

CHAPTER 33.

REFUSE, GARBAGE AND WEEDS.¹

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Article I. In General.

Sec. 33-1. Dumping, etc., rubbish, garbage, etc., on public or private property prohibited.²

No person shall place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any garbage, swill, cans, bottles, papers, ashes, dirt, sand, rock, cement, glass, metal, carcass of any dead animal, offal, refuse, plants, cuttings, trash or rubbish of any nature whatsoever, or any nauseous, offensive matter in or upon any public or private road, highway, street, alley, public way or any public or private property of any kind whatsoever. (Mun. Code, Sec. 5121.)

Article II. Collection and Disposal of Garbage and Rubbish Generally.

Division 1. Generally.

Sec. 33-2. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Container. Any vessel, tank, box, barrel or other receptacle in which garbage or rubbish is accumulated and placed for collection under the provisions of this article.

Contractor. Any person with whom the city may have a contract pursuant to this article for the collection, removal and disposal of garbage, waste or rubbish.

Garbage. All animal and vegetable refuse from kitchen or household waste that shall have been prepared for or intended to be used as food, or that shall have resulted from the preparation of food; all decayed or unsound fruit or vegetable matter; all animal, fish or fowl refuse, other than manure; and all nondecayed fruit and vegetable matter, unfit for human consumption, from stores, markets or other places having fruits and vegetables, or either, for sale, exchange or to give away.

²For state law as to deposit of offensive matter on roads or private property, see Pen. C., Sec. 374b.

Householder. The owner or occupant of any residential dwelling.

Industrial premises. Those premises upon which the primary and principal industrial activities and uses involve the manufacturing, processing, treatment, handling and creating products, research and technological processes and which activities and uses generally fall within the uses permitted under M-1 and M-2 zoning, including those uses requiring conditional use permits, in the city.

Place of business. Any hotel, restaurant, market, hospital or any commercial or industrial establishment where there is any accumulation of garbage, waste or rubbish.

Place or premises. Any site of real property upon which garbage, waste or rubbish is produced or accumulates.

Rubbish. Leaves, tree or garden trimmings, grass, chips, paper, paste board, magazines, books, rags, carpets, clothing, straw, packing materials, bottles, broken crockery, glass, scrap metal, tin cans, the residue from the burning of wood, cardboard or paper, brush, ashes and similar materials resulting from cooking, heating or disposing of waste combustible materials and all other waste or refuse materials whatsoever. "Rubbish" shall not include building material, sod or dirt.

Street. Any public or private street or way.

Truck. Any truck, trailer, semitrailer, conveyance or vehicle used to collect, hold or transport garbage, waste or rubbish upon and along the streets, roads and highways of the city. (Mun. Code, Sec. 7810; Ord. Nos. 176, 187)

Sec. 33-3. City council authorized to operate, maintain, etc.. system.

The city council is hereby authorized and empowered to operate, maintain, repair and manage a system and facilities for the collection, removal and disposal of garbage, waste, refuse, rubbish, offal, trimmings and other refuse matter within the city. (Mun. Code, Sec. 7800)

Sec. 33-4. Authority for contract for collection and removal.³

The city council is hereby authorized to contract with any person for the collection, removal and disposal of garbage, waste, refuse, rubbish, offal, trimmings and other refuse matter within the city, under such terms and conditions as are contained in this article and as may be prescribed by the city council by resolution or ordinance. (Mun. Code, Sec. 7801)

³As to permit for garbage and rubbish collectors, see sec. 11-15 of this Code.

Sec. 33-5. Termination of contract by city council.

In the event a contract exists between the city and any contractor, such contract, in addition to any other remedy available to the city, may be terminated as provided herein.

- (a) In the event of a substantial failure of performance on the part of the contractor affecting the public health, safety and welfare, or the willful violation of any of the terms and provisions of this article or the contract or resolution hereunder, following a report concerning the foregoing from the city manager or his duly authorized representative, the city council shall hold a public hearing on whether the contract and all rights and privileges of the contractor thereunder shall be revoked and the bond of the contractor forfeited.
- (b) A public hearing shall be after at least ten days' written notice to the contractor setting forth the charges of the city manager or his duly authorized representative and setting forth the time and place of the hearing and the reason for the hearing. If the city council at the hearing, after hearing and receiving all evidence and testimony relevant and material on the issue offered at the hearing, finds that there has been substantial failure of service affecting the public health, safety and welfare, or a willful violation of this article or of any provision of any contract or resolution made pursuant hereto, it may revoke the contract, and forfeit the bond. The decision of the city council in this matter shall be final. (Mun. Code, Sec. 7813)

Sec. 33-6. Right of city to discontinue service.

Notwithstanding the adoption of this article or any of the provisions thereof, the city council reserves the right to discontinue the collection, removal or disposal of any of the items, subjects, matters, materials or things referred to in this article, at any time in its discretion. (Mun. Code, Sec. 7802)

Sec. 33-7. Powers of city manager and coordinator of community safety.

- (a) Until the further order of the city council, the coordinator of community safety of the city is hereby designated and appointed as the official of the city in charge of the immediate administration of the provisions of this chapter. If no person is so designated, the city manager shall be deemed to be the coordinator of community safety.
- (b) In all cases and under all circumstances not herein otherwise provided for, the city manager or his duly authorized representative shall be and he is hereby empowered and authorized to promulgate and issue such orders, regulations and rules, and prescribe such rates, as in his opinion, considering all of the facts and circumstances of any case arising under the provisions of this article, may be necessary, convenient or desirable for the safe, proper and essential functioning of the collection and disposal services referred to herein, whether same is performed by contract or otherwise, and as may be in the best interests of the city. All such rules, regulations and orders, when so made, shall be obeyed, and all such rates so prescribed shall be paid. (Mun. Code, Sec. 7812; Ord. No. 249)

Sec. 33-8. Compliance with article and contract.

It is hereby declared the intention of the city to provide for the collection and removal of garbage and rubbish within the city in accordance with the regulations and provisions of this article, and in accordance with the rules, regulations and provisions of any resolution of the city council prepared pursuant to this article, and in accordance with the conditions and terms of any contract entered into between the city and a contractor pursuant to this article.

In the event of such a contract the contractor shall provide for the collection, removal and disposal of garbage, rubbish and all other refuse and waste materials, as required by such contract and the specifications thereof. (Mun. Code, Sec. 7820)

Sec. 33-9. Unlawful collection and removal.

- (a) Authorized collection and removal. Except as otherwise herein provided, it shall be unlawful for any person other than the contractor or the city to gather, collect, or remove any garbage or rubbish from any premises, except industrial premises, within the city. Except as otherwise herein provided, it shall be unlawful for any person not having a valid, unrevoked permit from the city to do so, to remove, or cause or permit to be removed, any garbage or rubbish from any industrial premises, or from any street, alley, way or other place in the city, or to transport the same in, upon or across any street, alley, way or place in the city. (Ord. No. 943)
- (b) Private contracts prohibited. It shall be unlawful for the owner or occupant of property in the city to contract for or to use the services of a person collecting garbage, refuse or rubbish, unless such person is duly licensed by the city. (Ord. No. 943)
- (c) Lawful accumulation and placement. The provisions of this section shall not prohibit the lawful accumulation and placement of garbage and rubbish in the first instance. (Ord. No. 943)
- (d) Public officials exempted. The provisions of this section shall not prohibit any of the officers or employees of the city, or any employees of a contractor, or any employees of any governmental subdivision of the state, from collecting, removing and disposing of such garbage and rubbish in the regular course of their respective duties as such officers or employees. (Ord. No. 943)
- (e) Occasional self-hauling permitted. Householders hauling occasional loads of waste, refuse, or manure, not containing garbage, from their own premises to a legal point of disposal shall be excepted from the provisions of this section. (Mun. Sec. 7821, Ord. Nos. 176, 249, 943)
- (f) Green waste self-hauling permitted. This section does not prohibit the hauling or disposal of grass cuttings, pruning, manure or other rubbish not containing garbage, to or at a legal point of disposal as part of gardening or horticulture. (Ord. No. 943)

(g) Unlawfully placed solid waste containers.

