

ORDINANCE NO. 2007-225

**ORDINANCE OF THE TOWN OF WINDSOR
AMENDING CHAPTER 1 AND 2
OF TITLE XI SOLID WASTE MANAGEMENT
OF THE TOWN'S MUNICIPAL CODE**

**THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1. Chapter 1 and 2 of Title XI "Solid Waste Management" of the Windsor Municipal Code is hereby amended as follows:

CHAPTER 1 IN GENERAL

Article 1. Definitions and Storage

11-1-100 Definitions as used in this Title:

Construction and Demolition Debris shall mean commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from Construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures. With the exception of soil, dirt, concrete, and asphalt, Construction and Demolition Debris does not include Garbage and Exempt Waste.

Container shall mean any heavy plastic or galvanized metal box, can, barrel, bin or similar type container used for the accumulation of solid waste materials.

Exempt Waste shall mean Biohazardous or Biomedical Waste, Hazardous Waste, Household Hazardous Waste, Sludge, Green Waste or lumber that is more than five (5) feet in length in its longest dimension or two (2) feet in diameter, soil and dirt, concrete, asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, and those wastes under the control of the Nuclear Regulatory Commission.

Franchisee shall mean a person who has been issued a franchise pursuant to this chapter by the Town Council for the exclusive collection of solid waste, recyclables, and green waste materials.

Garbage shall mean all putrescible waste which generally includes, but is not limited to, kitchen and table food waste, animal, vegetative, food or any other waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials attributed to normal activities of a Service Unit. Garbage must be generated by and at the Service Unit wherein the Garbage is collected. Garbage does not include those items defined herein as Green Waste or Exempt Waste.

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance that is not more than three (3) feet in its longest dimension or six (6) inches in diameter and fits in the Green Waste Cart utilized by the Service Recipient. Green Waste includes plant debris, such as Palm, Yucca and Cactus, grass clippings, leaves, pruning, weeds, branches, brush, Holiday Trees, and other forms of vegetative waste and must be generated by and at the Service Unit wherein the Green Waste is collected. Green Waste does not include items herein defined as Exempt Waste.

Hazardous Waste shall mean any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such, law or regulations may be amended from time to time.

Household Hazardous Waste shall mean any Hazardous Waste generated at an SFD or MFD Service Unit.

Licensee shall mean a person who has been issued a license pursuant to this chapter by the Town Council for non-exclusive temporary debris box and roll-off container collection services.

Local Solid Waste Enforcement Agency shall mean the Town of Windsor.

Non-Exclusive Temporary Debris Box and Roll-off Collection Service shall mean Collection utilizing 10 - 40 cubic yard containers provided to Service Units for the temporary collection of Solid Waste, including Construction and Debris Materials, by a person or company that holds a valid Non-exclusive Temporary Debris Box and Roll-off Collection License from the TOWN and the delivery of that material to an appropriate facility. Non-Exclusive Temporary Debris Box and Roll-off Collection Service does not include Collection of Solid Waste generated from the normal, on-going activities of a Service Unit.

Non-exclusive Temporary Debris Box and Roll-off Collection License shall mean the License granted by the TOWN to the LICENSEE to provide Non-exclusive Temporary Debris Box and Roll-off Collection Service.

Roll-off Container shall mean a metal container that is normally loaded onto a motor vehicle and transported to an appropriate facility.

Rubbish shall mean all refuse, accumulation of paper, excelsior, rags, wooden boxes and containers, sweep-ups and all other accumulations of a nature other than Garbage and Green Waste, resulting from the normal activities of a Service Unit. Rubbish must be generated by and at the Service Unit wherein the Rubbish is collected. Rubbish does not include items herein defined as Exempt Waste.

Sludge shall mean the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.

Solid Waste, historically referred to as refuse, shall mean Garbage and Rubbish resulting from the normal activities of a Service Unit. Solid Waste must be generated by and at the Service Unit wherein the Solid Waste is collected and does not include items defined herein as Exempt Waste.

