

## CHAPTER 10

## GARBAGE, REFUSE AND WEEDS

(As to burning of brush, rubbish, etc. see sec. 8-2 to 8-6 of this Code)

Article I. In General

- 10-1 Definitions
- 10-2 Duties of health officer generally
- 10-3 Remedies for violation

Article II. Collection and DisposalDivision 1. Generally

- 10-4 When collection made
- 10-5 Contract authorized for performance of services
- 10-6 Method and means of disposal
- 10-7 Bond required of persons contracting with City
- 10-8 Unauthorized removal or transportation of garbage, rubbish or swill
- 10-9 Collection, etc., of swill when swill contract not in force
- 10-10 Separation of swill from dry garbage
- 10-11 Throwing, etc., refuse on street
- 10-12 Throwing, etc., refuse on vacant lot, etc.
- 10-13 Allowing rats to have access to garbage or to refuse

Division 2. Charges

- 10-14 City Clerk as collector
- 10-15 Application of rules for collection of water bills
- 10-16 When due and payable
- 10-17 Where paid
- 10-18 Presumption as to occupant of premises
- 10-19 Lien upon premises
- 10-20 Solid Waste Collection Rate.
- 10-21 Establishment of certain rates by agreement

Article III. Receptacles and Containers

- 10-22 Storage otherwise than in required containers
- 10-23 Persons served to provide receptacles
- 10-24 Specifications and requirements
- 10-25 Garbage to be drained
- 10-26 Containers for rubbish
- 10-27 Yard trimmings

- 10-28 Cleanliness
- 10-29 Location
- 10-30 Path from street or alley
- 10-31 Duty of occupants in areas with no contiguous alleys

Article IV. Accumulations of Weeds and Rubbish

- 10-32 “Rubbish” defined
- 10-33 Declared nuisance and prohibited.
- 10-34 Inspection by chief of police
- 10-35 Filing of complaint
- 10-36 Hearing on complaint
- 10-37 Order to remove; removal by city upon owner’s refusal to do so.

Article V. Regulation of Ammunition, explosives, inflammable liquids and other dangerous substances

- 10-38 Prohibited generally
- 10-39 Dangerous substances in garbage receptacles

Article VI Solid waste, green waste and/or recyclable material receptacles

- 10-40 Solid waste, green waste and/or recyclable material receptacles

Article I. In General

- 10-1 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commercial premises. Buildings, structures and areas used principally for business, commercial or industrial purposes, and including the following: Hotels, motels,, apartment buildings containing more than four (4) apartments, condominium buildings containing more than four (4) condominiums, and including all other places that are not defined as residential units in this section.

Composting. The controlled biological decomposition of organic wastes that are source separated from the solid waste stream.

Garbage All animal or vegetable refuse from kitchens, all household waste resulting from the preparation of food and all animal or vegetable refuse from establishments where food stuff intended for human consumption shall be handled commercially. The word “garbage” shall be taken to include swill.

Green waste. Vegetative cuttings, shrubs, stumps, brush, tree trimmings, grasses and related materials which have been separated from other solid waste. Green

waste does not include stumps or branches with a diameter exceeding eighteen (18) inches or a length exceeding four (4) feet.

Health officer. Any officer or employee of the city authorized or directed by the city council to perform the duties prescribed in this chapter.

Recyclable material or recyclables. Material which has been source separated or commingled with other, similar material and can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of the Act, and includes paper, newsprint, printed matter, pasteboard, paper containers, cardboard, glass, aluminum, PET and other plastics, beverage containers, compostable materials, and such other materials designated by city's city manager, or designated as recyclables by the California Integrated Waste Management Board, or other agency with jurisdiction, and which are collected by a permittee pursuant to this chapter.

Recycling. The process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined as the incineration, pyrolysis, distillation, gasification, or biological conversion other than composting.

Refuse. All forms of garbage, rubbish and swill, as those terms are hereinafter defined.

Rubbish. All refuse other than garbage, including paper, rags, leaves, glass, vines, dust, sawdust, cans, sweepings, trimmings from lawns, trees and flower gardens, pasteboard boxes, metal shavings, boxes and ashes, but shall include refuse from building construction or repairs.

Swill. All classes of putrefied or easily decomposable animal or vegetable matter, and shall include any matter or substance use in the preparation, cooking, dealing in or storage of meats, vegetables, fish, fruits and vegetables that are subject to immediate decay and attraction of rodents. (Ord. 689)

10-2 Duties of health officer generally. It shall be the duty of the health officer to inspect and supervise all vehicles used in the collection and disposal of rubbish under this chapter, and to see that such vehicles are kept clean and sanitary. He shall see that all places where garbage and rubbish are deposited are kept in a sanitary condition. He shall see that all provisions of this chapter are faithfully complied with. (Ord. 424)

10-2 Remedies for violation.