- (1) Unauthorized solid waste containers. Subject to the exceptions under this section, it shall be unlawful for any person to place or leave standing a solid waste container on any public or private property within the city except for collection and disposal of garbage or rubbish by the city or contractor as specifically authorized in this section. (Ord. No. 943)
- (2) Containers for collection of recyclable material exempted. Nothing in this section shall prohibit the placement of containers for the collection of recyclable material sold or donated by the generator of such recyclable material. Provided, however, that if the generator of the recyclable material is required to pay monetary or non-monetary consideration for the collection, transportation, transfer, or processing of the recyclable material, or for the lease of containers, this exemption shall not apply. The person who places and/or authorizes the placement of containers for the collection of recyclable material shall have the burden of showing that the recyclable material was sold or donated in compliance with the exemption herein. For purposes of this subsection, "recyclable material" means all non-biodegradable waste or debris, including paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood or wood products, crockery, glass, rubber, aluminum, metal, plastic, construction waste and debris, and other similar materials from which articles of material value may be extracted, segregated, removed or developed. (Ord. No. 943)
- (3) Removal of unlawfully placed solid waste containers.
 - a. The City Manager or designee may cause the posting of a notice to remove, as described below, in a conspicuous place on any solid waste container placed on any public or private property within the city in violation of this section. (Ord. No. 943)
 - b. Notices to remove posted pursuant to the provisions of this section shall specify the nature of the violation and shall state that the solid waste container must be removed within twenty-four (24) hours or it may be removed and stored by the city, and the contents disposed of, at the expense of the owner thereof. The posting of a notice to remove shall constitute constructive notice to the owner and user of the requirement to remove the solid waste container. (Ord. No. 943)
 - c. If the solid waste container is not removed within twenty-four (24) hours after the notice to remove is posted, the City Manager or designee may direct the removal and storage of the solid waste container and the disposal of its contents if they consist of, garbage or refuse, or if the solid waste container together with its contents exceeds applicable weight limits. The owner of the solid waste container shall be responsible to reimburse the city, or designee, for the actual cost of removal, storage and disposal. All amounts due to the city or designee for the cost of removal, storage and disposal must be paid before the solid waste container may be returned to the owner. Such amounts shall constitute a debt owed by the owner to the city, and the owner shall be liable to the city in an action brought by the city for the recovery of such amounts. (Ord. No. 943)

- d. If the identity of the owner of a solid waste container that has been removed by the city is known to the City Manager or designee, the City Manager or designee shall promptly cause notice to be mailed to the owner to claim the stored property. If the solid waste container is not claimed within ninety-five (95) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the City Manager or designee, the solid waste container and its contents shall be deemed abandoned property and may be disposed of accordingly. (Ord. No. 943)
 - e. After a solid waste container has once been removed by the city or designee pursuant to a notice to remove, the owner thereof shall be deemed to have actual notice of the provisions of this section, including the prohibition of placement of solid waste containers by any person other than those exempted herein. In the event of a subsequent placement of a solid waste container owned by the same owner, the City Manager or designee may immediately, without the posting of a notice to remove, direct the removal and storage of the unlawfully placed solid waste container and shall, in such case, give notice to the owner to claim the solid waste container. In such event, the owner shall be responsible to reimburse the city, or designee, for the actual cost of such removal, storage and disposal, which cost shall be paid by the owner before the solid waste container may be returned to the owner. If the solid waste container is unclaimed after notice is mailed to the owner and the expiration of the period set forth in Subsection D above, the solid waste container and its contents shall be deemed abandoned property and may be disposed of accordingly. The costs incurred by the City or designee for removal, storage and disposal shall constitute a debt owed to the City by the owner, who shall be liable therefor in an action by the city for the recovery of such amounts. (Ord. No. 943)
- (4) City and contractor remedies. Nothing in this section shall be deemed to limit the right of the city or contractor to bring a civil action against any person who violates this section, nor shall a conviction for such violation pursuant to Sections 1-16 of Chapter 1 of this Code exempt any person from a civil action brought by the city or contractor. (Ord. No. 943)

Sec. 33-10. Collection schedules or periods.

The city council shall from time to time fix the respective periods, dates or schedules in and during which collections of garbage and rubbish shall be made and the respective districts within the city to which such respective collection periods, dates or schedules apply. Such collection periods, dates or schedules and the respective districts to which the same respectively apply may be fixed from time to time by order or resolution of the city council, and each such resolution or order shall be published once in the official newspaper of the city.

The respective periods, dates and schedules, and the respective districts fixed and established in such respective resolutions or order of the city council, shall become effective on the tenth day following the date of publication. (Mun. Code, Sec. 7822)

Sec. 33-11. Contractor subject to provisions of this article, other ordinances, etc.

If the city contracts for the collection, removal or disposal of garbage or rubbish, all rights and privileges of the contractor shall be subject to the provisions of this article and to the provisions of such other ordinances, resolutions or orders as the city council may from time to time adopt or make with respect to the collection, removal or disposal of garbage or rubbish, and shall further be subject to the terms, provisions or conditions of any such contract as the specifications therein contained (Mun. Code, Sec. 7825)

Sec. 33-12. Design and operation of collection trucks.

It shall be unlawful for any person to operate, or cause or permit to be operated, within the city, a truck used or intended to be used for the collection, hauling or disposing of garbage or rubbish unless the operator and each such truck complies with all of the following requirements:

- (a) Such truck shall not be more than five years old, shall be constructed of metal and shall be watertight. In the event that any such operator shall show to the satisfaction of the council, upon affidavit, that this requirement or any portion thereof will result in extreme hardship to such operator by reason of unusual circumstances peculiar to the specific use for which any of his trucks is intended, and the council finds that the extreme hardship would so result, the council may waive this requirement or any portion thereof. There shall be no obligation construed or inferred on the council to make such finding or waiver, and the decision of the council shall in all events depend upon no particular evidence or showing and shall be final and conclusive.
- (b) The body of each truck shall have a metal cover over at least fifty percent of the area at all times, and further over the remaining fifty percent there shall be carried an airtight waterproof tarpaulin which shall be tied down securely to cover refuse when the vehicle is being used to transport its contents to the place of disposal. In the event that any such operator shall show to the satisfaction of the council, upon affidavit, that this requirement or any portion thereof will result in extreme hardship to such operator by reason of unusual circumstances peculiar to the specific use for which any of his trucks is intended, and the council finds that extreme hardship would so result, the council may waive this requirement or any portion thereof. There shall be no obligation construed or inferred on the council to make such finding or waiver, and the decision of the council shall in all events depend upon no particular evidence or showing and shall be final and conclusive.

- (c) Such truck shall be maintained at all times in good mechanical condition and shall be maintained clean and well painted to the satisfaction of the city manager or his duly authorized representative.
- (d) Such truck shall contain, in neat and legible three inch painted letters, the name of the owner or operator of the truck and the true business telephone number of such person.
- (e) All trucks shall be cleaned thoroughly by flushing with water at least once after each day's use, and shall be disinfected by the use of live steam or an approved disinfectant at least once a week. If required by the city manager or his duly authorized representative, all vehicles and equipment used in the collection of rubbish and garbage in the city, if kept within the boundaries of the city, shall be housed in clean sanitary buildings at all times when not in use in collection of garbage and refuse. Under no condition shall the trucks be stored on public streets.
- (f) Such trucks shall be operated so far as to offer the least possible obstruction to the public peace and quiet. Collection of rubbish or garbage shall not be made for residential customers between the hours of 6:00 P.M. and 6:00 A.M. and collection for commercial and industrial customers shall not be made between the hours of 6:00 P.M. and 5:00 A.M.

(Mun. Code, Sec. 7826; Ord. No. 656)

Sec. 33-13. Repealed by Ordinance No. 1004.

Division 2. Containers.Sec. 33-14. Duty of householder to provide; specifications; use generally.

- (a) It shall be the duty of every householder within the city to provide or cause to be provided, and at all times to keep or cause to be kept, portable containers for holding garbage and rubbish. Each such container shall be constructed of metal or other material approved by the city manager or his duly authorized representative, shall be watertight and shall be so constructed so as to contain not less than three gallons capacity or more than forty gallons capacity, and not more than eighty pounds in weight when full.
- (b) Each such container shall be equipped with a bail or handles on both sides thereof, and each such container shall have a suitable close-fitting cover, the design and type of which shall have been approved by the city manager or his duly authorized representative.
- (c) All garbage deposited in such containers shall be thoroughly drained and thoroughly wrapped prior to placement in such containers.
- (d) Tree or garden trimmings may be placed in the garbage and rubbish containers hereinbefore described or in other substantial containers. If not placed in such containers, such tree and garden trimmings shall be tied in bundles not exceeding two feet in diameter and four feet in length. Whether placed in such containers or bundled, such tree or garden trimmings shall not exceed fifty pounds in weight per container or bundle. No such container or bundle shall contain any materials other than tree or garden trimmings.
- (e) Papers, newspapers and magazines may be placed in garbage and rubbish containers hereinbefore described or in other substantial containers. If not placed in such containers, the same shall be tied in bundles. Whether placed in such containers or bundles, the same shall not exceed fifty pounds in weight per container or bundle.
- (f) Receptacles used at residential premises shall be of such a size, shape and weight when filled that they may be readily lifted for emptying into the trucks of the container and free of all rough or jagged surfaces which shall be likely to cause injury to persons lifting them. (Mun. Code, Sec. 7830)

Sec. 33-15. Placement of containers for collection.

