractor must collect and dispose or process materials within twenty-four (24) hours of receipt of customer notification, Sundays and holidays excepted.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.504. Placement and responsibility for commercial containers.

(a) Placement. Commercial barrels and bins must be stored in a six (6') foot high decorative block or slump stone wall enclosure in locations approved by the City Manager or designee. Such enclosures shall comply with all conditions set forth in the City's Refuse/Recycling Enclosure Space Regulations or as amended.

(b) Maintenance. Commercial and industrial customers shall be responsible for the solid waste, green waste and recyclable materials containers on the premises. Customer must maintain container premises in a sanitary condition, and is responsible for cleanup of material around the container, unless such spillage is caused by the contractor. If the containers are not emptied and the contents removed on the date and time scheduled by the contractor, customer should immediately notify the contractor who shall arrange for the collection and disposal or processing of the materials. Contractor must collect and dispose or process materials within twenty-four (24) hours of receipt of customer notification, Sundays and holidays excepted.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.505. Accumulation and duration of storage.

It is unlawful for any person owning, managing or having control of a premises to permit the accumulation of solid waste to become or remain offensive, unsightly or unsafe to the public health or safety, or hazardous from fire, or to deposit, keep or accumulate, or permit or cause any solid waste to be deposited, kept or accumulated, upon any property, lot, parcel of land, vacant land or any public or private street, lane, alley or driveway, except as provided in this chapter, other than as follows, or as exempted by the City Manager or designee:

(a) Putrescible material. Putrescible material shall not be accumulated or stored for a period of time in excess of:

(1) Commercial and industrial premises: twenty-four (24) hours (Sundays and holidays excepted);

(2) All other areas: seven (7) days.

(b) Nonputrescible material. Nonputrescible material shall not be stored or accumulated for a period of time in excess of seven (7) days.

(c) Holidays. The above periods of time which end in any week in which a holiday occurs are extended one additional day.

(d) Unauthorized disposal. Other than as herein set forth in this chapter, it is unlawful for any person or legal entity to dump, bury or otherwise dispose of or store solid waste on any private or public property within the City; provided, however, that storage of leaves, grass clippings and the like may be permitted for the purpose of composting under such circumstances and conditions as are established by the City Manager or designee.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Article 6. Contractor Responsibilities

Sec. 6-2.601. Collection.

(a) Residential solid waste, green waste and recyclable materials collection service. As directed by City Manager or designee, residential contractor shall collect and dispose of all solid waste and collect and process source-separated green waste and recyclable materials generated at residential premises within the City and placed for collection, not less than once per week, as scheduled, unless another collection program is approved by the City Manager or designee. Contractor may collect solid waste, green waste and recyclable materials from residential premises only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, subject to review by the City Manager or designee. Contractor shall use due care when handling containers provided by customers. Containers other than plastic bags shall be returned by contractor to the collection point upright, with lids properly secured. Residential customers may make arrangements with contractor to collect excess material and bulky waste; extra charges may apply to this service, as approved by resolution by the City Council. White goods/ferrous metals which include, but are not limited to, washing machines, clothes dryers, hot water heaters, refrigerators and stoves shall be separated at the time of collection so as not to become mixed with other solid waste to be landfilled. Collected white goods shall be recycled to the maximum extent feasible and contractor shall comply with all provisions of the Federal Clean Air Act. Special charges may apply to this service, as approved by the City Council.

(b) Commercial and industrial solid waste, green waste and recyclable materials collection. Commercial contractor shall collect and dispose of solid waste generated at commercial and industrial premises within the City and placed in a bin or drop box for collection from one to six (6) times per week as scheduled with each commercial or industrial customer. As directed by City Manager or designee, commercial contractor shall collect and process source-separated green waste and recyclable materials generated at commercial and industrial premises within the City and placed in a bin or drop box for collection as scheduled with each commercial and industrial customer. Commercial contractor may collect solid waste, green waste and recyclable materials from commercial and industrial premises between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, subject to review by the City Manager or designee.

(c) Temporary bin and drop box container service. Temporary bin and drop box container service shall be provided through a nonexclusive franchise process. Contractor is entitled to place bins and drop box containers and collect solid waste, green waste and recyclable materials on a temporary service basis, where such solid waste, green waste and recyclable materials originate on or from premises within the City. Commercial and industrial land clearing, construction and demolition projects with a current City building or grading permit, and residential or commercial short-term construction and cleanup projects would be typical types of such temporary service. Collection service for residential and/or commercial/industrial cleanup projects shall be provided for a maximum of thirty (30) consecutive days per calendar year per account location. Construction and demolition projects with a current City building and/or grading permit may be serviced continually until construction activities have been completed and/or a certificate of occupancy has been

issued by the City. All concrete, asphalt, dirt, green waste, wood waste and other recyclable materials shall be diverted to the maximum extent possible.