Town Council shall mean the Town Council of the Town of Windsor.

11-1-105 Storage Generally.

- a. *Solid Waste Containers Required.* All persons occupying or maintaining any premises within the Town where solid waste is created, produced or accumulated shall maintain sufficient standard containers for receiving and holding all solid waste which is produced, created or accumulated on such premises.
- b. *Unlawful Accumulations.* No person shall accumulate solid waste in any amount that creates a nuisance. Garbage shall not be allowed to remain on the premises for more than seven (7) days.
- c. *Burying Solid Waste.* The occupant of any property may not dispose of solid waste on their property.
- d. *Design Review.* The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage or handling which will accommodate the solid waste, green waste, and recyclables loading anticipated and which will allow for efficient and safe waste removal or collection. The design shall be submitted for approval to the Solid Waste Enforcement Agency and shall meet all applicable regulations.
- e. *Container Area Design.* Solid Waste, green waste, and recyclables container areas shall be adequate to be serviced by commercial mechanical loading trucks. The container areas shall be large enough to accommodate collection containers for solid waste, green waste, and recyclables. Commercial buildings with fifteen thousand (15,000) square feet of floor space or greater, and multiple housing units with seven (7) or more bedrooms, or any facility generating or anticipated to generate one (1) cubic yard of more waste per week, shall provide sufficient container area(s) to house the number and size of containers required. In any case a container area shall not be less than ten (10') feet wide, seven and one half (7 1/2") feet deep and six (6') feet high.

Gates, if installed on the container area shall be double doors, opening at the center and level with the access road.

Access roads shall provide all weather access and be capable of supporting solid waste collection vehicle weight. Access roads shall have a minimum width of twelve (12') feet.

A turn around for the collection vehicle shall be provided in the immediate vicinity of the container area. The turn around area shall not be less than a thirty-two (32') foot radius.

Overhangs, wiring or other obstructions on the approach to the container area must be at least thirteen feet six (13'6") inches high and at least sixteen (16') feet high directly over the container area.

Container sizes and numbers shall meet the requirement of the Solid Waste Enforcement Agency.

Where the collection operator furnishes storage containers, he/she is responsible for maintaining the containers in good condition unless they are furnished under other terms, conditions, or agreements. Storage containers shall be placed to minimize traffic, aesthetic and other problems, both on the property and for the general public.

Article 2. Littering, Burning, Ownership, Transporting

11-1-200 Littering, Generally.

- a. *Generally.* No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at a disposal area.
- b. *Transporting Solid Waste in Container Used for Burning.* No person shall transport solid waste in any container that has been used for burning.
- c. *State Law Relative to Littering.* The attention of all persons is directed to Section 374 of the Penal Code and other provisions of the laws of the State prohibiting the littering of public highways.

11-1-205 Burning Solid Waste

Burning Solid Waste. No person shall burn solid waste unless they have been issued a valid permit to burn such solid waste as issued by any governmental agency having jurisdiction.

11-1-210 Ownership of Solid Waste

All solid waste, upon being removed by a franchisee or licensee from the premises where produced or accumulated, shall become and be the property of franchisee or licensee.

11-1-215 Transporting Solid Waste

No person shall transport solid waste over any public highway unless such solid waste is contained in watertight metal tanks, containers or other receptacles, which in all instances shall be equipped with close-fitting metal covers, except as otherwise permitted by the local Solid Waste Enforcement Agency, and such covers shall be affixed to the tanks, containers or other receptacles in such a manner as to prevent the dropping or spilling or any garbage upon the highway.

Article 3. Competitive Bidding for Collection Programs

11-1-300 Competitive Bid Requirements.

