

**4-2-111: WHO MAY COLLECT GARBAGE, SOLID WASTE, GREEN WASTE AND RECYCLABLE MATERIAL (State law reference: As to incorporated City authority for refuse disposal contracts, see Pub.Res.C. § 49300.):**

A. General Requirement for Solid Waste Disposal: To protect public health, safety and well-being and to control the spread of vectors, the person responsible for the day-to-day operation of each premises in the City shall make arrangements for the collection, removal and disposal of garbage, solid waste, green waste and recyclable materials generated or accumulated on those premises in accordance with the requirements of this chapter.

B. City, Contractor or Licensee: The collection, removal, and disposal of all garbage, solid waste, green waste, and recyclable material shall be performed exclusively by the City under the supervision of the Public Works Director; and for such purpose the City may use City personnel or enter into contracts therefor with any person with or without advertising for bids, or both; provided, however, that the Public Works Director may authorize any person to collect, remove and dispose of garbage, solid waste, green waste, and recyclable material under such terms, conditions and limitations deemed necessary in the interest of public health, safety and welfare.

C. Permit and License: Every person under contract with the City or authorized by the City to engage in the business of the collection, removal and disposal of waste matter shall, before commencing such business, obtain a permit from the Public Works Director and a license from the License Division and shall pay permit and license fees as set forth in the Burbank Fee Resolution and file a surety bond in the sum of one thousand dollars (\$1,000.00) conditioned upon compliance with the terms, conditions and limitations of the contract and permit and the provisions of Title 3, Chapter 6, Article 3 of this code relating to surety bonds. It is a specific condition of each such permit and surety bond that the permittee shall comply with each and all of the applicable provisions of this article. The Public Works Director may suspend a permit for violation of any of the terms, conditions, or limitations thereof, in which event the License Department shall suspend the license issued pursuant thereto.

D. Self-Hauler Permit: A person responsible for the day-to-day operation of any premises who is required to make arrangements for the collection, removal and disposal of garbage, solid waste, green waste and recyclable materials generated or accumulated on those premises may obtain a self-hauler permit pursuant to this section. A person wishing to obtain a self-hauler permit shall apply for such permit and shall pay application and permit fees in the amounts set forth in the Burbank Fee Resolution. Prior to being issued a self-hauler permit, a person must return all City provided solid waste, green waste and recyclable material containers. Upon obtaining a self-hauler permit, such person 38

responsible for the day-to-day operation of the premises shall be a licensed self-hauler and may dispose of such garbage, solid waste, green waste and recyclable material that such person or the occupants of such premises have generated or accumulated. No person may act as a self-hauler without having a valid self-hauler permit. Upon obtaining a self-hauler permit, a person will not receive City solid waste services and will not be liable for fees or charges for the collection of garbage, solid waste, green waste and recyclable material by the City unless such person requests services from the City. Within thirty (30) days of a person obtaining a self-hauler permit, the City will refund to such person any prepaid or advance solid waste collection fees paid to the City by such person. A self-hauler shall dispose of solid waste at a solid waste facility where such waste can be legally accepted; provided, however, that self-haulers may sell, give or otherwise transfer recyclable materials to a recycling center, station or facility and may sell, give or otherwise transfer green waste to a composting center, station or facility or to a landfill permitted to accept green wastes or may compost green waste in accordance with Section 4-2-110.2 of this article. Self-haulers shall on a monthly basis, report to the City the type, quantity, volume, weight and destination of the solid waste removed and shall, on a monthly basis, provide the City with copies of dump deposit receipts. It is a specific condition of each self-hauler permit that the permittee shall comply with each and all of the applicable provisions of this article. The Public Works Director may suspend a permit for violation of any of the terms, conditions, or limitations thereof. Upon the termination or suspension of a self-hauler permit, the person responsible for the day-to-day operations of the premises must immediately make arrangements for the collection, removal and disposal of garbage, solid waste, green waste and recyclable materials generated or accumulated on those premises. The Public Works Director is authorized to require such person to receive and pay the costs of receiving solid waste services from the City and/or the Public Works Director may take any other actions deemed necessary in order to ensure that solid waste generated or accumulated on each premises is properly removed.