Contractor providing this type of service must meet the following requirements:

(1) Contractor shall obtain a City blanket encroachment permit.

(2) Contractor shall provide the following information: permit application, certificate of insurance for general liability, City of Thousand Oaks business tax certificate, and application fee as set by City Council resolution. Bin/drop box placed in the public right-of-way shall be restricted to the following:

(i) Bin/drop box may only be placed where vehicles can legally park.

(ii) Placement is restricted to any location on the street right-of-way which has a slope less than seven (7%) percent.

(iii) Bin/drop box shall be identified by contractor's name and phone number on at least two (2) sides. Identification shall be visible from the street in letters a minimum of two (2") inches in height.

(iv) Bin/drop box shall be adequately reflectorized with a minimum of ten (10) square inches of plastic or reflective sheeting on each corner at a height between fifteen (15") and sixty (60") inches from the ground.

(v) Bin/drop box shall only be placed at locations permissible by this chapter and with approval of the customer requesting said service.

(vi) Bin/drop box shall be left in residential areas no more than twenty (20) consecutive days, and no more than thirty (30) days per calendar year unless a time extension is granted by City Manager or designee.

(d) Special collection provisions. Special collection provisions shall be as follows:

(1) The contractor shall not be required to collect material in excess of the one-hundred-eighty (180) gallon weekly limit for residential premises, medical or infectious waste, liquid waste, hot ashes, dead animals, abandoned vehicles, explosive substances, radioactive materials, or any material defined by Federal, State or local law as hazardous waste.

When materials referred to in this subsection are not collected, contractor shall leave a tag on which the reason for refusal to collect such materials is indicated, giving references to the Code or to the section of rules and regulations which has been violated and which gives grounds for refusal. A tag shall be securely fastened to the container or the article refused.

Contractor shall keep a record listing the address of the waste identified in this subsection, and this record shall be given to the City Manager or designee as part of the quarterly report.

(2) Animal waste. Animal waste shall not be placed in containers for regular collection and disposal, but shall be removed by separate agreement, at the customer's expense, in accordance with all Federal, State and local laws and regulations.

(e) Cleanup of illegal dumping. Each contractor holding an exclusive franchise shall respond to all calls from the City Manager or designee regarding spilled or illegally dumped waste, including bulky materials, during regular work hours and, in emergencies, at night, and on weekends. Contractor shall collect and deliver such waste to the appropriate disposal or processing site. In such cases, contractor may seek reimbursement from the City.

(f) Collection/spillage. Contractor shall exercise all reasonable care and diligence in collecting solid waste, green waste and recyclable materials so as to prevent spilling, scattering or dropping such waste and materials and shall immediately, at the time of occurrence, cleanup any spillage whether or not contractor has caused the litter. Contractor shall discuss instances of repeated spillage not caused by it directly with the responsible customer and will report such instances to the City Manager or designee. The City Manager or designee will attempt to rectify such situations with the customer if contractor has already attempted to do so without success.

(g) Supervision of contractors by City. The City Manager or designee shall supervise the collection and disposal of solid waste and collection and processing of green waste and recyclable materials by contractor as follows:

(1) The City Manager or designee, within the terms and conditions of this chapter or any agreement entered into pursuant to the provisions of this chapter, may establish the days, routes and hours for the collection and may change the same from time to time. When such days, routes and hours are established or changed, contractor shall give thirty (30) days written notice thereof to all affected residential and/or commercial and industrial customers.

(2) In all cases where the City Manager or designee shall find that practical difficulty exists in complying with the requirements of

this chapter as to the placement of solid waste for collection by the contractor, the City Manager or designee shall designate where such solid waste shall be placed or kept for collection by the contractor and the conditions under which shall be collected.

(3) The City Manager or designee, with City Council approval, shall make such rules, not inconsistent with the provisions of this chapter or the agreements or permits between the City and contractor, as may be necessary, reasonable and proper to effect the expedient, economical and efficient collection and disposal of solid waste and collection and processing of green waste and recyclable materials by contractor.

