

.Chapter 8.12 - GARBAGE AND REFUSE

Sections:

- 8.12.010 Definitions.
- 8.12.020 Enforcement Authority.
- 8.12.030 Collection–System Established–License or Contract Required.
- 8.12.040 Use of System Required.
- 8.12.050 Refuse Accumulation Prohibited Where.
- 8.12.060 Burning, Burying and Dumping Prohibited–Exception.
- 8.12.065 Burn Permits.
- 8.12.066 Burn Conditions.
- 8.12.067 Enforcement of Burn Permit.
- 8.12.070 Containers–Owner Duty To Provide–Specifications–Procedure For Use.
- 8.12.080 Collection–Schedules and Regulations.
- 8.12.090 Rubbish–Special Handling Permitted When–Procedures Required.
- 8.12.100 Collection–Business Houses–Procedure.
- 8.12.110 Collection–Fees and Rates–Set By Council Resolution.
- 8.12.120 Collection–Fees and Rates–Billing Procedure.
- 8.12.130 Collection–Services To Be Self-Supporting.
- 8.12.140 Disposal Site–Established–Use Procedure–Enforcement Authority.
- 8.12.150 Disposal Site–Rules and Regulations.
- 8.12.160 Inspector–Premises Inspection Authority.
- 8.12.170 Collection–City Council Authority.
- 8.12.180 Collection–Materials Not Acceptable.
- 8.12.190 Violation–Penalty.

8.12.010 Definitions.

- A. “*Collector*” wherever herein used means the person holding a license or contract with the city or employed by the city and thereby authorized and designated by the city to collect, handle, transport and dispose of refuse and wastes.
- B. “*Garbage*” includes all putrescible waste, except sewage and body waste, including waste accumulated of animal food, animal waste or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, and includes all of such wastes or accumulations or vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption. Tin cans, bottles, paper, pasteboard, card-boards, or wooden boxes that have food particles or juices stuck to or impregnated into them shall be considered as garbage. The term “garbage” does not include recognized industrial byproducts.
- C. “*Inspector*” means the authorized employee or employees of the city, or some individual designated by the city council as having the duty of the enforcement of this chapter.
- D. “*Owner*” and “*occupant*” wherever herein used may be used interchangeably, and mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishment where garbage or other refuse is created or accumulated.

- E. “*Person*” means any person, firm, partnership, association, institute or corporation, and in the plural as well as singular.
- F. “*Refuse*” means solid wastes, including garbage and rubbish.
- G. “*Rubbish*” means refuse other than garbage that is produced in normal course of everyday living.
- H. “*Waste*” means unwanted solid, liquid, or gaseous materials.

8.12.020 Enforcement Authority.

The city council shall appoint a person or persons who shall be responsible for the enforcement of the provisions of this chapter and other duties as the city council may prescribe. Said person or persons so appointed shall work under the direction of the city council and in coordination with the department of health or its authorized representative.

8.12.030 Collection–System Established–License or Contract Required.

There is established a system of refuse collection, transportation and disposal. It is unlawful for any person to engage in the business of collecting, transporting, hauling or conveying any refuse over the streets or alleys of Arco, or to dump or dispose of the same, unless and until such person is licensed therefor, or has a contract therefor or is an authorized representative of the city.

8.12.040 Use of System Required.

Every owner and occupant of premises within the prescribed limits of the city must use the refuse collection and disposal system herein provided and shall deposit or cause to be deposited in accordance with this regulation all rubbish and garbage that is of such nature that it is perishable, or may decompose, or may be scattered by wind or otherwise, which is accumulated on such premises.

8.12.050 Refuse Accumulation Prohibited Where.

It is unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises owned or occupied by such person, any garbage or refuse so as to cause such yard, lot, premises, or the street, alley or sidewalk adjacent thereto to be or remain in such condition as to cause or create a nuisance or offensive odor or atmosphere, or thereby to be or to become, or cause or create a public nuisance within the limits of the city.

8.12.060 Burning, Burning and Dumping Prohibited Exception

No person shall bury, dump, collect, remove or in any manner dispose of rubbish or garbage within the limits of the city except as provided by the city ordinance codified herein. No person shall burn or incinerate rubbish or garbage within the limits of the city except by approved permit as specified in 8.12.065 and 8.12.066. No person shall throw, discard or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk or vacant ground, or in or upon any canal, irrigation ditch, drainage ditch or other watercourse.