E. Gardeners: Every person engaging in the business of gardening is authorized to collect, remove and dispose of garden trimmings as an incident to such business.

F. Use of Streets: No person shall remove or convey any garbage, solid waste, green waste, or recyclable material upon or along any street unless employed by the City and assigned by the Public Works Director to such removal; or under contract with the City for such collection, removal, disposal or purchase of such material, or an employee of such contractor during such time as such contract shall be in force; or otherwise authorized by the City to collect, remove or dispose of such material or conveying such material collected outside the City.

G. Leakage: Any person authorized or licensed by the City to collect, remove and dispose of garbage, solid waste, green waste, or recyclable material, and any person conveying such matter collected outside of the City upon or along any street shall prevent the leakage or deposit of such matter on the streets in the City. In case any person is responsible for the leakage or deposit of garbage, solid waste, green waste, or recyclable material upon or along any City street, public right of way or other City property, said person shall pay the cost of removal of such matter. [Formerly numbered Section 24-11; amended by Ord. No. 3469, eff. 8/30/97; 3323, 3058, 2217, 2194.] 39

#### **4-2-111.1: PUBLIC WORKS WASTE COLLECTOR PERMIT AND GROSS RECEIPTS FEES:**

A. No waste collector shall operate within the City of Burbank without a valid Public Works waste collector permit issued pursuant to this chapter and clearly displayed in the front window of every waste collection vehicle operating within the City of Burbank.

B. Application for a Public Works waste collector permit shall be made on a form provided by the City, accompanied by an application fee in an amount established by resolution of the City Council. The information provided in the application shall be certified by the applicant as being true and accurate. The Public Works Director may require additional information as authorized by law.

C. Upon its receipt, the Public Works Director or his/her designee shall examine each application for conformity with the requirements of this chapter. If it is found to conform to the requirements of this chapter, the application shall be accepted and approved and such approval shall be so noted upon the face of the application. If the Public Works Director determines that the application does not conform to the requirements of this chapter, the application shall be rejected and the applicant shall be notified of the grounds for the rejection.

Each waste collector issued a permit shall be responsible for arranging for the disposal of any municipal solid waste collected and shall arrange for such disposal in accordance with all applicable federal, state, and local regulations and laws. The City of Burbank shall assume no liability which may arise due to the solid waste disposal arrangements of the waste collectors.

As a condition of a permit issuance, the waste collector shall be required to indemnify and hold the City harmless from any liability including liability under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

D. Each waste collector, including all demolition waste collectors, shall remit a solid waste management fee in an amount equal to sixteen percent (16%) of the gross receipts generated by solid waste collection, transfer, or disposal from customers within the City of Burbank, to the Public Works Director on a quarterly basis. Payments for the preceding calendar quarter will be due on April 30, July 30, October 30, and January 30, of each calendar year. The first payment shall be due on January 21, 1993, for the calendar quarter beginning October 1, 1992. The failure of a waste collector to submit the solid waste management fee on or before the dates stipulated in this section shall constitute just cause for revocation of the Waste Collector permit.

E. All applicants and/or permittees shall notify the Public Works Director of any change in the information provided in the application including, but not limited to, changes in routing and/or changes in services offered that are initiated by the waste collector. Notice shall be given not less than thirty (30) days prior to the date the change is effective. 40

F. The Public Works Director may deny a waste collector permit when he/she determines that the proposed waste collection operation is not consistent with either the City's or the County's solid waste management plan, or cannot conform to State standards, or to any provision of this chapter.

G. Upon denial of a permit, the Public Works Director shall give written notice of the denial to the applicant and any other person who has requested in writing that such notice be given. The applicant shall have the right to appeal any decision of the Public Works Director by filing with the City Manager within ten (10) days of any such decision a written appeal specifying the decision complained of and the reasons for the appeal. The decision of the City Manager shall be final.