(§ 2, Ord. 1200-NS, eff. March 15, 1994, as amended by Ord. 1238-NS, eff. September 5, 1995)

Sec. 6-2.602. Containers.

(a) General. As directed by the City Manager or designee, contractor shall provide containers of sufficient number and capacity to perform the work required under the agreement. Containers shall incorporate use of recycled content to the maximum extent possible.

(b) Commercial containers. Contractor shall provide bins and drop boxes to occupants of commercial and industrial premises which are metal-lined, leak-proof and of sufficient strength to prevent the container from being broken under ordinary conditions of use, and possess a fly-tight lid (bins only). Containers shall be constructed of noncombustible material and provided with a noncombustible metal or plastic lid and approved by the Fire Department or its representative as providing adequate protection against fire hazard. Customer may provide own refuse container to retain materials in such a manner as not to constitute a health or fire hazard or nuisance to the general public. Said container must comply with approved specifications. At request of customer or contractor, contractor shall provide a container locking mechanism at rates established by the City Council.

(c) Maintenance. Contractor shall maintain all containers, other than containers supplied by occupant, on a regular basis so as to be functional and present a clean appearance. Containers provided by the contractor shall be identified with the contractor's name and telephone number in letters not less than one and one-half (1-1/2") inches tall in a contrasting color with the background to highlight the information to the public. Within twenty-four (24) hours of being notified of existence of graffiti, contractor shall arrange for removal, Sundays and holidays excepted. Subject to special fees as established by the City Council, contractor may charge customer for the removal of graffiti from containers. The fee for this service shall bear a reasonable relationship to the actual cost of removing the graffiti and shall not exceed the fees established by the City Council.

(d) Commercial container replacement. Contractor shall repair or replace, at no additional cost to customer, commercial bins and/or rubbish collection enclosures including gates which are damaged as a result of service provided by contractor for regular rubbish removal or recycling service. Contractor shall remove and/or replace within forty-eight (48) hours of written notice from the City Manager or designee, Sundays and holidays excepted, any container or bin which has been determined to be unsatisfactory for service by the City Manager or designee. If such removal is not accomplished within forty-eight (48) hours of written notice, Sundays and holidays excepted, the contractor further agrees the City Manager or designee may remove and dispose of said container or bin and the cost of same shall be reimbursed to the City by the contractor, less any salvage value received.

(e) Signage. All containers shall be labeled with adequate signage describing acceptable materials and unacceptability of hazardous waste. Container size, color, design and construction content shall be approved by the City Manager or designee.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.603. Processing, disposal and transfer.

(a) Recyclable materials processing. Contractor shall process, broker or deliver green waste and/or recyclable materials to a processing facility, at contractor's expense, and in a manner satisfactory to the City and in accordance with all Federal, State and local laws and regulations. Contractor shall not dispose of any material collected from residential, commercial or industrial customers in a landfill which it has agreed to recycle, without advance written notice to and approval from the City Manager or designee.

(b) Other processing. By providing at least ninety (90) days written notice, the City will notify contractor of its intent to direct contractor to deliver solid waste, green waste and/or recyclable materials collected under this chapter to a materials recovery and processing facility under contract with City for separation and recycling of any materials contained therein.

(c) Disposal. Contractor shall arrange for and dispose of collected wastes at a City-approved disposal site in a manner satisfactory to the City and in accordance with all Federal, State and local laws and regulations at the contractor's expense. The City shall not be liable for the disposal of the collected waste.

(d) Burning, burial or dumping. Except as otherwise expressly allowed by this chapter, it is unlawful for any person or legal entity to burn, bury or dump solid waste, green waste or recyclable materials within the City at any time.

(e) Transfer. Nothing in this chapter shall be construed to prevent the transfer of solid waste, green waste or recyclable materials within the City limits from collection to transfer vehicles, provided such operation shall not be conducted in violation of any federal, state or local law or regulation.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.604. Contractor's properties, facilities and equipment.

(a) General. The following general requirements shall be met by the contractor:

(1) Contractor shall maintain all of its properties, facilities and equipment used in providing service under this chapter in a safe, neat, clean and operable condition at all times. Office equipment shall be appropriate for record-keeping requirements of efficient service operation.

(2) All solid waste collection operations shall be conducted as quietly as possible and shall not exceed seventy-five (75) decibels at a distance of twenty-five (25') feet from the vehicle, measured at an elevation of five (5') feet above the ground level and shall conform to applicable Federal, State, and local regulations.