8.12.065 Burn Permits.

All persons desiring to burn within the city shall submit a complete burn permit application to the city fire chief. Such application must be signed by the fire chief and a copy provided to the Butte County Sheriff's Office prior to the start of any burning. All conditions listed on the burn permit and found in 8.12.066 must be followed at all times. The fire chief may impose additional conditions on the permit. The fire chief may refuse any application that may pose a safety or health threat to the permittee or the citizens of Arco.

8.12.066 Burn Conditions.

The following conditions must be followed prior to burning under a valid burn permit:

- A. No open burning shall be allowed to burn within 15 feet of any structure.
- B. All controlled burns shall be conducted after dawn and extinguished before dusk.
- C. Fires shall be under constant attendance by permittee or competent agent until fire is extinguished.
- D. Person in attendance shall have a ready water supply or fire extinguishing equipment available.
- E. No fire shall be ignited when conditions may create difficulty in controlling the fire or when conditions may allow smoke, odor, or heat to enter neighboring structures. No fire shall be ignited when wind speeds are ten miles per hour or greater.
- F. Material shall not be burned that may create dense smoke or odor. The following materials shall not be burned under any circumstances: junked motor vehicles or any material resulting from a salvage operation, tires or rubber waste, asphalt or similar materials, petroleum products or paint, trade waste except as allowed by Dept. of Health and Welfare Regulations Section 01.1154, garbage, dead animals, plastics, insulated wire, pathogenic waste, hazardous waste, treated lumber, or textiles or any other material that may be noxious if burned.
- G. Permittee is responsible for keeping the permitted burn under control at all times. Should the fire get out of control, the permittee shall be responsible for any and all suppression costs sustained by the fire department. The City of Arco shall not be responsible for any damages from burning performed under a burn permit.
- H. Permittee shall be required to notify the sheriff's office dispatch when the burn is ignited and extinguished.

8.12.067 Enforcement of Burn Permit.

The failure to provide a copy of the burn permit to the sheriff's office and/or notice to the sheriff's office of the start and stop of the burn shall constitute an infraction and violators shall be subject to a fifty (\$50.00) dollar fine. The failure to obtain a burn permit or the failure to comply with any conditions listed in 8.12.065 and 8.12.066 and/or on the burn permit shall constitute a misdemeanor. Each misdemeanor violator is subject to a maximum fine of three hundred dollars (\$300.00) and/or six months in jail.

8.12.070 Containers–Owner Duty To Provide–Specifications–Procedure For Use.

It shall be the duty of every owner or occupant of any place where garbage or rubbish is created or accumulated to at all times keep or cause to be kept portable appurtenances consisting of metal or other approved type of container for the deposit therein of rubbish and garbage, and except as otherwise provided, to deposit or cause to be deposited all rubbish and garbage therein. All garbage shall, before deposit in such can, be wrapped in paper or other material so as to prevent the escape of liquids therefrom.

All such containers shall be watertight, not easily corroded, rodent and fly-proof, and shall be equipped with handles and a close-fitting lid. Such containers shall not be less than twenty gallons capacity or more than thirty five gallons capacity. The containers shall not be of less than twenty-eight gauge metal or the equivalent and be hot-dipped after fabrication to insure non-leaking cans or a can that is guaranteed by the manufacturer, and so labeled to be leak-proof regardless of manufacturing processes. Such lid shall not be removed except when necessary to place garbage and rubbish in such container or to take the same therefrom.

Whenever garbage or rubbish is placed therein or taken therefrom, such lid shall be replaced by the person placing or taking therefrom such garbage or rubbish. Such containers shall be kept in sanitary condition, with the inside and outside thereof washed at such times as to keep the same free and clean of all accumulating grease and decomposing material and so that no odor nuisance shall exist.

The containers required by this section may be of some other type and size designated by resolution of the Arco city council which would allow the use of mechanized garbage pick-up throughout the city.

8.12.080 Collection–Schedules and regulations.

- A. Refuse shall be collected from all premises in the city not less than once per week. If large accumulations of refuse occur or are generated by particular premises, more frequent collection from such premises shall be made. The council shall establish regulations and schedules of collection and the owner, or occupant, of premises within the city shall be required to place all refuse containers adjacent to the alley line of the premises upon the day scheduled for collection. Such owners or occupants shall be notified of collection days by the council or its designee. No refuse containers or accumulations of refuse shall be placed in or upon the alley or street right-of-way.
- B. In the event there is no alley adjacent to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk, if a sidewalk exists, on the morning of the day scheduled for collection and the empty containers shall be removed from the curb front of the premises as soon as practicable on the day of collection, following said collection.

