



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of City Council
FROM: Thomas Frutche, City Manager
MEETING DATE: March 4, 2015
SUBJECT: Solid Waste Collection Ordinance Update
CEQA: Exempt from California Environmental Quality Act (CEQA) Guidelines, under Class 1 (Existing Facilities) and Class 8 (Regulated Activity) activity, sections 156301 and 15308.

RECOMMENDATION

1. Hold second reading and adopt an ordinance to update PGMC Chapter 9.16 related to solid waste collection.
2. Direct staff to return with an ordinance that addresses incineration, consolidating and updating the existing PGMC language.

DISCUSSION

The Pacific Grove Municipal Code (PGMC) regulates collection of all types of solid waste, including garbage, recyclables, yard waste, and hazardous waste. Much of the Code has remained unchanged for over 25 years, in spite of developments in the field of solid waste during this time. The Code still specifies, for example, the City will collect all “garbage” even though City crews have not been involved in this effort since Gary Bales was City Manager. Also, collection of undifferentiated garbage for landfill has been replaced by separate collection and processing of a number of various types of solid waste, including recyclables, yard waste, e-waste, food waste, and construction and demolition debris. Updating the PGMC is necessary, to reflect these changes, the City’s new franchise agreement, and the community’s continually progressing conservation ethos. Although the Solid Waste Collection Ordinance is presented as a replacement to the existing code provision, this format is used for ease of reference. This effect of the measure is to update and amend the existing code provisions.

Key provisions of the PGMC update include:

- ❖ Using current terminology (e.g., “solid waste”) and bringing City definitions into conformance with state regulations.
- ❖ Deleting outdated provisions and language, such as references to the City as the collections entity, replacing language to provide a proper context for both the City’s current franchise hauler agreement with Waste Management and the new agreement to be implemented in August, 2015, with GreenWaste Recovery.
- ❖ Establishing flow control to regulate inappropriate scavenging of valuable recyclables from bins, carts, and dumpsters readied for collection. By taking just marketable materials, scavengers reduce revenues for the franchise collection company. Those revenues offset collection costs; a reduction in revenue has the direct effect of increasing garbage rates for ratepayers.

- ❖ Ensuring that all occupancies in the City, including second homes and short-term rentals, among others, maintain accounts for collection of generated solid waste, unless they receive an approved exemption, based on alternative arrangements. A recent audit by Waste Management identified a significant number of residences in the City do not have a current account. Some owners and occupants of these residences clearly make other arrangements. Others, however, do not make arrangements for needed service, inappropriately use one or more carts actually intended for other occupancies, or otherwise obtain irregular or intermittent service without payment. These unpermitted activities increase rates the owners or tenants of other occupancies must incur.
- ❖ No change has been made to the proposed requirement for carts to be removed from the streets and sidewalks by 7 p.m. on collection day. Council may wish to amend this, or may believe that Pacific Grove neighbors tend to look out for each other, and will work together to avoid a recurring problem.

As noted by the Council, one section of the existing chapter, 9.16.120 *Unenclosed burning – incinerators*, relates to incineration of materials, and is less appropriate in a portion of the Code related to solid waste than to general health and safety, and air quality. As a second, future step, staff will return to Council with an update to that section, also relocating it to a more natural location in the Code, probably Title 11, *Health, Safety, and Environment*. As such, the wording of this section is not addressed in the material presented to you now.

A summary of this proposed ordinance was published in an official newspaper prior to second reading, in order to increase public awareness and participation. There have been a number of refinements--including re-ordering of sub-sections and wording changes--to the proposed ordinance since first reading, to improve readability. As a result, the attached ordinance is presented as a complete substitution for the existing ordinance, rather than in a delete-by-crossing-out (strike-out) and add-by-using-bold-and-italics format. Even so, second reading is still appropriate, pursuant to Article 15 (e) of the City Charter, as there has been no change to the general scope and original purpose.

Enactment of this Ordinance is exempt from California Environmental Quality Act (CEQA) Guidelines, under Class 1 (Existing Facilities) and Class 8 (Regulated Activity) activity, sections 156301 and 15308. Solid Waste collection and processing is highly regulated by the State; there is no expansion of existing activity that will result from this ordinance clean up, as it is designed to assist the City in better meeting the objectives and requirements of state law.