- a. *Title.* The ordinance codified in this section (This ordinance was adopted as an initiative approved by voters November 4, 1996.) may be referred to as, the “Refuse, Recycling and Composting Competitive Bid Ordinance.”
- b. *Competitive Bidding for Town Solid Waste, Recycling, and Green Waste Collection Programs.* All Town recycling, solid waste and green waste collection programs, whether provided through an exclusive or non-exclusive agreement, shall be subject to a competitive bid process. This competitive bid requirement shall apply to an initial agreement and any extension of any existing agreement at any time. The Town Purchasing Agent shall establish and publish criteria that the Town shall employ to evaluate proposals submitted to the Purchasing Agent in such a competitive bid process.
- c. *Length of Agreement.* All agreements which are entered into relative to the subjects specified in subsection b. of this section shall not exceed a term of ten (10) years, including any extension periods. (Ord. Adopted by initiative 11-4-1996)

Chapter 2 Collection, Hauling and Transport of Solid Waste

Article 1 Prohibition against hauling of solid waste for hire other than Town’s franchisee or licensee

11-2-100. In General.

No person shall collect, haul or transport solid waste on or from any public highway within the Town, or transport any solid waste collected within the Town over any public highway within the Town, other than a person who has entered into an Exclusive Collection Services Agreement for Solid Waste, Recyclables, and Green Waste Materials.

No person shall deposit, deliver or collect any temporary debris boxes or roll off container on or from any public highway within the Town or transport any Solid Waste, including Construction Demolition and Debris Materials contained in any temporary debris box or roll off container collected within the Town over any public highway within the Town, other than a person who has entered into a Non-Exclusive Temporary Debris Box and Roll-off Collection Service Agreement with the Town for such services.

The provisions of this section shall not apply to persons or entities collecting undiscarded materials, or to farming or agricultural operations, or to public agencies, or to any person transporting solid waste from a transfer station pursuant to a contract between that person and the Town. The provisions of this section shall also not apply and a permit, franchise, or license shall not be required for (1) persons hauling less than one-half (1/2) cubic yard or ninety (90) gallons per week of solid waste from their own residences or businesses (2) persons hauling less than two (2) cubic yards of green waste from their own residences or businesses (3) persons hauling less than two (2) cubic yards of construction and demolition debris from their own residences or businesses, (4) vehicles traveling through the Town without collecting, delivering, depositing or disposing of solid waste, green waste, construction and demolition debris, in the Town or (5) persons hauling small quantities of household hazardous waste materials to reuse, recycling, or disposal facilities that are licensed and/or permitted to accept household hazardous waste

materials. All persons hauling solid waste garbage, green waste, construction and demolition debris or household hazardous waste under this Section 11-2-100 shall use collection containers with a tight fitting lid, or tarp all loose materials.

11-2-200. Violations.

A violation of this Chapter, including any continuing violation hereof, is unlawful and is hereby declared to be a misdemeanor and a public nuisance. The Town may elect to pursue any enforcement remedies found within the Town's Code Enforcement Ordinance (Town of Windsor Code, Title I, Chapter 1, Article 2), and any remedies available under any applicable state or federal statute or pursuant to any other lawful power the Town may possess. The provisions of this Chapter may also be enforced by a civil court action, prosecuted by the Town Attorney in the name of the Town. All remedies shall be alternative to or in conjunction with, and not exclusive of, one another. The election of remedies provided by this Chapter shall be at the sole discretion of the Town and its officials.

SECTION 2. – Severability. If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 3. – Effective Date. This ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 4. – Posting. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

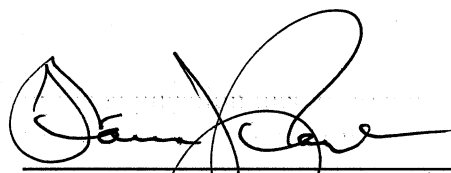
PASSED, APPROVED, AND ADOPTED this 7th day of November, 2007 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND
MAYOR PARKER**


NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


WARIN J. PARKER, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK