

## **TITLE 7 Sanitation**

This title was most recently updated by the following ordinances:

<b>Ordinance No.</b>	<b>Subject</b>	<b>Effective Date</b>	<b>Code Site</b>
5741	Billing of Utility Services	April 28, 2016	Section 7.16.320

**TITLE 7**

**SANITATION**

**Sections:**

**Chapter: 7.04 Public Health Department.**  
**Chapter: 7.11 Food and Food Establishments.**  
**Chapter: 7.14 Health Education Programs.**  
**Chapter: 7.16 Garbage and Refuse Collection and Disposal.**

**Chapter: 7.18 Unscheduled Collection.**  
**Chapter: 7.24 Temporary Sanitation Facilities.**  
**Chapter: 7.28 Parking Prohibition for Street Sweeping.**

**Chapter 7.04**

**PUBLIC HEALTH DEPARTMENT**

**Sections:**

**7.04.010 Governmental Functions Transferred to County.**  
**7.04.020 Enforcement by County.**  
**7.04.030 Contract with Board of Supervisors.**

**7.04.040 City Board of Health - Advisory Position.**

**7.04.010 Governmental Functions Transferred to County.**

The governmental function of public health of the City is consolidated with and transferred to the Health Department of Santa Barbara County, all pursuant to the authority of the Charter of the City, and of Sections 476, 480, 481 and 482 of the Health and Safety Code of the State of California. (Ord. 2774 §1, 1960.)

**7.04.020 Enforcement by County.**

All existing ordinances of the City relating to public health, and all ordinances relating to public health which may be hereafter enacted and adopted by the Council, shall, on and after the first day of July, 1960, and so long as this chapter shall remain in force and effect, be observed and enforced by the Health Department of the County and the County Health Officer. (Ord. 2774 §2, 1960.)

**7.04.030 Contract with Board of Supervisors.**

The City Council may, from time to time, during the period during which this chapter is in force and effect, contract with the Board of Supervisors of Santa Barbara County for the performance of any additional public health service by the Health Officer of Santa Barbara County as may be deemed necessary and appropriate for the maintaining of such standards of public health observance and enforcement for the people of this City, as may be recommended by the Board of Health of the City of Santa Barbara or required by the City Council. (Ord. 2774 §3, 1960.)

**7.04.040 City Board of Health - Advisory Position.**

The transfer to and consolidation with the Health Department of the County of the public health function of the City as provided in this chapter shall not be deemed to abolish the public health function of the City, but shall be deemed to suspend the same only during the period of time this chapter remains in full force and effect, provided that the City Administrator may appoint or reappoint the members of the Board of Health of the City in the manner provided for boards and commissions by the Charter, and such Board of Health shall act in an advisory capacity in matters relating to the public health and sanitation of the City. (Ord. 2774 §4, 1960.)

## Chapter 7.11

### FOOD AND FOOD ESTABLISHMENTS

#### Sections:

<b>7.11.010</b>	<b>Permit Required.</b>	<b>7.11.040</b>	<b>Revocation or Suspension of Permit.</b>
<b>7.11.020</b>	<b>Investigation - Issuance - Term.</b>	<b>7.11.050</b>	<b>Effect.</b>
<b>7.11.030</b>	<b>Rules and Regulations.</b>		

#### **7.11.010 Permit Required.**

It is unlawful for any person, firm or corporation required by County of Santa Barbara regulation to have a permit to sell, offer for sale, distribute, or have in possession for sale or distribution any food or drink intended for human consumption in the City of Santa Barbara, unless possessing a permit issued by the County of Santa Barbara. (Ord. 3975, 1978; Ord. 3250 §1(part), 1967.)

#### **7.11.020 Investigation - Issuance - Term.**

Every applicant for such a permit shall file with the Health Officer of the County of Santa Barbara before opening for business a written application for a permit to conduct such business. The County Health Officer shall investigate and issue such permits when place and business conforms to the laws of the State of California and the rules and regulations of the Health Officer of the County of Santa Barbara. Such permits shall be in force for twelve months from date of issue, unless revoked for cause. Permits shall be issued upon payment of fees established by the County of Santa Barbara, which shall require the approval of the City Council prior to becoming effective. Renewal of permits shall be applied for and acted upon in the same manner. (Ord. 3975, 1978; Ord. 3250 §1(part), 1967.)