- a. Violation a misdemeanor: Any violation of the provisions of this chapter shall constitute a misdemeanor.
- b. Civil action: the city council may authorize any city officer or employee to bring a civil action to recover unpaid fees; the remedies to be in addition to the civil remedy provided as is set forth in any ordinance, rule or regulation adopted by the city council with reference to collection of unpaid charges for municipal water service.
- c. Cumulative remedy: As a cumulative remedy, the council may, in its discretion, direct the city attorney to proceed by civil action on behalf of the city in a court of competent jurisdiction, to abate as a nuisance any violation of this chapter; provided, that any such action shall be preceded by such hearing or hearings as may be necessary to provide all interested and affected parties with an opportunity to present their respective positions concerning such action. (Ord. 424)

## Article II. Collection and Disposal

(For state law as to garbage and refuse disposal  
Generally, see H & S C, Sec 4100 to 4485)

10-4 When collection made. The collection of garbage and rubbish shall be made according to need and as directed by the health officer. (Ord 424)

10-5 Contract authorized for performance of services. As may in its discretion appear to be for the best interest of the city and the residents thereof, the council on behalf of the city contract for the collection and disposal of garbage or rubbish or both and the performance of all or any part of the services designated in this chapter; provided, that the terms of such contract shall be consistent with this chapter and with applicable provisions of state law. (Ord. 424)

10-6 Method and means of disposal. A contract, as referred to in section 10-5, shall provide that the method of disposal of garbage or rubbish or both shall at all times be subject to approval of the city council, and that if the contractor shall at any time fail to keep any method of disposing of garbage or rubbish provided by him in a sanitary, neat and proper manner, the council may at any time on reasonable notice require the same to be brought under proper condition, and in the case of failure on the part of the contractor to do so, the council shall have the right to cancel the contract of the city with such contractor. (Ord. 424)

10-7 Bond required of persons contracting with city. A contractor with the city under section 10-5 shall furnish such security as the city council may require for the faithful performance of the contract and the provisions of this chapter in the collection of all garbage or rubbish or both in the city, and the transport thereof through the streets and public ways of the city. (Ord. 424)

10-8 Unauthorized removal or transportation of garbage, rubbish or swill. Except as otherwise provided in this chapter, only a person having a contract with the city as

provided in section 10-5, or the employee of such person, or any employee of the city, shall remove any refuse or transport or convey any refuse upon or along any public street, alley or place within the city; provided, that a private person may transport his own rubbish from the residence. Nothing herein shall be deemed to exclude or exempt any person from charges levied pursuant to this chapter for collection and processing of refuse.

At such time as there is in force a contract entered into by the council with any person for the collection and disposal of garbage or rubbish in the city, it shall be unlawful, except as otherwise herein provided, for any person other than the contractor to collect any garbage or rubbish within the city.

At such time as there is in force a contract entered into by the council with any person for collection of swill, it shall be unlawful for any person other than a person in the employ of the contractor having such contract to collect any swill within the city except as otherwise provided. (Ord. 424)

10-9 Collection, etc., of swill when swill contract not in force. At such time as there is not in force a contract entered into by the council with any person for the collection of swill it shall be unlawful for any person to collect or remove swill from any place or origination except the owner thereof, who shall first obtain a permit from the city council to do so. The council shall grant such a permit only after it has satisfied itself that the applicant therefore is properly equipped to remove and handle swill in a sanitary manner. (Ord. 424)

10-10 Separation of swill from dry garbage. Persons producing or having swill shall place all such swill in a suitable container apart from dry garbage in such manner that they may be conveniently collected by city employees or employees of persons holding a contract with the city for such collection. (Ord. 424)

10-11 Throwing, etc., refuse on street. It shall be unlawful for any person in the city to throw or deposit any refuse or to cause the same to be thrown or deposited upon any street, alley, gutter, curb, park or other public place. (Ord. 424)

10-12. Throwing, etc., of refuse on vacant lot, etc. It shall be unlawful for any person in the city to throw or deposit any refuse or to cause, allow or permit the same to be thrown or deposited in or upon any vacant lot or back yard. (Ord. 424)

10-13 Allowing rats to have access to garbage or to refuse. It shall be unlawful for any person to have, store, deposit or keep refuse where rats can have access thereto for feed thereon. (Ord. 424)

## Division II. Charges

10-14. City Clerk as collector. The city clerk is hereby designated as collector of charges for services under this chapter. It shall be the duty of the clerk to collect for services rendered under this chapter at the beginning of each month from the persons responsible for payment of charges for such service. (Ord. 424)

10-15 Application of rules for collection of water bills. All rules and regulations governing collection of water bills shall apply in every particular in the collection of bills for services rendered under this chapter except in the event of conflict between such rules and regulations and the provisions of this chapter, in which case the provision of this chapter shall prevail. (Ord. 424)

10-16 When due and payable. Payment for charges for services rendered under this Chapter shall be due and payable as established by a resolution of the city council. (Ord. 424)

10-17 Where paid. All payment of charges for services rendered under this chapter shall be paid at the office of the city clerk. (Ord. 424)

10-18 Presumption as to occupant of premises. In addition to the direct liability of the person receiving any service under this chapter, it shall be presumed that the occupant of any premises served is the agent of the owner thereof, and is acting for and on behalf of such owner in subscribing for such service. (Ord. 424)

10-19 Lien upon premises. Every service performed under this chapter shall be presumed to be for the benefit of the premises from which any refuse is removed, and the charges accruing for such service shall be a lien upon the premises. (Ord. 424)

10-20 Solid Waste Collection Rate.

(\*\*\*see ord 650 for rate chart. And ord 683and Ord 727 for prior rates)

a. Rates for solid waste collection and disposal shall be as set forth in that certain franchise agreement between the City of Imperial and Allied Waste Transportation, Inc., effective September 1, 2008.

b. Charges billed by the City may be billed and collected with charges for other city utility services. City, in its discretion, may contract for or permit a service provider to bill and collect for services. (Ord. 754)

10-21 Establishment of certain rates by agreement. For collections of unusual accumulation of refuse, and for collections from places not otherwise provided for in this chapter, such rates shall be charged as may be agreed upon between the city council and the person from whom such refuse is collected, any such agreement to be placed in written form before the same shall be effective. (Ord. 424)

### Article III. Receptacles and Containers

10-22 Storage otherwise than in required containers. It shall be unlawful for any person in the city to store or to keep refuse otherwise than in receptacles or containers as required by this article. (Ord. 424)

10-23 Persons served to provide receptacles. It shall be the duty of every person served under this chapter to provide a water-tight receptacle for holding garbage. (Ord. 424)

10-24 Specifications and requirements. The garbage receptacles referred to in section 10-23 shall have a tight fitting cover to prevent flies and rodents from gaining access to the contents of such receptacle. Such receptacle shall be provided with a handle on the outside thereof, and shall not exceed thirty-five (35) gallons in size. The garbage receptacle and contents shall not exceed fifty pounds in weight. (Ord. 479)

10-25. Garbage to be drained. All garbage coming from household waste resulting from the preparation of food shall be drained and wrapped in paper before being placed in the garbage receptacle. (Ord. 424)

10-26. Containers for rubbish. Rubbish shall be placed in suitable containers designed for easy handling. Such containers with the contents shall not weigh more than fifty pounds. (Ord. 424)

10-27 Yard trimmings. Grass, leaves and similar yard waste shall be placed in a container in accordance with section 10-26. All tree limbs and shrubberies shall be cut not to exceed four feet in length and six inches in diameter, and such limbs shall be laid parallel in bundles for collection. (Ord. 424)

10-28 Cleanliness. It shall be the duty of every person served under this chapter to keep the refuse containers used in the service of such person in a clean and sanitary condition. (Ord. 424)

10-29 Location. Except where section 10-31 applies, all garbage receptacles and rubbish containers used for the purposes of this chapter shall be kept in some convenient and accessible place to be designated by persons charged with the administration of this chapter, and shall not be situated more than five feet from the curb or alley accessible to the person collecting the refuse; provided, that this section shall not be construed to apply to commercial houses. (Ord. 424)

10-30 Path from street or alley. Except where section 10-31 applies, it shall be the duty of the occupant of the premises served under this chapter to keep a clear path from the street or alley to the garbage receptacle and rubbish containers. (Ord. 424)

10-31 Duty of occupants in areas with no contiguous alleys. In any area of the city where there is no alley service, it shall be the duty of the occupant of the premises served under this chapter to place the refuse receptacle or container not more than five feet from the curb on the street right-of-way immediately fronting the

property on days when refuse is regularly collected. It shall likewise be the duty of each person placing a garbage or rubbish container on or upon any street, sidewalk, curb, or public rights-of-way, for garbage or rubbish collection, to remove the receptacle or container from such location immediately after the contents of the containers have been collected by the authorized collector of garbage and rubbish, and in any event within 24 hours after such collection, and it shall be unlawful for any such person to fail or refuse to perform such duty.

(Ord. 536)

10-32 “Rubbish” defined. “Rubbish” means and includes all refuse of any kind or nature, including garbage, paper, rags, leaves, glass, vines, sawdust, sweepings, plaster, trimming from all lawns, trees and flower gardens, pasteboard boxes, metal shavings, boxes, ashes, discarded machinery, automobiles and part thereof and all other discarded or waste material. Any and all machinery or automobiles or parts thereof standing exposed to view upon any property in the city, and not in use, for a period of thirty days or more shall be deemed and presumed to be discarded.