OPTIONS

1. Do nothing.
2. Provide alternative direction.

FISCAL IMPACT

Little substantial impact on City revenues costs from this action. There will likely be staff time required to address concerns of some property owners who now are required to receive collection services. There will be no increase in City franchise fees received, even if the number of accounts is increased, as future rates will be adjusted, to account for the costs of these new accounts no longer being underwritten by other account holders.

ATTACHMENTS

1. Proposed Ordinance 15-_____
2. Existing PGMC Chapter 9.16 (for comparison purposes)

RESPECTFULLY SUBMITTED,

THOMAS FRUTCHY

Thomas Frutchey
City Manager

ORDINANCE NO. 15 –

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING
PACIFIC GROVE MUNICIPAL CODE CHAPTER 9.16 RELATING
TO SOLID WASTE COLLECTION**

WHEREAS, state regulations related to solid waste continue to evolve. Current guidelines, for example, point to a 75% diversion rate; and

WHEREAS, the City recently signed a new franchise agreement, to go into effect in August, 2015; and

WHEREAS, the Monterey Regional Waste Management District will soon upgrade its Materials Recovery Facility capabilities; and

WHEREAS, the last comprehensive amendment to the Municipal Code pertaining to solid waste/garbage were made in 1973; much has changed since then; and

WHEREAS, this ordinance is intended to reflect the ongoing changes in activities and the community's ethos; and

WHEREAS, this ordinance is exempt from CEQA, pursuant to California Environmental Quality Act (CEQA) Guidelines, as a Class 1 (Existing Facilities) and Class 8 (Regulated Activity) activity, per sections 15301 and 15308.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Chapter 9.16, *GARBAGE AND REFUSE DISPOSAL*, is hereby deleted from the Pacific Grove Municipal Code in its entirety.

SECTION 3. A new Chapter 9.16, *SOLID WASTE*, is hereby added to the Pacific Grove Municipal Code, as follows:

**Chapter 9.16
SOLID WASTE**

Sections:

- 9.16.010 Definitions.
- 9.16.020 Method of disposal.
- 9.16.030 Accumulating Solid Waste on Premises.
- 9.16.040 Containers.
- 9.16.050 Collection.

- 9.16.070 Collection service – rates and payment
- 9.16.120 Unenclosed burning – incinerators.
- 9.16.140 Enforcement – Right of entry, inspection, penalties for violation.

9.16.010 Definitions.

“Approved Processing and Disposal Facility” means the Monterey Regional Waste Management District facility and landfill at 14201 Del Monte Blvd, Marina, CA 93933, or another temporary or permanent facility by order of the city manager.

“Collect or Collection (or any variation thereof)” means the act of removing Solid Waste, recyclable materials, organic materials, construction and demolition debris, bulky items, and other discarded material by the city’s franchised hauler from the place of generation and transporting to an Approved Processing and Disposal Facility.

“Container(s)” means bins, carts, and drop boxes provided by the city’s franchised Solid Waste franchisee or other receptacles, including compactors, approved for Collection.

“Curb or Curbside (or any variation thereof)” means the location of a Collection Container for pick-up, where such Container is placed in public view on the street or alley against the face of the curb, or where no curb exists, the Container is placed not more than five feet from the outside edge of the street or alley nearest the entrance to the Premises.

“Premises” means a lot, parcel of land, building, or establishment.

“Solid Waste” means solid waste as defined in California Public Resources Code, Division 30, Part 1, Chapter 2, §40191 and regulations promulgated thereunder.

When used throughout this chapter, defined terms are capitalized, for ease of reference.

9.16.020 Method of disposal.

(a) Solid Waste. It is unlawful for any person to place, deposit, or keep any Solid Waste on any Premises, except in Containers as hereinafter addressed. The burying or burning of Solid Waste is prohibited. It is prohibited for any person to deposit Solid Waste in any city sewer or plumbing fixture connected thereto, except through residential food scrap disposal units (commonly known as “garbage disposal units”).

(b) Public Property. It is unlawful for any person to place, deposit, scatter, or cause to be placed any rubbish, garbage, brush, trimmings, junk, disabled or discarded automobiles, or other Solid Waste materials upon any portion of the public streets, alleys, or other public property, other than in a manner approved for Collection, subject to PGMC 9.16.050.

(c) Public Solid Waste Receptacles. Public Solid Waste receptacles are for the occasional non-commercial use of the general public. It is unlawful for any person or business entity to place or deposit in or near any public Solid Waste receptacle an accumulation of Solid Waste, in lieu of regular Solid Waste Collection services.