#### **7.11.030 Rules and Regulations.**

The County Health Officer may establish such rules and regulations as may be necessary for the proper and orderly administration of this chapter. (Ord. 3250 §1(part), 1967.)

#### **7.11.040 Revocation or Suspension of Permit.**

Permits may be revoked or suspended by the County Health Officer upon the findings that any provision of any law of the State of California or any rule or regulation of the Health Officer of the County of Santa Barbara has been violated. (Ord. 3250 §1(part), 1967.)

#### **7.11.050 Effect.**

The provisions of this chapter shall remain in force and effect for so long as the County of Santa Barbara inspects food establishments in the City. (Ord. 3250 §1(part), 1967.)

## Chapter 7.14

### HEALTH EDUCATION PROGRAMS

**Sections:**

**7.14.010 General.**

**7.14.020 Information on Transmission of Viruses.**

**7.14.030 Health Officer Warnings, Notices.**

**7.14.010 General.**

In order to serve the public health, safety and welfare, the declared purpose of this Chapter is to provide public education regarding the transmission of disease and its avoidance. (Ord. 4713, 1991.)

**7.14.020 Information on Transmission of Viruses.**

The City wishes to have the benefit of the latest available information about protection available against the passage or transmission of the AIDS, hepatitis and herpes viruses. (Ord. 4713, 1991.)

**7.14.030 Health Officer Warnings, Notices.**

The County health officer, pursuant to the authority provided in this Title, is authorized to produce, place, distribute, and cause to be placed, such educational material, brochures, warning signs and/or notices, as may be required to educate, advise and/or warn persons in the City about advantages and risks associated with the use of condoms and other prophylactic devices against viral diseases. (Ord. 4713, 1991.)

## Chapter 7.16

### GARBAGE AND REFUSE COLLECTION AND DISPOSAL

#### Sections:

7.16.010	Definitions.	7.16.190	Collection - Rights of Owners and Special Permittees.
7.16.020	Collection - City Vested with Sole Control.	7.16.200	Spillage, Etc., of Refuse, Etc.
7.16.021	Mandatory Collection by Licensed or Contract Collector of Refuse.	7.16.210	Depositing City Maintenance Debris.
7.16.030	Duties of Property Owners.	7.16.220	Enforcement, Etc., of Chapter and Contract.
7.16.040	Notification of Violation.	7.16.230	Sanitation Code Enforcement Officer.
7.16.050	Abatement by City.	7.16.240	Collection Hours - Quietness of Collections and Collection Equipment.
7.16.060	Placing Containers for Collection.	7.16.250	Collections and Charge Limits - Generally.
7.16.070	Removing Container Covers.	7.16.270	Building Waste Not to be Deposited for Collection by City's Contractor.
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7.16.100	Identification Marks on Containers at Multiple Dwellings.	7.16.300	Title to Refuse.
7.16.110	Packaging for Collection - Generally.	7.16.305	Recyclable Materials.
7.16.120	Special Haul Service - Placement of Refuse for Special Haul.	7.16.310	Duties of Contractor - Generally.
7.16.130	Rubbish Bins at Certain Premises.	7.16.320	Billing and Collection.
7.16.140	Burying Refuse Prohibited.	7.16.330	Rules and Regulations.
7.16.150	Depositing Refuse for Non-Collection Purposes.		
7.16.160	Adding to, Etc., Regular Refuse Accumulations.		
7.16.170	Refuse as Lot Fill, Etc.		
7.16.180	Persons Permitted to Collect and Dispose - Generally.		

#### 7.16.010 Definitions.

As used in the Chapter, the following words and terms shall have the meanings respectively ascribed to them by this Section:

**A. BUNDLE.** A package containing rubbish only, not exceeding four feet (4') in its longest dimension and eighty pounds (80 lbs.) in weight, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof, without spillage or leakage and placed for collection immediately adjacent to a standard container.

**B. COMMERCIAL SERVICE.** All service which is not a residential service as defined in Subsection 7.16.010.M.

**C. CONTRACTOR.** A party who holds a contract, franchise or other approval of the City to collect refuse within a specified geographic area of the City.

**D. CUSTOMER AND REFUSE SERVICE CUSTOMER.** A person, firm, or corporation in charge of use of private property who requests refuse removal.

**E. FOOD SERVING BUSINESS.** Any business which provides, within the City, refreshments, snacks, fast food, or restaurant services, including prepared food, for financial gain, revenue or profit, including, but not by way of limitation, any restaurant, theater, hotel, refreshment stand and other business providing food services.

**F. GARBAGE.** Commercial or residential wet or dry animal or vegetable waste material.

**G. INDUSTRIAL REFUSE.** The solid waste materials from factories, processing plants, and other manufacturing enterprises.

**H. MULTIPLE DWELLINGS.** A building with three (3) or more rental dwelling units as defined in the Santa Barbara Municipal Code.

**I. PLACE OF BUSINESS.** Any social, commercial, fraternal, religious, educational, medical, or industrial establishment.

**J. RECYCLABLE MATERIAL.** Magazines, newspapers (including clean office paper), corrugated cardboard, cereal boxes, junk mail, empty glass bottles and aluminum cans or other similar materials which are designated capable of being recycled by the City or a collector authorized by contract with the City to regularly collect recyclable materials.

**K. REFUSE.** All types of solid wastes, including garbage, rubbish, ashes, and any other solid waste matter.

**L. REGULAR COLLECTION.** Collection of garbage, refuse, rubble, and other matter at prearranged scheduled intervals.

**M. RESIDENTIAL SERVICE.** Collection of refuse, green waste and mixed recyclable materials from a dwelling as defined in Section 28.04.260 of this Code.

**N. RUBBISH AND TRASH.** Normal accumulation of combustible and/or noncombustible waste materials which are not included in the "garbage" terms and shall include paper, rags, cartons, boxes, wood shavings or chips, furniture, bedding, rubber, leather, tree branches, yard trimmings, cans, bottles, metals, mineral matter, glass, crockery, dirt, dust, grass clippings, weeds, and leaves.

**O. RUBBLE.** Rocks, concrete, bricks, and similar solid materials, plaster, or dirt.

**P. SANITATION CODE ENFORCEMENT OFFICER.** A public officer, working under the supervision of the Director of Public Works, and who shall have the duty to assure strict compliance with all provisions of the Municipal Code, issue citations as necessary under the provisions of Title 7 of the Municipal Code and enforce any rules adopted pursuant thereto.

**Q. SPECIAL HAUL SERVICES.** Collections as specially requested by occupants or owners, of amounts of refuse in excess of those normally generated or at pickup times other than normally scheduled.

**R. STANDARD CONTAINER.** Any plastic or galvanized metal container with tight fitting cover, thirty-three (33) gallons or less in capacity, with handle and side bails, or as otherwise approved by the City. (Ord. 5459, Section 3, 2008; Ord. 5250, 2002; Ord. 5083, 1998; Ord. 4635, 1990; Ord. 3990, 1979; Ord. 3568 §3, 1972.)

#### **7.16.020 Collection - City Vested with Sole Control.**

The City shall authorize, permit, regulate and control the collection and disposition of all refuse and rubble within the City limits. (Ord. 3568 §3, 1972.)

#### **7.16.021 Mandatory Collection by Licensed or Contract Collector of Refuse.**

It shall be mandatory that trash collection service be provided for every dwelling and food serving business located within the City, as follows:

A. Every dwelling as defined in Section 28.04.260 of this Code located within the City limits shall be provided with adequate refuse collection service by agreement with the waste collection service authorized by the City to collect waste where the dwelling is located. Such refuse service shall regularly remove refuse and waste material often enough to prevent accumulation of material constituting a nuisance, or which attracts flies, rodents or other vectors, but no less often than once in every seven days.

B. Every food serving business located within the City limits shall be provided with adequate refuse collection service by agreement with the waste collection service authorized by the City to collect waste where the business is located, or other service which is properly licensed and approved for regular refuse collection service by the City. Such refuse service shall regularly remove refuse and waste material often enough to prevent accumulation of material constituting a nuisance, or which attracts flies, rodents or other vectors, but no less often than once in every seven days.

C. No person shall own or maintain any dwelling or any food serving business as such premises are defined herein, within the City of Santa Barbara and fail to maintain a regular collection service at a level adequate to provide for the needs of the premises.

D. An exemption from mandatory collection may be approved by the City Public Works Director, upon application in a form approved by the Public Works Director, for any property that is to be vacant for a period of thirty (30) consecutive days or more.

E. Relief from payment of all or any part of the approved fees for regular collection may be approved by the City Public Works Director, on the basis of economic hardship, upon application in a form approved by the Public Works Director.

F. An exemption from mandatory trash collection service for a dwelling or food serving business may be approved by the City Public Works Director upon application, in a form approved by the Public Works Director, of any person or entity to self-haul that person or entity's own refuse and waste material. Said application will indicate the place of disposal and the method and times in which the person or entity will haul the refuse and waste material. Upon approval of the application, the person or entity shall regularly submit proof of receipts from the place of disposal every thirty days to the Public Works Director. Such self-hauling shall be performed without the hiring, employment or use of any other business, contractor or person. The exemption allowing self-haul shall be forfeited or terminated for two years if the hauling is not in accordance with the approved application or in violation of any part of this Code, or if City inspection of the premises to which the exemption applies reveals inadequate removal of refuse and waste material. The loss or discontinuance of any exemption shall require a new application be approved.

G. The decision of the City Public Works Director made under Section 7.16.021 D, Section 7.16.021 E and/or Section 7.16.021 F may be appealed to the City Finance Director, by written appeal filed with the Finance Director within ten days of the determination of the Public Works Director. (Ord. 5459, Section 3, 2008; Ord. 5284, 2003; Ord. 5250, 2002; Ord. 5083, 1998.)

#### **7.16.030 Duties of Property Owners.**

The ultimate responsibility for removal of refuse, rubble or rubbish from any property, improved or unimproved, occupied or unoccupied, rests with the owner of the property. At his sole discretion, the property owner may contract with the lessee of his property, or any other party, that said lessee or other party assumes responsibility for removal of said refuse, rubble or rubbish; however, failure of the lessee or other party to perform under such a contract shall not relieve the property owner of his responsibility to dispose of refuse, rubble or rubbish accumulated on his property. (Ord. 3568 §3, 1972.)

#### **7.16.040 Notification of Violation.**

Any person finding that accumulations of refuse, rubble or rubbish are in violation of this chapter, or other provision of law dealing with the public health, welfare or safety, shall notify the Sanitation Code Enforcement Officer of such violation and its location. The Sanitation Code Enforcement Officer shall forthwith notify the service customer or property owner, or his representative, of said violation in the manner prescribed by law for legal notification that a public nuisance exists. Such notification shall require the abatement of the said nuisance forthwith, or as directed by the Sanitation Code Enforcement Officer. (Ord. 5083, 1998; Ord. 3568 §3, 1972.)

#### **7.16.050 Abatement by City.**

Should the service customer or property owner fail to comply with the terms of the above notification by the Sanitation Code Enforcement Officer within the time specified, the City Public Works Director shall immediately cause the nuisance to be abated in a manner selected by the Public Works Director. Subsequent nuisances upon the same property shall be abated by the Public Works Director without notification to the property owner. All costs of abatement of such nuisances shall become a lien against the property to be presented and become due and payable as and with the property taxes on the parcel. (Ord. 5083, 1998; Ord. 3568 §3, 1972.)