H. A waste collector permit shall be valid from the date of issuance until January 1 of the subsequent year. It shall be renewable thereafter for periods of one year at that time. Applications for renewal shall be submitted by December 1 preceding the year applied for and shall be approved following confirmation by the Public Works Director that all requirements of this chapter have been fulfilled.

I. If a waste collector permit has been removed or not renewed, it may be reinstated by application. Such an application shall be made in the manner specified in this chapter and shall be handled in the same manner as an application for a new permit. However, nothing in this chapter is intended to preclude the City from considering the revocation or nonrenewal and grounds therefor in reviewing the application. The waste collector must be able to demonstrate that the reasons for permit revocation or nonrenewal have been rectified.

J. All fees collected hereunder shall be used exclusively to pay the costs of preparing, adopting and implementing an integrated waste management plan for the City of Burbank pursuant to the state mandate of the California Intergovernmental Solid Waste Management Act of 1989 (AB939). [Added by Ord. No. 3310, eff. 10/10/92; amended by Ord. No. 3380, eff. 10/18/94; 3352.]

#### **4-2-111.2: WASTE COLLECTOR QUALIFICATIONS:**

A. Before a waste collector permit shall be issued, a report must be submitted to the Public Works Director that indicates the type(s) of services provided, rates, route, schedules, description of standard type service, holiday schedules and other related information required by the City. This information must be kept current on a monthly basis.

B. Every waste collector shall maintain a telephone for the purpose of responding to inquiries and for the receipt of complaints. The waste collector's telephone number shall be listed in the telephone directory in the firm's name. There shall be a person or a personal answering service or recording service available for the receipt of telephone calls between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, holidays excepted. Records pertaining to solid waste collection and disposal shall be open to the inspection of the City at all reasonable times. In the event the waste collector maintains no office, the location of the records of the waste collector shall be made known to the City. [Added by Ord. No. 3310, eff. 10/10/92.] 41

#### **4-2-111.3: ROLL-OFF CONTAINER:**

A. No person shall place a roll-off container within the City of Burbank without a valid Public Works waste collector permit and a business license.

B. A waste collector must possess a valid Public Works waste collector permit and City business license before a roll-off container permit can be issued for it. [Added by Ord. No. 3310, eff. 10/10/92.]

#### **4-2-111.4: REQUIRED REPORTING:**

A. Reports: Waste collectors shall prepare monthly service collection reports. The report shall include information on the total number of customers served by regular solid waste collection; total tonnage of solid waste collected; number of single-family residences, multi-residential complexes and commercial and institutional entities participating in recycling and/or green waste programs; tonnage of total recyclables collected; tonnage of each individual type of recyclable material and green waste collected, identified separately by single-family residence, multi-residential complex, commercial and institutional categories; revenues and/or costs derived from the sale of recyclable and green waste; destination and/or disposal site locations of all recyclable, green waste and all solid waste, gross billables and receipts for all business conducted in the City of Burbank, and any other pertinent information as identified in any waste collector agreement or permit issued by the City. All such reports are to be submitted to the City on a quarterly basis on forms provided by the City, and must be received by the City no later than thirty (30) days after the end of the quarter being reported.

B. Compliance: Failure of a waste collector to comply with the requirements of this section shall constitute a cause for the Public Works Director to revoke or not to renew the waste collector permit issued by the City.

C. Audit: On or before November 15 of each year, an independent audit shall be performed by the City that verifies the waste collector's financial records. This audit shall be performed by the City's auditor. The City shall have the right to inspect the financial records of the waste collector relating to this section during business hours at the waste collector's place of business, but such inspection shall not be so conducted as to unreasonably interfere with the waste collector's necessary use of its financial records.

D. Sampling: On an annual basis, the City shall conduct an independent waste sampling of the solid waste each waste collector collects. This waste sampling shall categorize the solid waste being collected into the categories defined in the City's "Source Reduction And Recycling Element".