(Ord. 345)

10-33 Declared nuisance and prohibited. The unreasonable accumulation of weeds or rubbish or both on any property within the city is hereby declared to be contrary to the interests of public health and welfare and to be a nuisance. It shall be unlawful for the owner or occupant of any property in the city to permit or maintain an unreasonable accumulation of weeds or rubbish or both on the property.

(Ord. 345)

10-34 Inspection by chief of police. It shall be the duty of the chief of police to make inspection from time to time throughout the city to ascertain whether any weeds or rubbish are being permitted to unreasonable accumulate, in violation of the provisions of this article.

(Ord. 345)

10-35 Filing of complaint. In the event any unreasonable accumulation is found, the chief of police shall make and file with the city clerk a written complaint which shall contain a statement showing the character of the weeds or rubbish complained of, together with an accurate description of the premises or property on which the same are located, which complaint shall be verified by the oath of the chief of police, and which shall be presented to the city council at the first regular meeting thereof following the filing of the complaint with the city clerk.

(Ord. 345)

10-36 Hearing on complaint. The city council shall, upon being presented with a complaint by the city clerk, set a date for a public hearing on such complaint, at a time and place not less than ten days nor more than twenty-five days following such meeting. Upon the date being set for such hearing, the chief of police shall serve or cause to be served, personally on the owner and occupant of the property, a copy of such complaint, together with a notice specifying the time and place at which the public hearing is to be held, and further, to post a copy of the complaint and of the notice on the property affected, which posting shall be not less than five days before the date of the hearing. In the event the owner or occupant of the



property cannot be found, the notice and the complaint shall be mailed to the record owner of the property as shown by the assessment rolls of the city.

At the time and place specified in the notice the council shall hear the complaint and any defense thereto that may be made. (Ord. 345)

- 10-37 Order to remove; removal by city upon owner's refusal to do so. If on a hearing, the complaint shall be found to be true and sufficient and no sufficient defense thereto is established to the satisfaction of the council and if the council determines that the accumulation of weeds or rubbish or both is unreasonable, the council shall order the owner or occupant of the premises to remove the accumulation within five days, and in the alternative, in the event the accumulation is not removed within such time, shall order the employees of the city to enter and remove the accumulation, the reasonable cost of such removal to be assessed against the owner or occupant of the premises, as may be determined by the council.

In the event the owner or occupant fails to remove the accumulation and if the same is removed by employees of the city, the chief of police shall cause to be made a written statement of the reasonable cost thereof, verified by his oath, and the same shall be filed with the city clerk. Thereupon, the cost of removal shall be added to the annual property taxes levied against the property and the same shall become a lien on the property and collected at the same time and in the same manner as other taxes on real property within the city are collected. (Ord. 345)

Article V. Regulation of ammunition explosives, inflammable  
Liquids and other dangerous substances.

- 10-38 Prohibited generally. It shall be unlawful for any person in the city to store, keep or dispose of any ammunition, explosives, inflammable liquids, and other dangerous substances where such storage, keeping, or disposal is in violation of law. (Ord. 460)

- 10-38 Dangerous substances in garbage receptacles. It shall be unlawful for any person in the city to store or to keep ammunition, explosives, inflammable liquids and other dangerous substances in any garbage receptacles.

Section VI. Solid waste, green waste and/or recyclable material receptacles

- 10-40 Solid waste, green waste and/or recyclable material receptacles. It shall be the duty of every tenant, lessee or occupant of any residential unit, the keeper of every apartment house, commercial premises and of every other person having solid waste, green waste and/or recyclable material, to recycle. Such persons shall provide, without expense to the City, sufficient numbers of containers of a type and size approved by the City Council, specifically designed for the containment of solid waste, green waste,

and/or recyclable material, each of which shall have suitable bales or handles and a tight fitting cover which shall prevent leakage or escape of odors, and which, cumulatively when filled within four (4) inches of the top shall contain all solid waste, green waste and/or recyclable material which would ordinarily accumulate on such premises between collections. The exterior of such receptacles, including covers, shall be kept clean from accumulated grease or decomposing materials. Except when placed in accordance with section 10-11 hereof for collection purposes, such receptacles shall be kept and maintained only in storage locations prescribed by specific permit or regulation relating to the property at such location, otherwise in an inconspicuous location on the premises permitted by the Imperial Zoning Ordinance, as the same presently exists or as may be amended from time to time, or as specified by use permit or other entitlement for use. Persons required to recycle may privately contract for such service, but must provide such documents as may reasonably be requested by City to demonstrate recycling.

(Ord. 689)