#### **7.16.060 Placing Containers for Collection.**

No refuse, bin, container or bundle shall be placed or kept on or in any public street, alley, sidewalk, footpath or any public place whatsoever but shall be placed and kept on the premises of the service customer in such a manner as to be readily accessible, preferably on a paved area, for removal of contents. Owners or occupants of premises shall locate refuse on or in private property, at the rear side or back of residences, multiple unit premises, or commercial or institutional buildings. When in a position exposed to public view from streets, alleys, walkways or public parking lots, all such containers, bins or bundles on commercial or institutional premises shall be screened from such public view in a manner compatible with adjacent architecture. (Ord. 3568 §3, 1972.)

#### **7.16.070 Removing Container Covers.**

Covers of containers shall not be removed except for the purpose of placing refuse or removing refuse. (Ord. 3568 §3, 1972.)

#### **7.16.080 Gross Maximum Weight of Loaded Containers.**

Refuse or rubble placed in standard containers shall not exceed a weight of eighty pounds (80 lbs.), including any such container and contents. (Ord. 3568 §3, 1972.)

#### **7.16.090 Lids to be Closed Properly When Containers, Etc. are Full.**

Containers and bins shall not be filled beyond the point at which lids can be tightly closed, and all such containers and bins shall be maintained by the owner or occupant of the premises at which used, in a safe, clean and sanitary condition. (Ord. 3568 §3, 1972.)

#### **7.16.100 Identification Marks on Containers at Multiple Dwellings.**

Containers used at multiple unit premises shall be plainly marked so that the owner or person in possession or control may be easily identified. (Ord. 3568 §3, 1972.)

**7.16.110 Packaging for Collection - Generally.**

Except at commercial or institutional premises and special haul service, no refuse shall be placed for collection, unless in standard containers or in securely tied bundles. (Ord. 3568 §3, 1972.)

**7.16.120 Special Haul Service - Placement of Refuse for Special Haul.**

Refuse to be collected by special haul service shall be placed so as to be easily accessible to the collector for truck pickup. Special haul refuse, other than at commercial or institutional premises, may be placed for collection in other than standard containers or bundles, as by piling at a convenient place on private property for prompt pickup. (Ord. 3568 §3, 1972.)

**7.16.130 Rubbish Bins at Certain Premises.**

Rubbish placed outside of standard containers at commercial or institutional premises shall be placed in a standard bin or box approved by the City. Any such bin or box shall be easily opened for rubbish removal, and any such bin shall be of a design and weight permitting it to be lifted mechanically by truck hoisting equipment. (Ord. 3568 §3, 1972.)

**7.16.140 Burying Refuse Prohibited.**

It shall be unlawful for any person to bury refuse at any place within the City. (Ord. 3568 §3, 1972.)

**7.16.150 Depositing Refuse for Non-Collection Purposes.**

No person shall keep, place or deposit refuse on any public or private grounds or premises whatsoever, except for collection; provided, however, that lawn and garden trimmings may be composted. (Ord. 3568 §3, 1972.)

**7.16.160 Adding to, Etc., Regular Refuse Accumulations.**

It shall be unlawful for any person to create, cause or add to any refuse accumulation not placed for regular or special haul except as otherwise provided herein. (Ord. 3568 §3, 1972.)

**7.16.170 Refuse as Lot Fill, Etc.**

It shall be unlawful for any person to deposit or use refuse for lot filling or leveling purposes. (Ord. 3568 §3, 1972.)

**7.16.180 Persons Permitted to Collect and Dispose - Generally.**

It shall be unlawful for any person other than a contractor or a duly authorized permittee of the City to collect refuse or rubble, or to interfere in any manner with any receptacle containing refuse, rubble or the contents of any refuse container, or to remove any such receptacles from the place where the same are placed by the owner or person lawfully in control, or to remove the contents of such receptacles. (Ord. 5250, 2002; Ord. 3568 §3, 1972.)