E. Public Awareness: Public Works Director may require waste collectors to provide a public awareness for their customers, including, but not limited to, literature and other information designed to promote public participation and awareness of the need and benefits for solid waste management programs and of the availability of services provided 42

by the waste collector and the City. Such public awareness programs may be required up to twice each calendar year and must be approved by the Public Works Director.

F. Confidentiality: Any confidential information related to rate structures and rate settings which is contained in the reports and records required to be submitted by the waste collector the City pursuant to subsections A and C of this section, which the waste collector desires to keep confidential shall be marked "confidential" by the waste collector before such reports and records are submitted to the City. [Added by Ord. No. 3310, eff. 10/10/92; amended by Ord. No. 3352, eff. 10/16/93.]

#### **4-2-111.5: DISPOSAL OF COLLECTED MATERIALS:**

All solid waste collected or transported upon or along any public highway in the City of Burbank shall be disposed of at a solid waste facility where such waste can legally be accepted; provided, however, that waste collectors shall sell, give or otherwise transfer recyclable materials to a recycling center, station or facility, and shall sell, give or otherwise transfer green waste to a composting center, station or facility or to a landfill permitted to accept green wastes. [Added by Ord. No. 3310, eff. 10/10/92.]

#### **4-2-111.6: INSPECTIONS:**

The City, in issuing or reviewing any waste collector permit or in connection with any action relating thereto or with any authorized enforcement activity, may investigate the operation of any waste collector operating within its jurisdiction. The City may require that any person who is, or proposes to become, a waste collector shall furnish, upon penalty of perjury, such technical or monitoring program reports or other reports as the City may specify. In such an investigation, the City may inspect the facilities, equipment or vehicles used for storage, collection, transportation, processing or disposal of solid waste or recyclables, as necessary to ensure compliance with this chapter. [Added by Ord. No. 3310, eff. 10/10/92.]

#### **4-2-111.7: COLLECTION BY UNAUTHORIZED PERSON PROHIBITED (SCAVENGING):**

A. All ownership and title rights to recyclable materials shall be vested in the City once such recyclable materials have been placed at the designated collection location by the resident, institutional or commercial entity. All ownership and title rights to recyclable materials shall be transferred to the authorized recycling agent(s) at the time that the authorized recycling agent(s) remove the material from the designated collection location unless otherwise stipulated in writing by the Public Works Director.

B. Scavenging is prohibited in the City. No person, other than the authorized recycling agent, shall remove recyclable materials which have been segregated from other waste materials and placed at the designated collection location for the purposes of collection and recycling. Unless otherwise authorized by the City in writing, recyclable materials may not be removed from such location by anyone other than an authorized recycling agent(s). 43

C. Nothing in this chapter shall limit the right of any person to donate, sell or otherwise dispose of his or her own recyclable materials. [Added by Ord. No. 3310, eff. 10/10/92.]

**4-2-111.8: PENALTIES:**

A. Any waste collector not in possession of a valid permit shall be guilty of a misdemeanor.

B. Violations of Section 4-2-111.7 of this article shall be punishable as follows:

1. Any person violating any of the provisions of such sections not more than once in any twelve (12) month period shall be deemed guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100.00).

2. Any person having been found guilty of violating the provisions of such persons, who within a period of twelve (12) months, commits a second violation of the same provisions of such section, shall be guilty of an infraction punishable by a fine not to exceed two hundred dollars (\$200.00).

3. Any person having been found guilty of violating the provisions of such sections who, within a period of twelve (12) months, commits a third or more violation(s) of the same provisions of such section, shall be guilty of an infraction punishable by a fine not to exceed five hundred dollars (\$500.00) for each such occurrence.

C. Failure to submit the payments required by subsection 4-2-111.1D of this article and the reporting forms required by subsection 4-2-111.4A of this article within the time provided for in these sections shall result in late charges of five dollars (\$5.00) per day for the first fifteen (15) days after the date upon the reporting forms or payments are due. The late charges will increase to twenty dollars (\$20.00) a day for each day after the first fifteen (15) days past the due date. [Added by Ord. No. 3310, eff. 10/10/92; amended by Ord. No. 3352, eff. 10/16/93.]