9.16.030 Accumulating Solid Waste on Premises.

(a) It is unlawful for the owner or occupant of any Premises to allow the accumulation of any Solid Waste that is, or may become, a menace to health and sanitation, or a fire hazard. All Solid Waste accumulating at any Premises shall be kept in Containers intended for Collection as specified by the city manager, except that yard trimmings and other putrescible organic materials may be kept in a small pile as a properly managed compost heap, all of which shall be out of general public view and not become a nuisance.

(b) It is unlawful for any person, owner or occupant of any building, lot, or Premises in the city to suffer, allow, or permit any form of Solid Waste to collect or remain upon the lot or Premises beyond the time of the next scheduled Solid Waste Collection pick-up. Any such storage, Collection, or accumulation shall be deemed a nuisance and subject to summary abatement under Section 38773 of the Government Code. Such a nuisance shall be abated, and the city shall be reimbursed thereon on account, in accordance with the procedures set forth in PGMC 1.16.017.

9.16.040 Containers.

(a) Every person in possession, charge, or control of any Premises from which Solid Waste is produced shall retain, care for, and utilize one or more Containers with correct tight-fitting lids, and of sufficient capacity to hold any accumulation of Solid Waste generated between scheduled Collections. Containers shall be maintained in a sanitary and serviceable condition with lids closed. Containers shall not be overfilled such that they attract animals or create litter. Charges may be imposed and due to the city's Solid Waste franchisee as a result of improper use of Containers and/or overfilling.

(b) Containers shall be returned to the franchisee upon closure of the account, or retained at the site for the next occupant, at the discretion of the franchisee.

(c) Containers shall not be stored on any public right-of-way or property (unless they are serving that property) and shall be stored so as to be screened from public view.

(d) Every person allowing or causing a drop box or other large Solid Waste Container (as defined in Chapter 15.30.010) to be placed on any city street, roadway, or alley shall comply with the provisions of PGMC Chapter 15.40, *Refuse and Storage Containers on City Streets*.

(e) All commercial Containers and Containers at multi-family dwellings with three or more dwelling units must be housed in an enclosure with a concrete pad as specified in PGMC 23.24.070 for multi-family residential dwellings, and are subject to the approval of the Chief Building Official.

9.16.050 Collection.

(a) Required. The owner or occupant of each Premises within the city, or the owner of any other lot upon which Solid Waste may be produced or accumulated, shall obtain and maintain adequate Collection service from the city's Solid Waste Collection franchisee and shall be liable for and shall pay the full amount of any and all fees or charges imposed for such services. As used herein, the term "adequate Collection and disposal service" shall be determined by the city manager or designee. Each category of Solid Waste that contains putrescible organic material shall be collected no less than once per week, unless otherwise approved by the City Manager.

- (b) Exceptions. This section shall not apply to the transport or disposal of Solid Waste when:
- (1) Earth or construction wastes that are being collected and transported as an incidental service by the contractor, builder, or construction worker in charge of the project or his or her authorized employee; or
 - (2) A waiver has been granted by the city manager or designee, as a result of unique circumstances.
- (c) Schedule. No Collection shall be commenced before the hour of 6:00 a.m. or after the hour of 6:00 p.m., Monday through Friday, except on order of the city manager or designee.

Containers for residential Solid Waste Collection shall be placed adjacent to the street on the day of Collection not earlier than 6:00 p.m. on the day prior to scheduled Collection. Containers for one Premises shall not be placed in the right-of-way on other Premises. All such Containers shall be removed from the Curb prior to 7:00 p.m. the day of Collection. Containers for commercial Collection shall be screened from public view, except on the day of pickup, and shall be returned to their stored location within two hours of pickup.

- (d) Safe and accessible location. Containers for Solid Waste Collection shall be placed in such a manner as to be 1) safe and 2) accessible to Collection personnel.
- (e) Scavenging. It shall be unlawful for any person, other than the city's authorized franchisee, to remove or take any items from public Solid Waste receptacles or from Containers that have been placed adjacent to the street or other location appropriate for Collection.