Each container provided as prescribed in this division shall be kept or placed in the following manner:

Each such container shall be kept on the premises of the person providing the same; except, that on the day designated for collection and before the time collection starts in the district in which such premises are located, it shall be placed for collection as follows:

- (a) On any premises adjacent to a dedicated, paved alley in a block with access to such alley at each end of the block, such containers shall be placed on or within two feet of the rear property line of such premises and shall be readily accessible for collection from the alley. Each such premises shall be identified by the street address of such premises, painted and maintained legibly in numbers not less than two inches in height placed on each container or on a fence or other structure at the rear of such premises and abutting on such alley. It shall be the responsibility of the owner or occupant of such premises to comply with the requirements hereof, and should he fail to do so, the city may paint such numbers and charge the cost thereof to such owner or occupant.
- (b) Where such premises are not adjacent to an alley which is paved and dedicated, with access to such alley from each end of the block, each such container shall be placed on the curb in front of the premises occupied by the person placing the same, or on the curb at the side of the premises where such premises are adjacent to more than one street.
- (c) It shall be unlawful for any person to place any garbage or rubbish accumulating on any premises within the city, in a garbage or rubbish container containing garbage or rubbish which has accumulated in, upon or from any other premises within the city, or to place any such container for collection of garbage or rubbish therefrom, in, upon, in front or in the rear of any other premises. (Mun. Code, Sec. 7831)

Sec. 33-16. Cleaning.

After each emptying, and before any garbage container is again used, the same shall be thoroughly cleaned and all grease and adherent materials removed. (Mun. Code, Sec. 7832)

Sec. 33-17. Refusal to collect upon failure to comply with division.

The city manager or his duly authorized representative, or other official of the city in charge of the removal, disposal or collection of garbage, rubbish or other waste material, may refuse to collect, remove or dispose of the same if the same is not placed in the container or in the manner prescribed by this article. (Mun. Code, Sec. 7833)

Sec. 33-18. Tampering with containers or contents prohibited.

- (a) No person, other than the owner thereof, his agents or employees, or an officer or employee of this city, or a person holding a contract with this city for the collection, removal or disposal of rubbish or garbage, or the agents or employees of such contractor authorized for such purposes, shall tamper or meddle or interfere with any rubbish or garbage container, or the contents thereof, located on the premises occupied by any householder, or remove any such container from the location where the same shall have been placed by the owner thereof, or by his agents or employees, regardless of whether such container conforms to the requirements set forth in this division.
- (b) Whenever any garbage or rubbish container, containing garbage or rubbish, has been placed for collection, it shall be unlawful for any person, other than the owner or person who placed the same for collection, to remove, tamper with, sort or take any such garbage or rubbish or any part thereof in or from such container, except the proper collection officials or employees of the city in the performance of their regular collection service. (Mun. Code, Sec. 7834)

Sec. 33-19. Removal by householder after contents collected.

It shall be the duty of every person placing a garbage or rubbish container in or upon any street, sidewalk, curb or alley, for garbage or rubbish collection, to remove such container from the street, sidewalk, curb or alley immediately after the contents of the containers have been collected by the authorized collector of garbage and rubbish for this city, and in any event within twelve hours after such collection, and it shall be unlawful for any such person to fail or refuse to perform such duty. (Mun. Code, Sec. 7835)

Sec. 33-19.1. Bulky waste material disposal.

- (a) To protect public health, safety and well-being and to minimize interference with public rights-of-way, no person shall place bulky goods adjacent to a street or public right-of-way without first having made arrangements with a Bulky/Solid Waste removal contractor authorized by the City for the pickup of bulky waste items. Pursuant to state law, each owner of a premises shall be required to maintain the sidewalk and parkway adjacent to that premises, including but not limited to the removal of bulky waste materials or objects whether or not such bulky waste items was generated by an occupant of such premises or placed on the owner's premises without the owner's consent. (Ord. No. 1004)
- (b) Each owner of each premises in the City is deemed to have authorized the City or any other authorized contractor or agent of the City, to collect bulky waste items located on the sidewalk or parkway areas, or rights-of-way adjacent to such owner's premises, whether or not a request for removal has been received. Except as provided herein, the owner of any premises from which bulky material or items have been removed as provided for in this section shall be responsible for all costs of such removal and disposal, including payment to the City or Contractor of a service fee as established by Resolution of the City Council. (Ord. No. 1004)
- (1) The City shall waive the service fee for the owner of any premises adjacent to an alley as defined below, unless the City determines that the bulky waste has been generated by an occupant of such premises or placed in such location with the owner's or occupant's consent. (Ord. No. 1004)
- (2) For purposes of this Section, "alley" shall mean that public right-of-way located at the rear of a property, and not intended as a vehicular thoroughfare. (Ord. No. 1004)

- (c) If bulky material or items are located on the sidewalk, in the parkway, or in the public right-of-way adjacent to a premises, the City may proceed with removal and disposal of such materials either on its own or by authorized contractors or agents of the City, at the option of the City. Prior to removal, the City may, at its discretion, issue a Warning Notice to Remove to the property owner or occupant directing that all bulky material or items be removed within twenty-four (24) hours or, alternatively, cause the immediate removal of the bulky material or items if, in the City's opinion, there exists a potential health or safety hazard, a blockage of a public right-of-way or the condition is deemed to be extremely unsightly. (Ord. No. 1004)
- (d) Any property owner or occupant having bulky items or materials that exist on the sidewalk, on the parkway, or in the public right-of-way adjacent to the lot or premises which such person owns or occupies, may, not less than twenty-four (24) hours prior to the day when solid waste is normally collected from the premises, contact the City or authorized contractor or agent of the City and request that the City or authorized contractor or agent of the City collect such bulky material. If such notice is given, bulky material or items will be removed without cost to the property owner or occupant. The within provisions of subsections (a) through (c) shall apply when bulky material or items are observed on the sidewalk, on the parkway, or in the public right-of-way adjacent to the lot or premises at any time other than the day for normal waste collection. (Ord. No. 1004)
- (e) Collection of fees. The amounts of fees imposed pursuant to this Chapter shall be set forth in a schedule of fees established by Resolution of the City Council. The City Council may, by Resolution, also impose escalating fines in amounts it deems appropriate for repeat offenses in a twelve-month period. (Ord. No. 1004)
- (f) Waiver of fees. The City, at its discretion, may elect to waive the imposition of any fees imposed pursuant to the within sections for any reason. (Ord. No. 1004)
- (g) Remedies. Fees collected pursuant to this Chapter are not intended to be the exclusive remedy, either criminal or civil, available to the City relating to the circumstances which gave rise to the need for City removal of bulky waste material or items from any property. Repeat offenses may also result in the issuance of Administrative Citations to the property owner or occupant by the City pursuant to the provisions within Article II of Chapter 1 of the Paramount Municipal Code. (Ord. No. 1004)

Division 3. Charges.

Sec. 33-20. Imposition; determination; liability for payment.

There are hereby, imposed by the city, fees and charges for the collection, removal and disposal of garbage, rubbish and other refuse matter within the city. Such fees and charges for such collection, removal and disposal services shall be those which the city council may from time to time hereafter determine, fix and establish by resolution. Such fees and charges may be changed by the city council from time to time by resolution, and the same shall respectively be applicable for the respective periods designated in, or covered by, such respective resolutions.

The occupant of each place or premises shall be liable for payment of all such fees and charges. Should any place or premises be unoccupied, or should the occupant thereof fail to pay all such fees and charges before the same become delinquent, then and in either such event the owner of such place or premises shall be liable for the payment of all such fees and charges, including any delinquency. (Mun. Code, Sec. 7850)

Sec. 33-21. Billing and collecting.

Every occupant or owner of real residential property in the city and who the city contractor defines as a residential account holder shall be billed periodically in advance, either monthly or quarterly, by the city contractor for the charges incurred for the collection of garbage, rubbish and other refuse.