(b) Specifications and restrictions on collection vehicles. Contractor shall have available on collection days sufficient back-up vehicles for each type of collection vehicle used (i.e., rear-end load, side load, front-end load, or roll-off) to respond to complaints and emergencies.

The following requirements and restrictions shall apply to collection vehicles:

(1) The transportation of all solid waste, green waste and recyclable materials shall be in a leak-proof and fly-proof container or in leak-proof vehicle bodies or compartments fitted with sliding or hinged covers which shall be kept closed at all times, except one cover at a time may be open during loading.

(2) All vehicles used for transporting drop boxes shall have a minimum covering of a clean tarpaulin which shall be securely placed over the entire load and tied down.

(3) All trucks or vehicles used for service in the City shall be painted the colors as approved by the City Manager or designee and identified by contractor's name, telephone number and unique vehicle identification number displayed in a prominent location. Trucks used for recyclable materials collection shall be white, unless another color is approved by City Manager or designee. Contractor's name, telephone number and identification number shall be located in two (2) places on each collection vehicle and shall be a minimum of four (4") inches in height and in a contrasting color with the background to highlight the information to the public, unless other identification methods are approved by City Manager or designee.

(4) Each vehicle to be used within the City shall be inspected annually or at will, as designated by the City Manager or designee, and shall conform to all provisions of the California Vehicle Code, City of Thousand Oaks Municipal Code and be in satisfactory mechanical and presentable condition free of noxious odors. Contractor shall keep on record and have available for City review, evidence of vehicle inspections conducted. The City Manager or designee's decision as to the serviceability of each vehicle shall be final.

(5) All vehicles used for transporting solid waste, green waste and recyclable materials shall not exceed the allowable legal load limits.

(6) All vehicles used for collecting or transporting solid waste, green waste and recyclable materials shall be equipped with an audible warning device that is activated when the vehicle is backing up.

(7) The City Manager or designee shall require the contractor to remove from service or repair those vehicles that do not comply with these specifications.

(c) Use of vehicles. The following shall apply to the use of vehicles for solid waste, green waste and recyclable materials collection:

(1) No person shall leave trucks loaded with solid waste, green waste and recyclable materials parked for more than a twenty-four (24) hour period on the City streets.

(2) Each vehicle of the contractor shall at all times have in the cab the registration of the truck, a five (5) pound fire extinguisher certified by the California State Fire Marshal, a certificate of insurance card and an identification card with the name of whom to telephone in case of an accident. Each vehicle shall also be equipped with two-way radio, unless an exception is made in writing by the City Manager or designee.

(3) Contractor shall inspect each vehicle daily to ensure all equipment is operating properly. Vehicles which are not operating properly shall be taken out of service until they are repaired and do operate properly. The City Manager or designee's decision as to the serviceability of each vehicle shall be final.

(4) Contractor shall perform all maintenance functions in accordance with the manufacturer's specifications and schedule.

(5) Contractor shall keep accurate records of all vehicle maintenance, according to date and mileage and shall make such records available to the City Manager or designee upon request.

(6) Contractor shall furnish the City Manager or designee a written inventory of all vehicles, including collection vehicles, used in providing service, and shall update the inventory annually.

(7) If required by State law, California Highway Patrol inspection reports shall be provided for each collection vehicle on an annual basis.

(8) Contractor shall clean all vehicles inside and out at least once each week when in use or when necessary at the discretion of the City Manager or designee.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.605. Contractor's employees.

Contractor shall employ only competent, qualified, sober and drug-free personnel who can effectively communicate and serve the public in a courteous, professional, helpful and impartial manner.

(a) Nondiscrimination. Contractor shall hire and promote with equal opportunity to all without regard to sex, age, race, color, religious creed, national origin, ancestry, political affiliation, marital status, disability, or other nonmerit factors.

Contractor shall operate in accordance with the Immigration Reform Act of 1986 and verify that once an employment offer has been made, that each employee has written proof of his/her right to work in the United States. A copy of the employee's State of California driver license and social security card must be submitted to the contractor prior to employment and shall be kept on file for the duration of the person's employment and for two (2) years hereafter.

(b) American Disabilities Act. Contractor shall comply with all provisions of Title 24 of American with Disabilities Act (ADA) prohibiting employment discrimination against qualified individuals with disabilities.

(c) Licenses. Any employee driving contractor's vehicles shall, at all times, have in his or her possession a valid and legally appropriate vehicle operator's license issued by the State of California.

(d) Training. Contractor shall comply with all Federal, State and local regulations relating to the training, and the documentation of training, of personnel who operate vehicles or other equipment. Contractor shall train its collection employees to identify, and not to collect hazardous waste or infectious waste.

(e) Uniforms. Contractor holding an exclusive franchise shall require each employee to wear clean uniforms when engaged in solid waste, green waste and recyclable materials collection service on public streets which shall include employee's name and contractor's name. Contractor shall be responsible for maintaining uniforms in a clean, neat and well-mended appearance.

(f) Supervision. Contractor shall designate at least one qualified employee as supervisor of field operations within the City. The field supervisor will conduct regular field investigation of collection operations, including responding to complaints.

(g) Identification. Contractor shall provide collection employees with company identification materials which shall be available to the public upon request. The City may, at its option, require fingerprinting of the contractor's employees whose service will cause them to enter onto or work in close proximity to private property.

(h) Gratuities. Contractor's employees may not accept gratuities of any kind.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.606. Inquiries, complaints and complaint reimbursement.

- (a) Office location. Contractor shall provide an office in such a reasonable location as approved by the City Manager or designee.
- (b) Telephone service. Contractor shall maintain a toll-free telephone service for the entire City. A twenty-four (24) hour emergency number shall be made available to City Manager or designee.
- (c) Prompt response. Contractor shall be responsible for the prompt and courteous attention to, and prompt and reasonable resolution of, all customer complaints. Contractor shall respond to all complaints from waste generators within twenty-four (24) hours, weekends and holidays excluded.
- (d) Complaint log. Contractor shall maintain a log of all complaints received in a format approved by the City Manager or designee. The log shall include, but is not limited to, the date, time, address of premises, description of complaint and method of resolution. Contractor shall submit a quarterly summary of such log to the City Manager or designee in a City-approved format.
- (e) Complaint reimbursement. Contractor shall reimburse the City for all labor and materials expended by the City if the City is required to assist in resolving complaints from customers concerning contractor service. In such cases, the City shall invoice contractor for such costs, indicating the name and address of the customer, nature of complaint, amount of time spent, hourly rates for employees involved, and materials required to resolve the complaint.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.607. Maintenance and inspection of records.

- (a) Contractor shall keep and preserve during the term of the franchise or permit, full, complete and accurate records which shall be subject to review and reproduction by the City Manager or designee.
- (b) Contractor shall make available to the City Manager or designee for examination the records maintained pursuant to this section as may be necessary to assist the City in meeting its obligations under the Act.
- (c) The City Manager or designee shall have the right to audit, inspect or review the specific documents or records required pursuant to this chapter, or any other similar records or reports of contractor which it shall deem, at its sole discretion, necessary to evaluate annual reports, rate review applications and contractor's performance review.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.608. Hazardous waste notification.

Contractor hereby warrants to City it will carry out its duties imposed by law, agreement and/or permit, to notify all agencies with jurisdiction, including the California Department of Toxic Substances Control and local emergency response providers, and, if appropriate, the National Response Center, of reportable quantities of hazardous waste, found or observed by contractor's officer's agents or employees anywhere within the City, including, but not limited to, on, in, under or about City property, and other publicly and privately owned properties. Contractor will also immediately notify the City Manager or designee of each incident or occurrence and under or pursuant to any Federal, State or local laws to protect, hold harmless and indemnify the City and their respective appointed and elected officers.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.609. Privacy.

- (a) Contractor shall strictly observe and protect the rights of privacy of customers. Information identifying individual customers, or the composition or contents of a customer's refuse or recyclables materials container shall not be revealed to any person, governmental or private agency or company, unless upon the authority of a court of law, by statute, or upon written authorization of the customer. This provision shall not be construed to preclude contractor from preparing, participating in, or assisting in the preparation of waste characterization studies or waste stream analyses which may be required by the Act or as otherwise requested by the City Manager or designee.

- (b) Contractor shall not market or distribute lists containing any or all of the following information: name, address or telephone

number of customers.

(c) The rights accorded customers pursuant to this chapter shall be in addition to any other privacy rights accorded customers pursuant to Federal, State or local law.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)

Sec. 6-2.610. Pavement damage.

Contractor shall be liable for any pavement damage to the City's driving surfaces beyond normal wear, whether or not paved, resulting from the weight, leakage or spillage of oils, fluids or solids by vehicles providing collection and transportation services under an agreement or permit. All collection vehicles shall be of legal weight when fully loaded.

(§ 2, Ord. 1200-NS, eff. March 15, 1994)