9.16.070 Collection service – rates and payment

- (a) Establishing Rates. The charges and services to be provided for Solid Waste Collection and disposal shall be such as may be established from time to time by resolution of the city council.
- (b) Liability for Payment. All delinquent accounts payable for the Solid Waste Collection shall be paid by the owner of the Premises if the tenant fails to do so. Such delinquent accounts shall constitute a debt due the city and/or the city's franchised hauler, for which the city may pursue administrative enforcement as set forth in Chapter 1.16 and 1.20 of this Code or sue the tenant or owner of such Premises in any competent civil court.
- (c) Responsibility for Compliance. Responsibility for compliance with this Chapter shall rest solely on the owner or occupant of the Premises and shall not prevent the city's franchised hauler from temporarily suspending or terminating Solid Waste Collection services for delinquent accounts after notice has been given to the city.

9.16.120 Unenclosed burning – incinerators.

- (a) It is unlawful to set, have, or maintain any fire in an unenclosed area or in an incinerator in any part of the city except as follows:
- (b) Barbecue fires for cooking of food where the flames after kindling of the fire do not exceed six inches;

(c) Gas-fired double chamber incinerators may be maintained for commercial or industrial use when a permit is first obtained from the Monterey Bay Unified Air Pollution Control District.

When a fire necessitating extinguishment by the fire department results from a violation of any of the provisions of this section or chapter, the person responsible for the violation shall pay for the actual costs of extinguishment.

9.16.140 Enforcement – Right of entry, inspection, penalty for violation.

(a) To facilitate the enforcement of Solid Waste Collection, and to carry out the true understanding and purpose thereof, it is lawful for the fire chief or city manager, or their designee, or any peace officer of the city to enter any commercial, industrial, residential, or public premises, for the purpose of ascertaining the sanitary condition thereof, and the removal of unlawful or dangerous accumulation of Solid Waste and Containers therein or thereon, and the fire chief, city manager, or their designee, or any peace officer of the city are and each of them is required to enforce the provisions of this chapter, and any person denying or obstructing any such entry or inspection is guilty of a misdemeanor. Any interpretation of the terms of this chapter or dispute arising hereunder shall be decided by the city manager or designee.

(b) Violation of any of the provisions of this Chapter shall constitute an infraction or misdemeanor, and shall be punishable as set forth in Chapter 1.16 of the Pacific Grove Municipal Code.

(c) Notwithstanding any other legal remedy, violation of any of the provisions of this Chapter may be enforced pursuant to Chapter 1.19 of the Pacific Grove Municipal Code.

(d) Notwithstanding any other legal remedy, violation of any of the provisions of this Chapter shall constitute a public nuisance and shall be subject to abatement, injunction, or other civil remedy as appropriate.

SECTION 4. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall take immediate effect thirty days following passage and adoption hereof.

SECTION 6. Section 3 of this ordinance shall cause republication of Chapter 9.16 of the Pacific Grove Municipal Code.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 4th day of March, 2015, by the following vote:

AYES

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

Chapter 9.16 GARBAGE AND REFUSE DISPOSAL¹

Sections:

- [9.16.010](#) Definitions.
- [9.16.020](#) Method of disposal.
- [9.16.030](#) Accumulating rubbish on premises.
- [9.16.040](#) Refuse containers.
- [9.16.050](#) Collection schedule.
- [9.16.060](#) Collection service by city – Exceptions.
- [9.16.070](#) Collection service – Payment – Rubbish collection.
- [9.16.080](#) Collection service – Exception from use.
- [9.16.090](#) Frequency of collection.
- [9.16.120](#) Unenclosed burning – Incinerators.
- [9.16.140](#) Enforcement – Right of entry, inspection.

9.16.010 Definitions.

“Commercial establishment” is defined to include hotels, motels, apartments (when more than three units on one building site), boardinghouses, restaurants and business houses. Commercial establishments shall not be entitled to free rubbish pick-ups.

“Garbage” is defined as the animal and vegetable waste resulting from the handling, preparation and use of foods and including discarded food containers.

“Refuse” includes both garbage and rubbish.

“Rubbish” is defined as all other discarded, abandoned, obsolete or unused materials which are permitted to accumulate so as to become a menace to health, a fire hazard, or offensive to the senses or visible from any public or private property, including, but not limited to, waste of any nature, items of machinery, furniture, household appliances, building materials, vegetation clippings or cuttings, weeds, wastepaper, straw, glass and crockery. [Ord. 1195 N.S. § 1, 1980; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-101, 1952].