8.12.090 Rubbish–Special handling permitted when– Procedures required.

Rubbish consisting only of cardboard, or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, may be kept separately without depositing in such containers providing that bulk materials such as leaves shall be in a can, box, sack or receptacle for ease of loading, and that brush, etc., shall be tied in bundles not to exceed four feet in length.

Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used. Nothing in this section shall be construed so as to permit the violation of any ordinance, or any rule or regulation of the fire department of the city.

8.12.100 Collection–Business houses– Procedure.

To insure the health of the inhabitants of Arco, the city council ordains that premises and businesses such as, but not limited to, restaurants, grocery stores, hospitals, butcher shops and establishments wherein large accumulations of garbage occur, are nuisances to the extent that the same should be, and are hereby in the manner and method hereinafter provided designated as a separate class of premises for the collection and disposal of garbage and rubbish and the same shall be deposited separately in suitable cans and containers.

From and after the effective date of the ordinance codified herein, the inspector shall designate such premises wherein large accumulations of garbage occur and shall notify the owner of such premises of such designation. From and after such notification by the inspector, all rubbish and garbage accumulated upon such premises shall be deposited separately in containers for garbage as approved by the council of the city.

8.12.110 Collection–Fees and Rates–Set by Council Resolution.

Fees and rates for the collection of garbage shall be set by resolution of the council of the city.

8.12.120 Collection–Fees and Rates–Billing procedure.

Fees, where water is furnished, shall be carried on the water and sewer bill and the same shall be paid with the water bill, and the water department is authorized to discontinue service to any premises if the entire water, sewer and garbage bill shall not be paid, said charges to become delinquent as provided for water charges, and shall be subject to the same penalties provided for in the water and sewer ordinance. Where a water bill is not rendered, a statement of charges shall be issued and said bill shall be paid to the city clerk, who may sue for nonpayment or file a special assessment against the property.

8.12.130 Collection–Services to be Self-Supporting.

All services furnished under this chapter shall be self-supporting and the fees collected for these services shall be placed in a separate account and used only for the purpose of providing these services of refuse collection and disposal.

8.12.140 Disposal Site–Established–Use Procedure–Enforcement Authority.

For the purpose of the protection and preservation of the health and welfare of the inhabitants of Arco, there is established at such locations as the city council may from time to time designate by motion or order, a place for the dumping and depositing of rubbish and garbage and any such place or location shall be known and the same is designated as the city disposal site. The inspector shall have the authority of a police officer to enforce all ordinances, rules and regulations governing the city disposal site. The site of the city disposal site shall be chosen with regard to drainage and topography for the operation of a sanitary landfill. All rubbish and garbage deposited at the city disposal site shall be covered with alternate layers of earth. The exact method of earth fill, and amount and depth of layers of earth and regulations for rodent

and pest control shall be prescribed by the inspector, in cooperation and agreement with the health authorities, for each city disposal site as the site for the same is designated.

8.12.150 Disposal Site–Rules and Regulations.

All rubbish or garbage transported to the city disposal site shall be dumped at the places or spots designated by the inspector for that purpose. The inspector is authorized to make rules and regulations in cooperation and agreement with the health authorities designating the manner of and hours and limits of time of dumping or depositing rubbish and garbage at the city disposal site, and no person shall dump or deposit rubbish or garbage in violation thereof, providing that before such rules and regulations become effective appropriate signs shall be placed at or upon the premises of the city disposal site giving notice of such rules and regulations.

8.12.160 Inspector–Premises Inspection Authority.

No person shall deny the inspector the right of ingress or egress to any premises for the purpose of inspecting all places and containers where rubbish or garbage is accumulated or kept, in accord with provisions in Section 1.24.010 of this code.

8.12.170 Collection–City Council Authority.

The council of the city of Arco is authorized as the sole authority to license or contract or perform all waste and refuse collection and its disposal under this chapter, and to establish reasonable fees for licenses, and is authorized to enter into contracts with one or more contractors, and may establish reasonable rules and regulations governing the conduct and operation of such licensees or contractors.

The city council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

8.12.180 Collection–Materials Not Acceptable.

Dirt or earth debris from construction or lawn renovation, rocks, automobile bodies and parts, and large dead animals are not acceptable for collection. Large quantities of building materials such as masonry, plaster, scrap lumber and wood shavings are not acceptable for collection and shall be collected and disposed of by the building contractor, owner or occupant of the premises.

8.12.190 Violation–Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable upon conviction as set forth in TITLE 1 CHAPTER 1.28.010.