- (a) Should any owner or occupant fail, refuse or neglect to pay any such bill, penalty fees shall be added to the bill by the city contractor.
- (b) Should the occupant or owner of real residential property in the city and who the city contractor defines as a residential account holder fail or refuse to pay in accordance with the provisions hereinabove the fee assessed for the collection of garbage, rubbish and other refuse, then and in that event, the city contractor shall advise the City Manager or his/her duly authorized representative of such refusal. In the event that there is nonpayment, the contractor shall cause collection of such nonpayment to be made, and the expenses and charges of collection, including penalties, to be assessed against the property as provided herein. The city contractor shall continue to collect garbage, rubbish and refuse when directed to do so by the City Manager or his/her duly authorized representative even though there be nonpayment, and in such event all sums and costs incurred thereby shall be recovered as hereinafter provided.
- (c) The city contractor shall make all reasonable efforts to diligently pursue and collect all fees and charges due the city contractor for rendering such services to the satisfaction of the City Manager; in event of delinquency, the contractor shall also notify the owner of the real property.
- (d) All costs incurred by the city and payable by the city to the city contractor as hereinafter set forth shall be recoverable by the city and charged against the real property from which the garbage, rubbish or other refuse was collected. After the city contractor has made all reasonable efforts to diligently pursue and collect all fees and charges rendered for refuse service, it shall be the duty of the city contractor to provide to the city, individual letters of delinquency which contain the name of the owner and/or occupant, the address as of the latest tax roll, including the legal description of such properties, and the amount delinquent and unpaid, the amount of the penalty, collection costs and costs of abatement for any delinquent accounts. The City Manager or his/her duly authorized representative shall then provide one notice to the property owner of such amount. Such notice shall further declare that the City Council shall, at its next regular meeting, review and approve as an assessment against the property the amount delinquent and unpaid, the amount of the penalty, collection costs, including administrative costs incurred hereby, and costs of abatement. If the total assessment determined and approved by the City Council is not paid within ten days after such determination, then and in that event, there shall be recorded in the office of the County Recorder a statement of the total balance due, together with the legal description of the property affected. From and after the date of such recordation, the balance due shall be a special assessment against the real property. The assessment shall be collected at the same time and in the same manner as are county taxes and shall be subject to the same penalties and to the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

- (e) The city contractor shall be fully reimbursed in the amount due him on an unpaid account less ten percent when the assessed amount is recovered.
- (f) Any occupant or owner of real residential property in the city and who the city contractor defines as a residential account holder, who has been billed for refuse collection service, and who desires to contest the extent, degree or reasonableness of the charges, shall make payment of such charges under protest and, at the same time, file a written statement of such protest with the City Manager or his/her duly authorized representative. Within thirty days after the date of filing, the City Manager or his/her duly authorized representative shall notify the protestant of his/her findings and adjudication and adjustment in the matter. Within fifteen days after such notice of the decision of the City Manager or his/her duly authorized representative, the protestant may appeal in writing to the City Council, whose determination, in a regular meeting, shall be final.

(Mun. Code, Sec. 7851; Ord. Nos. 176, 249, 371, 989)

Sec. 33-22. Exemption from charges.

In the event that any owner or occupant of any premises claims exemption from payment of any of the fees or charges imposed by this division, or any resolution adopted pursuant thereto, on the ground that no garbage, rubbish or other refuse matter will be placed or offered for collection from such premises, the city manager or his duly authorized representative, in reliance upon any such statement or representation, may exempt such premises from such charges and fees; provided, that any such statement or representation shall be in the form of an affidavit, duly sworn to by the person making such statement or representation, and filed with the city manager or his duly authorized representative; and further provided, that such exemption shall be valid only for the time that the representations or statements made in such affidavit continue to be true.

The period of such exemption shall be specified in the affidavit. Each such exemption shall expire at the end of one year after the same is filed with the city manager or his duly authorized representative, or at the end of the calendar year in which the exemption is allowed by the city manager or his duly authorized representative, whichever occurs sooner.

Each person receiving such exemption shall, within seven days after the facts stated in his affidavit no longer exist, report the same to the city clerk. (Mun. Code, Sec. 7852)

Article III. Garbage in Quarantine Areas.

Sec. 33-23. "Garbage" defined.

For the purpose of this article the word "garbage" is defined to be all animal and vegetable refuse that shall have resulted from animal or vegetable matter prepared for or intended to be used as food, or that shall have resulted from the preparation of food. (Mun. Code, Sec. 7020)

Sec. 33-24. Designation of quarantine district.

Whenever a communicable disease is found to exist in animals or human beings in the city, and in the opinion of the county health officer the preservation of the public health and safety demands the sanitary disposal of garbage in a given infected area, in the manner hereinafter provided, the health officer may designate the areas as a quarantine district. (Mun. Code, Sec. 7021)

Sec. 33-25. Storage of garbage in quarantine districts.

In all quarantine districts established by the county health officer pursuant to section 33-24, it shall be the duty of every householder or person occupying a dwelling or a flat, manager or person in charge or control of any boardinghouse, restaurant, hotel, apartment, eating house, food market or food store or other place where garbage is found to exist, to cause to be kept portable vessels, tanks or receptacles for holding garbage. Each of such vessels, tanks or receptacles shall be constructed of metal and shall be provided with a tight-fitting metal cover. (Mun. Code, Sec. 7022)

Sec. 33-26. Disposal of garbage in quarantine districts.

In all quarantine districts it shall be unlawful for any garbage to be fed or otherwise disposed of in any manner on the premises. All garbage in such districts shall be transported out of the districts and there disposed of in any lawful manner. It is the duty of every householder and all other persons enumerated in section 33-25 to keep in metal containers any garbage accumulated on his premises, and to provide for the removal of such garbage at least twice a week. (Mun. Code, Sec. 7023)

Sec. 33-27. Enforcement.

The county health officer is hereby charged with the duty of enforcing this article. (Mun. Code, Sec. 7024)

Article IV. Condition of Premises.Sec. 33-28. Accumulations of noxious materials generally; prohibited.

It is unlawful for any owner, lessee or occupant of buildings, grounds or lots to keep or maintain, or allow to grow or to accumulate any grass, weeds or other obstructions on or adjacent to sidewalks, parkings or streets and any dirt, rubbish, weeds and rank growths, or other materials dangerous or injurious to neighboring property, or the health or welfare of residents of the vicinity, in or upon any buildings or grounds within the city, where the council has made and entered its order of abatement as provided in this article and the same has not been thereafter abated by the owner, lessee or occupant as provided in this article. (Ord. No. 143)

Sec. 33-29. Accumulations of garbage prohibited; exceptions.

It shall be unlawful for any person to keep or accumulate, or cause or permit to be kept or accumulated, any garbage upon any premises owned, controlled or occupied by him in the city, unless the same is enclosed in a garbage container as prescribed in this chapter, or to keep any garbage on or about such premises for a period of more than one week. (Mun. Code, Sec. 7840)

Sec. 33-30. Accumulation of rubbish.

It shall be unlawful for any person to keep or accumulate, or cause or permit to be kept or accumulated, upon any premises owned, controlled or occupied by him in the city, any rubbish, animal or vegetable matter, filth, slop, stagnant water or other waste or matter which is or which is liable to become putrid or offensive, or which is or which is liable to become a fire menace or a menace to health or safety, for a period of more than fifteen days. It shall be the duty of each such person to cause any such accumulation promptly to be handled, treated, placed and disposed of as contemplated or required in this chapter. (Mun. Code, Sec. 7841)

Sec. 33-31. Time limit for keeping garbage on premises.

It shall be unlawful for any person to keep or accumulate, or cause or permit to be kept or accumulated, any garbage upon any premises owned, controlled or occupied by him in the city for a period of more than seven days. (Ord. No. 168)

Sec. 33-32. Time limit for keeping rubbish, etc., on premises.

It shall be unlawful for any person, either as a tenant, occupant or owner of any property to keep or accumulate, or cause or permit to be kept or accumulated upon any premises owned, controlled or occupied by him in the city, any rubbish, animal or vegetable matter, filth, slop, stagnant water or other waste or matter which is, or which is liable to become, a fire menace or a menace to health or safety, for a period of more than seven days. (Ord. No. 168)

Sec. 33-33. Defense for violation of section 33-31 or 33-32.

It shall be a defense as to any charge alleging a violation of either section 33-31 or 33-32, that at the time such offense allegedly occurred the person had a valid agreement then current and in effect with a duly licensed or franchised garbage or rubbish collector or collectors within the city for the collection of garbage or refuse at his premises. However, the defense must be asserted by the person so charged and the burden of proof shall be upon such person so charged to show that such agreement was in full force and effect at the time of the alleged violation. (Ord. No. 168)

Sec. 33-34. Violations of article declared public nuisance; abatement generally.

Violation of this article is hereby declared to be a public nuisance which may be abated as provided in part 3 of division 4 of the Civil Code of the state and in chapter 2 of title 10 of part 2 of the Civil Code of Procedure of the state, which shall be in addition to any other remedy provided in this Code or section 372 of the Penal Code of the state.

The accumulation of garbage or rubbish by any person beyond the periods specified in the foregoing sections, or in a manner other than as specified, is hereby declared to be a nuisance, pursuant to section 38771 of the Government Code of the state. The city council, pursuant to section 38773 of the Government Code of the state hereby provides for the summary abatement of such nuisances at the expense of the person or persons creating, causing or maintaining the same as follows:

- (a) If the city manager or his duly authorized representative determines that a person at a certain address is maintaining or permitting a nuisance as defined in this section, he shall within five days notify such person, in writing, of the fact that he is conducting a nuisance as defined herein and requiring him within ten days to abate the nuisance or to cause the nuisance to be abated within legal means as provided in this article.
- (b) If, at the end of the ten day period, the person has not abated or caused to be abated the nuisance, the city manager or his duly authorized representative shall have the power and authority to authorize the contractor to enter the premises of the person and remove and abate the nuisance and charge the person for the cost of the removal and abatement of the nuisance.
- (c) Thereafter, if the person should continue to allow garbage or rubbish to accumulate for periods beyond those specified herein, the city manager or his duly authorized representative shall have the power to order the contractor to continue to enter the premises and remove and abate the nuisance, charging such person for the cost thereof. (Mun. Code, Sec. 7842; Ord. No. 143)

Sec. 33-35. Resolution declaring accumulations, etc., to be public nuisance--Authorized.

The city council may by resolution declare as a public nuisance the maintenance, growth or accumulation of grass, weeds or other obstructions to the use of sidewalks, parkings or streets, or the maintenance, growth or accumulation of dirt, rubbish, weeds, rank growths or other materials dangerous or injurious to neighboring property or the health or welfare of residents of the vicinity, upon or in buildings, grounds, adjacent sidewalks, lands and lots within the city. (Ord Nos. 143, 146)

Sec. 33-36. Same--Contents.

The resolution of city council authorized in section 33-35 shall refer to the street by its commonly known name and shall describe the property upon which or in front of which the nuisance exists by giving its lot and block number according to the official assessment map. Any number of streets, sidewalks or parcels of private property may be included in one resolution. The resolution shall specify that the superintendent of streets shall be responsible for giving notice to abate, abating the nuisance and otherwise performing the provisions of this article, and if the resolution fails to specify such a city officer, the superintendent of streets shall perform the provisions herein contained. (Ord. No. 143)

Sec. 33-37. Notice to abate nuisance--Posting.

After passage of a resolution under section 33-35, the city officer shall cause notices to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post:

- (a) One notice to each separately owned parcel of property of not over fifty feet frontage.
- (b) Not more than two notices to any such parcel of one hundred feet frontage or less.
- (c) Notices at not more than one hundred feet apart if the frontage of such a parcel is greater than one hundred feet.

The notice shall be posted at least five days prior to the time for hearing objections by the council. (Ord. No. 143)

Sec. 33-38. Same--Form.

The heading of the notice posted under section 33-37 shall be "Notice to Destroy Weeds and Rank Growths and To Remove Rubbish, Refuse, and Dirt" in letters not less than one inch in height. The notice shall be substantially in the following form:

"NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT

Notice is hereby given that on the ____ day of _____, 19__, the City Council of the City of Paramount adopted a resolution declaring that grass, weeds, or other obstructions were growing upon or had accumulated upon or in front of the property on this street obstructing the use of sidewalks, parkings, or streets, and that dirt, rubbish, weeds, and other material dangerous or injurious to neighboring property or the health or welfare of residents of the vicinity, to wit: _____, were upon or in the building or buildings, property, lands, or lots abutting upon this street, commonly known as _____ and more particularly described in Resolution No. _____ of said City Council, and that the same constitute a public nuisance which must be abated by the removal thereof. Otherwise they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the same are removed and will constitute a lien upon such land until paid. Reference is hereby made to Resolution No. _____ of the City Council of the City of Paramount for further particulars. A copy of said Resolution is on file in the office of the City Clerk, City Hall, 16400 Colorado Avenue, Paramount, California.

All property owners having any objections to the proposed removal of said weeds, rubbish, refuse, dirt, rank growths, or other material dangerous or injurious to neighboring property as aforesaid, are hereby notified to attend a meeting of the City Council of the City of Paramount to be held on the ____ day of _____, 19__, at the hour of _____ o'clock __M. in the Council Chambers at 16400 Colorado Avenue, Paramount, California, at which time their objections will be heard and considered." (Ord. No. 143)

Sec. 33-39. Hearing by city council.

At the time stated in the notices, the city council shall hear and consider all objections to the proposed removal of the public nuisance. It may continue the hearing from time to time. By motion or resolution at the conclusion of the hearing the council shall allow or overrule any objections. The decision of the council shall be final and conclusive and need not depend upon any particular evidence or showing of proof. (Ord. No. 143)

Sec. 33-40. Abatement order--Issuance.

At the conclusion of a hearing, the city council shall order the city officer to abate the nuisance by entering upon private property to abate and remove the same as to those nuisances to which no objection had been made and those nuisances where the council had overruled the objection. (Ord. No. 143)

Sec. 33-41. Same--Service.

A city officer shall serve by registered or certified mail, return receipt requested, postage prepaid, a copy of the abatement order forthwith upon those persons set forth in section 33-28, if the same can be located, and if the same cannot be located, by posting a copy of the abatement order on the front of the property where the nuisance will be abated. The abatement order shall specify that unless such person removes and abates the nuisance within fifteen days from the date of mailing or date of posting, whichever shall apply, the city officer will abate the same and will if necessary enter upon or into the private property of the person without further notice or liability therefore in order to abate the nuisance. (Ord. No. 143)

Sec. 33-42. Cost of abatement.

The city officer shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done by him. He shall submit to the city council for confirmation an itemized written report showing such cost. A copy of the report shall be posted for at least three days prior to its submission to the council on or near the council chamber door with a notice of the time of submission. At the time fixed for receiving and considering the report, the council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The council shall then confirm the report by motion or resolution. (Ord. No. 143)

Sec. 33-43. Assessment of cost to be lien on property.

The cost of abatement in front of or upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel. (Ord. No. 143)

Sec. 33-44. Collection of costs generally.

After confirmation of the report submitted under section 33-42, a certified copy of the same shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map book for the current year. The county auditor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes. As an alternative method, the county tax collector, in his discretion, may collect the assessments without reference to the general taxes, by issuing separate bills and receipts for the assessments. Laws relating to the levy, collection and enforcement of county taxes shall apply to such special assessment taxes. (Ord. No. 143)

Sec. 33-45. Receiving payment of costs and issuance of receipts by city officer.

The city officer specified in the resolution passed under this article may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report, prior to August 1st of the current year. (Ord. No. 143)

Sec. 33-46. Refunds.

The city council may order refunded all or part of a tax paid pursuant to the provisions of this article, if it finds that all or part of the taxes have been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the city clerk on or before March 1st after the taxes became due and payable. The claim shall be verified by the person who paid the tax. (Ord. No. 143)

Secs. 33-47 to 33-49. Reserved.Article V. Property Maintenance.Sec. 33-50. Unlawful property nuisances.

It shall be unlawful for any person owning, leasing, occupying or having charge or possession of any property in the City to maintain such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by the City code:

- (a) Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction. An unreasonable state is defined as any unfinished building or structure which has been in the course of construction two years or more, or where the appearance and other conditions of said unfinished building or structure substantially detract from the appearance of the immediate neighborhood.
- (b) Unpainted buildings having dry rot, warping, or termite infestations. Any building on the which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.
- (c) Broken windows.
- (d) Damaged or defective building exteriors, walls, fences, driveways, sidewalks, or walkways.
- (e) The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks of building.
- (f) Lumber, junk, trash, debris or salvage materials visible from a public street, alley or adjoining property.

- (g) Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment and machinery, hazardous pools, ponds and excavations.
- (h) Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment stored so as to be visible from a public street, alley or adjoining properties.
- (i) Construction equipment or machinery of any type or description parked or stored on the owner's property when it is visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.
- (j) Permanent or temporary signs or advertising devices, including banners and pennants, which are deteriorated, defective, broken or in a state of disrepair.
- (k) Vehicles parked in required front yard setbacks in a residential zone except when such vehicles are parked on a paved drive approach to a required garage.
- (l) Maintenance of property in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480.
- (m) Dead, decayed, diseased or hazardous trees, weeds, or overgrown vegetation, cultivated or uncultivated.
- (n) Clotheslines in front yard areas, or in front or side yard areas of corner lots.
- (o) Any wall, fence, or hedge maintained in a condition of deterioration or disrepair.
- (p) Any property with pooled oil accumulation, oil flowing onto public rights-of-way, or accumulations of grease or oil on paved surfaces, buildings, wall, or fences.
- (q) Any area which lacks turf or plant material so as to cause dust or allow the accumulation of debris.
- (r) Dead, deteriorated or diseased turf or plant material. (Ord Nos. 494, 590, 764, 837)
- (s) Neglect or maintenance of property in a condition which contributes substantially to the deterioration and unsightliness of the community, the appreciable depreciation of property values in the surrounding neighborhood, or the prevalence and attraction of social, economic and criminal maladjustments. This neglect includes, but is not limited to, building exteriors, walls, fences, driveways or walkways which are defaced due to any writing, inscription, figure, scratches or other markings commonly referred to as "graffiti". (Ord. No. 764)

Sec. 33-50.1. "Owner" defined.

The terms "owner" and "property owner," as used in this chapter, and unless otherwise required by the context, shall be deemed to include any person owning, leasing, occupying, or having charge or possession of any property in the city. (Ord. No. 494)

Sec. 33-51. Declaration of public nuisances.

All property found to be maintained in violation of the foregoing section is hereby declared to be a public nuisance and shall be abated by rehabilitation, demolition, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. No. 494)

Sec. 33-52. Notification of nuisance.

Whenever the director of community development or such other city official as may be designated by the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of section 33-50, he shall give written notice to the owner of said property stating the sections being violated. Such notice shall set forth a reasonable time limit for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of section 33-54 covering service in person or by mail. (Ord. No. 494)

Section 33-53. Hearing to abate nuisance.

In the event said owner shall fail, neglect or refuse to comply with the notice to correct said violation, the Director of Community Development, or his duly authorized representative, shall conduct an Administrative Review Hearing to ascertain whether said violation constitutes a public nuisance, the abatement of which is appropriate under the police power of the city. Notice of the Administrative Review Hearing shall be served upon the owner in accordance with the provisions of section 33-54.

Section 33-54. Notice of Administrative Review Hearing.

Notice of said hearing shall be served upon said property owner not less than fourteen days before the time fixed for said hearing. Notice of said hearing shall include the time and date of the hearing, a list of the property maintenance violations on the property, and a statement requesting the property owner's attendance at the hearing to provide testimony. Said notice shall be served personally upon or mailed in an envelope with postage thereon fully prepaid and deposited in the United States Mail at Paramount, California to the property owner as such owner's name and address appears on the last available equalized tax roll, and if there is no such address, then in care of the property address. Service shall be deemed complete at the time said notice is personally served or deposited in the mail. Failure of any person to receive such notice shall not affect the validity of any proceedings hereunder. (Ord. No. 861)

Section 33-55. Hearing by Director of Community Development.

At the time stated in the notice, the Director of Community Development, or his duly authorized representative, shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance and to proposed rehabilitation, repair or demolition of such property. (Ord. No. 861)

If the Director of Community Development, or his duly authorized representative, finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, or repair the same, he may declare such property to be a public nuisance and order the abatement of the same within thirty days by having such property, building, or structures rehabilitated, repaired, or demolished. A copy of such order shall be served on all the owners of the subject property in accordance with the provisions of Section 33-54.

Section 33-56. Appeal procedure, action by Board of Appeals, appeal on nuisance hearing.

Any person entitled to service under this section may appeal from the decision of the Director of Community Development, or his duly authorized representative, by filing at the Community Development Department within ten days from the date of service of such decision, a written, dated appeal containing:

- (a) A specific identification of the property which is the subject of the nuisance abatement proceeding.
- (b) A caption reading "Appeal of _____", giving the names of all appellants participating in the appeal.
- (c) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- (d) A statement in ordinary and concise language of the specific order or action protested, together with any material facts supporting the contentions of the appellant.
- (e) The signatures of all parties named as appellants, and their official mailing addresses.
- (f) The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practical after receiving the written appeal, the Board secretary shall set a date for hearing of the appeal by the Board of Appeals, which date shall be not less than seven days nor more than thirty-five days from the date the appeal was filed. Written notice of the time and the place of the hearing shall be given at least five days prior to the date of the hearing to each appellant by the Secretary, either by causing a copy of such notice to be delivered to the appellant personally, or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the Board of Appeals on request of the owner for good cause shown, or on the Board of Appeal's own motion.

Upon conclusion of the hearing on such appeal, the Board of Appeals shall either:

- (1) Terminate the proceeding;
- (2) Confirm the action and decision of the Director of Community Development, or his duly authorized representative; or
- (3) Modify such decision based upon evidence adduced at said hearing.

In the cases of alternative 2 or 3, the Board Order shall declare such property to be a public nuisance and order the abatement of same within thirty days by having such property, buildings, or structures rehabilitated, repaired or demolished in the manner and means specifically set forth in said order.

Section 33-57. Service of order to abate.

A copy of the Board of Appeals order ordering the abatement of said nuisance shall be served upon the owners of said property in accordance with the provisions of section 33-54 and shall contain a detailed list of needed corrections and abatement methods. Any property owner shall have the right to have any such property rehabilitated or to have such buildings or structures demolished or repaired in accordance with said order and at his own expense provided the same is commenced prior to the expiration of said thirty day abatement period and thereafter diligently and continuously prosecuted to completion. Upon such abatement in full by the owner, then proceedings hereunder shall terminate.

Section 33-58. Appeal procedure, action by the City Council, appeal on nuisance hearing.

Any person entitled to service under this section may appeal from the decision of the Board of Appeals by filing at the office of the city clerk within seven days from the date of service of such decision, a written dated appeal in the manner provided for in Section 33-56. Such appeal shall be heard by the City Council in the manner provided for in Sections 33-56 and 33-57.

Section 33-59. Service of order to abate.

The decision of the City Council shall be by resolution and shall be in the manner provided for in Section 33-57. A copy of said resolution shall be served upon the owners of said property in accordance with the provisions of Sections 33-54.

Section 33-60. City abatement.

If such nuisance is not completely abated as directed by the city within said abatement period, the City Council may direct the City manager or his duly authorized representative to cause the same to be abated by city forces or private contract and the City manager or his duly authorized representative is expressly authorized to enter upon said property for such purposes.

Section 33-61. Cost accounting--Notification.

The city manager shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council by showing the cost of abatement and the rehabilitation demolishing or repairing of said property, buildings or structures, including any salvage value relating thereto; provided that before said report is submitted to the city council, a copy of the same shall be posted for at least five days prior to submitting the same to the city council. Proof of said posting and service shall be made by affidavit filed with the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder. (Ord. No. 494)

Section 33-62. Assessment lien.

The total cost for abating such nuisance, as so confirmed by the city council shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

After such confirmation and recordation, a copy may be turned over to the tax collector for the city whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law. Such notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN
(Claim of the City of Paramount)

Pursuant to the authority vested by the provisions of Section 33-60 of the Paramount City Code, the City Manager of the City of Paramount did on or about the _____ day of _____, 19____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Paramount did on the _____ day of _____, 19____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Paramount does hereby claim a lien for such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$_____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed is that certain parcel of land lying and being in the City of Paramount, County of Los Angeles, State of California, and particularly described as follows:

(Description)

Dated this ____ day of _____, 19__.

City Manager, City of Paramount

(Ord. No. 494)

Section 33-63. Alternative actions available.

Nothing in this chapter shall be deemed to prevent the council from ordering the commencement of a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings herein set forth. (Ord. No. 494)

Section 33-63.1. Violations.

The owner or other person having charge or control of any such buildings or property who maintains any public nuisance defined in this chapter or who violates any order of abatement made pursuant to this chapter is guilty of a misdemeanor.

Any person who removes any notice or order posted as required in this chapter is guilty of a misdemeanor.

No person shall obstruct, impede or interfere with any representative of the City department or with any person who owns or holds any estate or interest in the building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed or with any person to whom such building has been lawfully sold pursuant to the provisions of this Code whenever any such representative of the City, purchaser or person having any interest or estate in such building is engaged in vacating, repairing, rehabilitating or demolishing and removing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto. (Ord. No. 494)

Article VI. Discharge of Hazardous Material

Sec. 33-64. "Discharge" and "threatened discharge" defined.

"Discharge" or "hazardous materials discharge" means any accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous material into or on any land or water, or into the air.

A "discharge" or "hazardous materials discharge" does not include emissions of hazardous materials which comply with valid permits or regulations of the Los Angeles Regional Water Quality Control Board, the South Coast Air Quality Management District, or an agency of the State of California or the United States.

A "threatened discharge" means the creation of a condition or taking of an action which is intended to or will foreseeably create a substantial probability that a discharge will occur.

Sec. 33-65. "Hazardous material" defined.

- (a) "Hazardous material" means a substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either:
 - (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - (2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- (b) Unless expressly provided otherwise, the term "hazardous material" shall be understood to also include "extremely hazardous waste" as that term is defined in California Health & Safety Code Sec. 25115.
- (c) All questions about whether a particular material is a "hazardous material," as defined in this section, shall be resolved by referring to the regulations of the Department of Health Services contained in Division 22 of the California Code of Regulations, or by referring to any other interpretations issued by the California Department of Health Services.

Sec. 33-66. "Facility" defined.

"Facility" means any land and appurtenances thereto from which a hazardous materials discharge has occurred. The term "facility" includes, but is not limited to, any plant, business, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, or any site or area from which a hazardous materials discharge has occurred. "Facility" does not include the following land or appurtenances required for the preservation of the public health, safety, and welfare: telephone transmission systems, electrical transmission systems, and natural gas transmission systems.

Sec. 33-67. "Owner" defined.

The terms "owner" and "property owner" shall be deemed to include any person owning, leasing, occupying, or having charge or possession of any property in the city.

Sec. 33-68. Discharge of hazardous material declared a nuisance.

When a discharge or threatened discharge of any hazardous material has occurred from a facility located within the City of Paramount, the facility is declared to be a public nuisance, and may be abated by the procedures set forth in this article.

Sec. 33-68.1. Notification of discharge of hazardous materials required.

- (a) In the event of a discharge, the discharger shall immediately notify the city of the incident by telephone or in person. The notification shall include the location of the discharge, type of material discharge, concentration and volume of the discharge, and corrective actions taken.
- (b) Within ten (10) days after the discharge, the discharger shall submit to the city a detailed written report describing the cause of the discharge, correction action taken and measures to be taken to prevent future occurrences. Such notification shall not relieve the discharger of liability or fines incurred as a result of the discharge. (Ord. No. 776)

Sec. 33-68.2. Confidential information - Public access.

Information and data concerning discharges obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics will not be recognized as confidential information. (Ord. No. 776)

Sec. 33-69. Immediate corrective action at facility authorized.

Whenever the city manager, or such other city official as may be designated by the city manager (hereinafter "city official"), reasonably determines that it is necessary to protect public health and safety, he may order immediate corrective action for all or part of a facility from which a hazardous materials discharge has occurred.

"Corrective action" shall mean the cessation, suspension, or other full or partial restriction of facility operations in such a manner as determined by the city official to be necessary to protect public health and safety. The city official shall have the discretion to specify the terms and conditions of the corrective action to fit the particular conditions at the facility, and to subsequently modify the terms and conditions of the corrective action as the city official, in his discretion, deems appropriate.

The corrective action order shall remain in effect until modified or terminated by the city official, or until modified or terminated through the appeals procedure outlined in the following sections of this article.

Sec. 33-70. Notification of nuisance and corrective action order.

When the city official determines that corrective action is necessary pursuant to Section 33-69, he shall serve written notice on the owner of the facility. Such notice shall specify the conditions giving rise to the public nuisance designation, the section of the Paramount Municipal Code giving rise to such designation, the terms and conditions of the corrective action order, and the procedure for appealing the order.

A copy of the notice shall be served personally or mailed by certified mail to the facility owner as such owner's name appears on the last available equalized tax roll. A copy of the notice shall also be served on any lessee, occupier, or other person in charge or control of the property.

Service shall be deemed complete at the time said notice is personally served or deposited in the mail. Failure of any person to receive such notice shall not affect the validity of any proceedings hereunder.

Sec. 33-71. Appeals procedure--board of appeals.

The owner of the facility shall have the right to appeal any corrective action order issued pursuant to Section 33-69, according to the following procedure:

After service of the corrective action order specified in Section 33-70 above, the owner can at any time appeal the order to the planning commission, which shall serve as the board of appeals. The corrective action order shall remain in full force and effect until such time as the order may be vacated or modified by the board of appeals.

Within seven days of receiving a written notice requesting an appeal, the board of appeals shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from owners, witnesses, city personnel, and other interested persons as to whether the corrective action order is necessary to protect public health and safety. Said hearing may be continued from time to time.

Upon the conclusion of the hearing on such appeal, the board of appeals, based on the evidence adduced at said hearing, shall confirm the order if it finds that it is necessary to protect the public health and safety. Based on the evidence adduced at said hearing, the board of appeals may also modify or vacate the order.

The board of appeals shall prepare a report of its findings from the hearing. A copy of such report shall be served on all known owners of the subject facility within five days of the hearing.

A copy of the report shall be served personally or mailed by certified mail to the facility owner as such owner's name appears on the last available equalized tax roll. Service shall be deemed complete at the time said report is personally served or deposited in the mail. Failure of any person to receive such report shall not affect the validity of any proceedings hereunder.

Sec. 33-72. Appeals procedure--city council.

Any person entitled to notice under Sec. 33-70 may appeal from the decision of the Board of Appeals by filing at the office of the city clerk within seven days after the date of service of such decision, a written, dated appeal containing:

- (a) A specific identification of the facility which is the subject of the appeal.
- (b) A caption reading: "Appeal of _____," giving the names of the appellants participating in the appeal.
- (c) A brief statement setting forth the legal interest of each of the appellants in the facility involved in the notice and corrective action order.
- (d) A statement in ordinary and concise language of the specific order or action protested, together with any material facts supporting the contentions of the appellant.

- (e) The signatures of all parties named as appellants, and their official mailing addresses.
- (f) The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the written appeal, the city clerk shall set a date for hearing of the appeal by the City Council, which date shall be not less than three days nor more than thirty days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least three days prior to the date of the hearing to each appellant by the city clerk, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the City Council on request of the owner for good cause shown, or on the City Council's own motion.

Upon conclusion of the hearing on such appeal, the City Council shall by resolution either:

- (a) Vacate the corrective action order;
- (b) Confirm the action and decision of the Board of Appeals; or
- (c) Modify such decision based upon evidence adduced at said hearing.

Sec. 33-73. Violations.

The owner or other person having charge or control of any facility who violates any order made pursuant to this article is guilty of a misdemeanor. Each day of violation shall constitute a separate misdemeanor.

Sec. 33-74. Procedure where immediate corrective action is not necessary.

When a discharge (or threatened discharge) of a hazardous material has occurred from a facility and the city official determines in his discretion that immediate corrective action pursuant to Section 33-69 is not necessary, the city official may elect to proceed with the nuisance abatement procedure as set forth in Section 33-52 to 33-63 of the Paramount Municipal Code. If at any time the city official determines, in his discretion, that the facility from which a discharge has occurred does not present a reasonable future danger to public health and safety, he may declare that the property is not a public nuisance.

Sec. 33-75. Alternative Actions Available.

The procedures for abatement set forth in this article shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

Sec. 33-76. Implementation Manual.

By resolution, the City Council will adopt an implementation manual to guide city staff actions under this ordinance. Amendment of the implementation manual shall be by resolution.

Sec. 33-77. Disclaimer of Liability.

The provisions of this ordinance do not create liability on the part of the City, or on the part of any city officer who acts, or fails to act, under any of the provisions of this article.

Sec. 33-78. Duties are Discretionary.

Subject to the limitations of due process, it is the intent of the City that this ordinance shall establish a discretionary responsibility or duty requiring the exercise of judgement and discretion, on the part of any city officer, who acts, or fails to act, under any of the provisions of this article. (Ord. Nos. 726, 776)

Article VII. Construction and Demolition Debris Recycling and Disposal

Sec. 33-79. Definitions.

Construction and demolition waste or C&D waste. A solid waste that is a portion of the municipal waste stream defined as:

- (a) Discarded materials generally considered to be water insoluble and non-hazardous in nature including but not limited to asphalt, brick, concrete, glass, gravel, gypsum, masonry, metal, pipe, rock, sand, slate, soil, steel, stone, wallboard, or otherwise inert material from the construction or demolition of a structure as part of a construction and/or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, trees, brush, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.
- (b) Clean cardboard, construction paper, plastics (including but not limited to sheeting, molding, and shrink wrap), wood, lighting and piping fixtures, and metal scraps from any construction and/or demolition project.
- (c) Plant materials resulting from construction work when commingled with dirt, rock, and other inert materials.
- (d) De-minimus amounts of other non-hazardous wastes that are generated at construction and demolition projects provided such amounts are consistent with best management practices of the industry.

(Ord. No. 984)

Construction work. Construction, remodeling, repair, demolition or deconstruction of building, other structures, roads, parking lots and similarly paved or covered surfaces. (Ord. No. 984)

Contractor. Any person or entity holding or required to hold a contractor's license of any type under the laws of the State of California or who performs, whether as a contractor, subcontractor, or building owner, any construction, demolition, remodeling, or landscaping service relating to building or accessory structures in Paramount. (Ord. No. 984)

Good faith effort. The documented efforts of a franchisee, firm, person, or entity to meet its requirements to divert waste from disposal to the maximum extent practicable as stipulated by its City-approved permit, franchise, plan or other approved mechanism. In some extreme cases, circumstances can limit or impede diversion including but are not limited to the lack of a market (e.g., a business or agency) that accepts specific C&D materials (e.g., roofing materials, laminate products, etc.), the physical condition of the materials (e.g., from a burned structure or insect infestation) that precludes its reuse or recycling, or other condition or circumstance (e.g., public emergency) that the City can consider on a case by case basis. (Ord. No. 984)

Diversion. A reduction in the amount of waste being disposed in landfill by any of the following methods:

- (a) Use of new construction method(s) as described by the City that reduces the amount of waste generated (i.e., green building).
- (b) Onsite reuse of waste.
- (c) Delivery of waste from the site to a recycling center or salvage or reclamation facility.
- (d) Other methods as approved by the City.

(Ord. No. 984)

Sec. 33-80, Construction and demolition debris recycling and disposal.

- (a) 50% Waste diversion standard for C&D projects. All construction and demolition projects are required to achieve the maximum feasible diversion but not less than the waste diversion performance standard of 50% of the total wastes generated. Waste diversion is calculated by dividing the total weight of waste diverted by the total weight of waste generated, where waste generated equals the weight of waste diverted added to the weight of waste disposed. Documentation of waste diversion, disposed and generated must be based solely upon weight receipts or other documentation as approved by the City and based on approved guidelines or protocol of the California Integrated Waste Management Board. Each construction and demolition project for which a building and/or demolition permit is applied for and approved must achieve the waste diversion performance standard or show a good faith effort to achieve that standard.

- (1) Exemptions. The following categories of building and demolition projects are categorically exempted from the deposit, fee, and reporting requirements of this Section (any one or more categories):

- a. Residential single-family homes up to two units that are not part of a greater planned development.
- b. All construction projects of less than or equal to \$100,000 in value.
- c. All construction projects of less than 1,000 square feet.
- d. Work for which only a plumbing, electrical, or mechanical permit is required.
- e. Work for which hazardous or toxic materials are treated or removed.

(Ord. No. 984)

- (b) Diversion deposit requirement. As a condition precedent to issuance of any permit for construction or demolition that involves the production of solid waste, the applicant shall post a deposit as set forth in Section 33-81, except where the applicant is utilizing the services of the City's franchised waste hauler for the removal and disposal of solid waste, in which case no deposit is required. The deposit is refundable in whole if the 50% minimum diversion requirement is fulfilled, or partially if the 50% diversion requirement is fulfilled in part, or a good faith effort to comply is documented, or the City exempts the project from this requirement based on extenuating circumstances, infeasibility, or emergency. The City shall be the sole authority to determine the extent of refund based on the following criteria:

- (1) A full refund based on a deposit erroneously paid or collected.

- (2) A full refund when a building permit is withdrawn or cancelled before any work has begun.
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- (3) A full refund when at least 50% by weight of the waste generated by the project was diverted from disposal.
- (4) A partial refund when less than 50% by weight of the waste generated was diverted from disposal, pro rated on the basis of the percent of diversion attained, and only if a good faith effort as defined has been documented.
- (5) In the case of less than 50% diversion, a full refund can only be obtained if the applicant is able to demonstrate that conditions or circumstances as identified under “Definitions” prevented the applicant from diverting waste from landfilling. In such cases, the applicant must undertake green building techniques (see item 8 below) or other actions to prevent future wasting or minimize waste.
- (6) No refund in whole or part shall be authorized unless the original building permit applicant provides documentation satisfactory to the City in support of the request.
- (7) An applicant may “bank” any diversion in excess of 50% and apply said diversion to any future C&D project that does not achieve 50% diversion so long as the diversion banking does not exceed more than two years.
- (8) An applicant may utilize “green building” techniques to offset the diversion requirements based on LEED©2006 (i.e., U.S. Green Building Council’s Leadership in Energy and Environmental Design rating system for green building requirements), with the diversion offset linked to *Platinum level certification*.

(Ord. No. 984, 1015)

- (c) Requirement for collection and processing of C&D wastes. All construction and demolition wastes as defined by this Chapter that result from construction and demolition work must be collected by:
- (1) A solid waste collection franchisee duly authorized by the City of Paramount. (Ord. Nos. 984, 1015)
- (2) A recycling facility listed in the approved list of recyclers as provided by the City. No C&D wastes can be carted by a non-franchised firm unless the materials carted are recyclable solid waste as defined by this Chapter, and collected and disposed without fee, or sold or donated by the owner/occupant as regulated under Section 33-9 of the Paramount Municipal Code. C&D wastes must be taken to an approved C&D processing facility as determined by the City and published in the City’s official C&D waste recycling guide. (Ord. Nos. 984, 1015)
- (3) A general contractor who obtains permits from the City with the intent to self-haul or to hire a separate subcontractor who will perform the construction and/or demolition work and self-haul the C&D wastes. For a construction and demolition project in which a deposit has been given to the City as set forth in Section 33-81 (a), the City may, at its discretion, authorize the general contractor or hired subcontractor to utilize its own vehicles to haul the resulting debris away from the job site. The general contractor or hired subcontractor shall provide proof of vehicle ownership to City officials upon request. The general contractor shall be subject to all of the reporting requirements as set forth in Section 33-82. All construction and demolition debris must be taken to an approved C&D processing facility as determined by the City and published in the City’s official C&D waste recycling guide. The City’s solid waste collection franchisee agrees to comply with this exemption. (Ord. Nos. 984, 1015)

Sec. 33-81. Diversion deposit charge.

- (a) For regulated C&D projects, upon approval of the C&D Waste Diversion Plan and prior to issuance of any permit, the contractor shall deposit the lesser of three percent (3%) of the total project cost or ten thousand dollars (\$10,000). The deposit shall be in cash, check, performance bond, cash, or bond, or credit card, payable to the City of Paramount. (Ord. No. 984)

Sec. 33-82. Reporting requirements.

- (a) C&D waste diversion plan. Contractors are required to prepare and follow a C&D Waste Diversion Plan that identifies the activities to be conducted during the course of the construction and/or demolition project to assure conformance with the City's requirement that 50% of regulated C&D waste must be diverted. The plan shall include but is not limited to a description of the following aspects: (1) targeted materials including special wastes for diversion, (2) diversion methods, (3) reporting methodology, and (4) employee training in the event that diversion methods are inadequate or infeasible for implementation. The C&D Waste Diversion Plan shall be prepared and submitted to the City for review and approval with the building and/or demolition permit application. The Contractor shall follow this Plan and its activities are subject to City inspection for verification. (Ord. No. 984)
- (b) C&D waste diversion report. Contractors are required to prepare and submit a C&D Waste Diversion Report within 30 days of completion of the project to the City for review and approval. This report shall contain information documenting the good faith effort of the contractor to meet the C&D Waste Diversion Plan, and demonstrating conformance with the 50% diversion requirement. The Report shall contain as a minimum a completed "Waste Diversion Report Form," originals or copies of all weight tickets or receipts documenting both disposal and diversion, and any other information attesting to or verifying the implementation of diversion activities. (Ord. No. 984)

Sec. 33-83. Franchised contractor subject to provisions of this article.

- (a) The franchised solid waste collection company must achieve the 50% diversion goal for any applicable city-sponsored project or regulated project for which the franchisee collects and hauls waste. (Ord. No. 984)

Sec. 33-84. Diversion deposit use.

Funds received by the City as diversion deposits shall be used only for:

- (a) Payment of diversion deposit refunds.
- (b) Cost of administration of the program established by this Part.
- (c) Cost of programs whose purpose is to divert C&D wastes from landfill disposal.
- (d) Cost of programs whose purpose is to develop or improve the infrastructure needed to divert C&D wastes from landfill disposal.

(Ord. No. 984)

(Mun. Code, Secs. 5121, 7020, 7021, 7022, 7023, 7024, 7800, 7801, 7802, 7810, 7812, 7813, 7820, 7821, 7822, 7825, 7826, 7830, 7831, 7832, 7833, 7834, 7835, 7840, 7841, 7842, 7850, 7851, 7852; Ord. Nos. 143, 146, 168, 176, 187, 249, 371, 494, 590, 656, 726, 764, 776, 837, 861, 943, 984, 989, 1004, 1015)