9.16.020 Method of disposal.

(a) Garbage. It is unlawful for any person to place, deposit or keep any garbage on any premises, except in containers as hereinafter provided. The burying or burning of garbage is prohibited. It is prohibited for any

person to deposit garbage in any city sewer or plumbing fixture connected thereto, except garbage disposal units when approved by the community development director.

(b) Refuse. It is unlawful for the owner or occupant of any premises to allow the accumulation of any refuse that is, or may become, a menace to health and sanitation, or a fire hazard. All rubbish accumulating from any premises shall be kept in containers as specified by the city manager, except that brush and garden trimmings may be kept in a small pile. All rubbish shall be disposed of as herein provided.

(c) Public Property. It is unlawful for any person to place, deposit, scatter or cause to be placed any rubbish, garbage, brush, trimmings, junk, disabled or discarded automobiles or other waste materials upon any portion of the public streets, alleys or other public property. The placing of such material along the curb line, if order has first been given the city for its collection, may be permitted pending its disposal. Such material is permitted on the curblines for not more than 24 hours, and providing it is no obstruction to traffic or drainage. [Ord. 756 N.S. § 1(a), 1973; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-102, 1952].

9.16.030 Accumulating rubbish on premises.

It is unlawful for any person, owner or occupant of any building, lot or premises in the city to suffer, allow or permit any form of garbage, rubbish, refuse or debris to collect or remain upon the lot or premises beyond the time of the next scheduled garbage pick-up for the premises, or for any period of time, where the same constitutes an immediate danger to health or property. Any such storage, collection or accumulation shall be deemed a nuisance and subject to summary abatement under Section 38773 of the Government Code. Such a nuisance shall be abated, and the city shall be reimbursed thereon on account, in accordance with the procedures set forth in PGMC [1.16.017](#). [Ord. 1195 N.S. § 2, 1980; Ord. 210 N.S. § 6-113, 1952].

9.16.040 Refuse containers.

(a) Required. Every person in possession, charge or control of any premises from which garbage is produced shall provide one or more containers of sufficient capacity to hold one week's accumulation. All owners of apartments (three or less units in one building) or other multiple dwellings shall provide, or require the tenants to provide, an adequate container for each such apartment, which container shall have the respective apartment indicated thereon. Apartment houses with four or more units shall be considered as commercial. Specifications for types of refuse containers shall be established by the city manager. Kitchen garbage shall be drained of liquids and wrapped in paper before being placed in the container, and the container shall be kept in a sanitary condition at all times. Garbage shall not be placed anywhere except in the container.

Any person who is aggrieved by the city manager's regulations on containers may appeal the regulation to the city council for determination within 30 days of the date the city manager notifies the public of the regulation.

(b) Containers Leased from City. Possessors of premises producing large quantities of garbage may lease mechanically dumped containers of sufficient capacity to be used in lieu of containers set forth in subsection (a) of this section. Users of the leased containers shall provide a hose bibb and hose long enough to reach to the garbage truck stationed at the nearest convenient point for emptying the contents of the container. The hose shall provide water at sufficient pressure to clean out the container after its contents are dumped into the truck. Area on which containers are kept must be either plant-mix surface or concrete.

(c) Every person owning refuse containers in excess of 100-gallon capacity used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on public streets, shall affix reflective tape or material (subject to placement, style, and appropriate material approved by the chief of police) to such containers.

(d) Every person allowing or causing a large refuse container or storage container to be placed on any city street, roadway or alley shall comply with the provisions of Chapter [15.40](#) PGMC. [Ord. 07-019 § 2, 2007; Ord. 00-01 § 1, 2000; Ord. 756 N.S. § 1(b), 1973; Ord. 450 N.S., 1964; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-103, 1952].

9.16.050 Collection schedule.

It is required that refuse be collected from each business premises at least once each week, and that garbage and refuse be collected from every occupied residence and apartment at least once each week, and that garbage and refuse be collected as many times per week from all fresh food markets, restaurants, hotels, boardinghouses, institutions and other like places, as may be found necessary for proper sanitation. [Ord. 756 N.S. § 1(d), 1973; Ord. 369 N.S., 1961; Ord. 210 N.S. § 6-105, 1952].

9.16.060 Collection service by city – Exceptions.

(a) Other Collection Unlawful. It is unlawful for any person to collect, transport or dispose of garbage or rubbish within the city, and all collection, transportation and disposal of the refuse shall be done exclusively by the city of Pacific Grove except as otherwise herein provided. The collection of refuse shall be under the supervision of the city manager, who shall have authority to make necessary regulations regarding the time and method of collection.

(b) Exceptions. This section shall not apply to the transport or disposal of refuse when:

(1) Rubbish has been collected on a householder's premises and is being transported to an authorized disposal site by the householder himself;

(2) Rubbish is composed of earth, or construction materials or wastes which have become redundant incident to a construction or remodeling project, and which are being collected and transported by the contractor, builder or construction worker in charge of the project or his or her authorized employee;

(3) Refuse has been collected or transported pursuant to a permit granted by the city manager, which permit shall be granted to applicants as follows:

(A) For the collection of hog feed and meat trimmings for tallow; provided, that any vehicle used in the transportation of garbage must be watertight and provided with a cover, and so operated that none of the transported material may fall out, escape or drain from the vehicle, the permit to be given for a period not exceeding 12 months;

(B) For the collecting of rubbish on premises where the rubbish is accumulated by the applicant incident to the cleaning of the premises by the applicant at the request of the householder thereof: the permit to be given for a period not exceeding three days, and to be limited to the cleaning of a specifically designated premises. It is unlawful to obtain a permit under this subsection for the transportation of rubbish where the rubbish has already been assembled by other than the applicant, or to transport any rubbish whether accumulated by himself or not without obtaining the permit.

(4) A franchise for the collection and transportation of such refuse has been granted by the city council to a private entity, in which case the holder of the franchise shall have the exclusive right to dispose of refuse in the territory covered by the franchise, except as herein otherwise provided. Should a franchise be awarded, the rates shall be those provided for in the franchise in lieu of those in any resolution, and shall not be subject to change except by the council after public hearing. [Ord. 756 N.S. § 1(e), 1973; Ord. 449 N.S., 1964; Ord. 210 N.S. § 6-104, 1952].

9.16.070 Collection service – Payment – Rubbish collection.

(a) Establishing Rates. The charges and services to be provided for garbage and refuse collection and disposal shall be such as may be established from time to time by resolution of the city council.

(b) Liability for Payment. All delinquent accounts payable for the collection of garbage or rubbish shall be paid by the owner of the premises if the tenant fails to do so. Such delinquent accounts shall constitute a debt due the city, for which the city may sue the tenant or owner of such premises in any competent civil court.

(c) Registering Apartment. It shall be the responsibility of all property owners to register each apartment for rent with the sanitation department. Failure to do so does not excuse payment retroactive to the initial rental of same when service is discovered.

(d) Advance Payment. All monthly charges shall be payable quarterly in advance and shall become delinquent if unpaid after 30 days of the date of billing. All other charges shall be due and payable at the time service is rendered. A five percent discount shall be allowed on all bills paid one year in advance.

(e) Delinquent Penalty – Lien for Charges. A collection charge of \$0.50 shall be levied for the collection of each delinquent account, and a five percent penalty shall be added for each month an account remains delinquent after 30 days from the date the same is due. The city shall have a lien for all charges and penalties prescribed by this chapter in the manner set forth in PGMC [9.20.210](#) to 9.20.230.

(f) Refuse in Excess of Regulations. Refuse in excess of that specified by council resolution must have a special pick-up and a call must be made for same. [Ord. 756 N.S. § 1(f), 1973; Ord. 616 N.S., 1968; Ord. 417 N.S., 1963; Ord. 403 N.S., 1963; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-106, 1952].

9.16.080 Collection service – Exception from use.

The owner or tenant of any premises not needing garbage collection because of vacancy, absence or other reason must notify the city at least five days before the time of regular garbage collection at his or her premises before charges for collection will be discontinued. The city manager may require that the notice be given on a form under penalty of perjury. Any representation that no garbage is being accumulated on the premises when in fact the garbage is being so accumulated shall represent a separate offense under this chapter. Any such accumulation shall be deemed property concealed as a means of committing a public offense and subject to search warrant procedures of Section 1524 of the Penal Code of the state of California. [Ord. 756 N.S. § 1(g), 1973; Ord. 511 N.S., 1965; Ord. 210 N.S. § 6-107, 1952].

9.16.090 Frequency of collection.

All garbage accumulated at any private dwelling house or residence in the city shall be removed by the garbage collector at least once each week, or more often if necessary. All garbage accumulated at hotels, boardinghouses, restaurants or business houses shall be removed by the garbage collector at least six times

each week or as many times as may be found necessary for proper sanitation. All rubbish accumulated at private dwellings, residences, hotels, boardinghouses, restaurants or business houses, in the city, shall be removed by the garbage collector at least once each month or more often if necessary. [Ord. 756 N.S. § 1(h), 1973; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-111, 1952].

9.16.120 Unenclosed burning – Incinerators.

It is unlawful to set, have or maintain any fire in an unenclosed area or in an incinerator in any part of the city except as follows:

- (a) Barbecue fires for cooking of food where the flames after kindling of the fire do not exceed six inches;
- (b) Gas-fired double chamber incinerators may be maintained for commercial or industrial use when a permit is first obtained from the Monterey Bay Unified Air Pollution Control District.

When a fire necessitating extinguishment by the fire department results from a violation of any of the provisions of this section or chapter, the person responsible for the violation shall pay for the actual costs of extinguishment, which costs shall be not less than \$100.00 per hour, or any portion thereof, for the time that any fire equipment is required. [Ord. 1437 N.S. § 1, 1984; Ord. 786 N.S. § 1, 1974; Ord. 610 N.S., 1968; Ord. 559 N.S. Art. I, 1966; Ord. 451 N.S., 1964; Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-108, 1952].

9.16.140 Enforcement – Right of entry, inspection.

To facilitate the enforcement of refuse collection, and to carry out the true understanding and purpose thereof, it is lawful for the city health officer, sanitation superintendent, fire chief or any peace officer of the city to enter any restaurant, hotel or public place or yard, or outer building of any public place or private residence, for the purpose of ascertaining the sanitary condition thereof, and the removal of unlawful or dangerous accumulation of refuse therein or thereon, and the fire chief or member of the police department, sanitation superintendent and health officer of the city are and each of them is required to enforce the provisions of this chapter, and any person denying or obstructing any such entry or inspection is guilty of a misdemeanor.

Any interpretation of the terms of this chapter or dispute arising hereunder shall be decided on the sole discretion of the city manager. [Ord. 332 N.S., 1959; Ord. 210 N.S. § 6-114, 1952].

[1](#)

Garbage disposal sites – See California Government Code § 38790.

Chapter 15.40 REFUSE AND STORAGE CONTAINERS ON CITY STREETS

Sections:

- [15.40.010](#) Definitions.
- [15.40.020](#) Permit required for storage container or refuse container on city street.
- [15.40.030](#) Permits for storage containers.
- [15.40.040](#) Permits for large refuse containers.
- [15.40.050](#) Permitted use with a valid building permit.

15.40.010 Definitions.

For the purpose of this chapter the following terms shall apply:

“City” shall mean the city of Pacific Grove.

“Large refuse containers” shall mean refuse containers in excess of 100-gallon capacity used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on any city streets, roadway or alley.

“Storage containers” shall mean any container, storage unit, shed-like container, “portable on-demand storage structures (PODS),” or other portable structure that can be or is used for any purpose and is placed on any public street, roadway or alley. [Ord. 07-019 § 2, 2007].

15.40.020 Permit required for storage container or refuse container on city street.

(a) No person shall cause or allow a large refuse container or storage container to be placed on any city street, roadway or alley without first obtaining a permit from the city.

(b) Before placing a large refuse container or storage container on any city street, roadway or alley a person must submit an application and receive a permit from the police department. An insurance certificate providing liability insurance in the amount of \$100,000 provided by the company supplying the refuse container or storage container must accompany the permit application. The fee for such permit shall be set forth by the city council. [Ord. 07-019 § 2, 2007].

15.40.030 Permits for storage containers.

Storage container permits will be granted for a period of seven days. At the expiration of the seven-day period applicants may seek a one-time extension of their permits for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two storage container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container or storage container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.040 Permits for large refuse containers.

Large refuse container permits will be granted for a period of seven days. At the expiration of the seven-day period, applicants may seek a one-time extension of their permit for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two refuse container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.050 Permitted use with a valid building permit.

(a) The provisions of this chapter shall not apply to the use or placement of construction refuse containers or storage containers pursuant to a valid building permit.

(b) Persons obtaining a building permit from the city must receive approval from the police department and the community development department for the location and duration of the placement of the refuse container and/or storage container prior to the issuance of said building permit. There shall be no fees associated with the approved placement of the construction refuse container or the storage container with a valid building permit if said container is placed on private property. [Ord. 07-019 § 2, 2007].