**7.16.190 Collection - Rights of Owners and Special Permittees.**

This chapter shall not be construed to prevent the owner of any refuse or rubble within the City limits from transporting the same personally to the City-County sanitary fill or other City-designated public disposal area or to prevent special hauling of refuse or rubble in excess of regularly scheduled service, by duly authorized persons. (Ord. 3568 §3, 1972.)

**7.16.200 Spillage, Etc., of Refuse, Etc.**

All refuse and rubble hauled by any person over public streets in the City shall be securely tied and covered during hauling thereof so as to prevent leakage, spillage or blowing. No person shall allow refuse or rubble of any kind whatsoever to leak, spill, blow or drop from any vehicle on to any public street within the City. (Ord. 3568 §3, 1972.)

**7.16.210 Depositing City Maintenance Debris.**

Refuse and rubble accumulated and transported as a result of City maintenance or construction operations shall normally be deposited at sites other than at sanitary fill sites. (Ord. 3568 §3, 1972.)



**7.16.220 Enforcement, Etc., of Chapter and Contract.**

The administration and enforcement of this chapter is the responsibility of the City Administrator or his designated representative. (Ord. 3568 §3, 1972.)

**7.16.230 Sanitation Code Enforcement Officer.**

The City shall establish and fill a position to be known as the Sanitation Code Enforcement Officer who shall assure strict compliance with all of the provisions of this chapter and any rules pursuant thereto. The Sanitation Code Enforcement Officer shall be required to wear a distinctive uniform, as prescribed by the City Administrator. The Sanitation Code Enforcement Officer is designated as a public officer or employee who has the duty to enforce the provisions of Title 7 of the Santa Barbara Municipal Code. The Sanitation Code Enforcement Officer is authorized to issue citations for the enforcement of Title 7 of this Code, pursuant to California Penal Code Section 836.5. (Ord. 5083, 1998; Ord. 3568 §3, 1972.)

**7.16.240 Collection Hours - Quietness of Collections and Collection Equipment.**

Refuse collections shall be made between the hours of seven a.m. (7:00) and six p.m. (6:00) in residential districts. Such collections shall be made in commercial districts subject to rules regarding hours of collection imposed by the Director of Public Works and approved by the City Administrator. All collections shall be made as quietly as possible. (Ord. 3568 §3, 1972.)

**7.16.250 Collections and Charge Limits - Generally.**

All lawful refuse and rubble in the City shall be collected from such residences, commercial and institutional establishments whose owners, operators or occupants have subscribed to or may hereafter subscribe to or accept the services of a contractor, who shall dispose of the same in a lawful manner, and excepting such limited special haul collections as may be authorized by permit of the City, and the collector shall not charge any amount for such services in excess of the rates approved by the City. (Ord. 5250, 2002; Ord. 3568 §3, 1972.)

**7.16.270 Building Waste Not to be Deposited for Collection by City's Contractor.**

No person shall deposit for regular collection by any of the City's contractors waste building materials and other waste materials from the construction, alteration, repair, moving and demolition of buildings or from promotion and development of property by any real estate or commercial agent or from industrial or manufacturing processes. (Ord. 5250, 2002; Ord. 3568 §3, 1972.)

**7.16.280 Miscellaneous Refuse not to be Deposited for Collection by City's Contractor.**

No person shall deposit for regular collection by any of the City's contractors industrial refuse, hot ashes, animal feces or dead animals, or wearing apparel, bedding or other refuse from any place, except by special arrangement with a hospital, where highly infectious or contagious disease has prevailed, or explosive substances, radioactive materials, drugs or poisons. (Ord. 5250, 2002; Ord. 3568 §3, 1972.)

**7.16.290 Littering - Container Lid Replacements.**

Persons collecting garbage or refuse shall not litter premises in the process of making collections and shall replace lids or covers on containers immediately after emptying. (Ord. 3568 §3, 1972.)

**7.16.300 Title to Refuse.**

All refuse, upon being removed from the premises where produced or accumulated and transported upon or over a public street, alley, lane, right-of-way or place, shall become and be the property of the collector. (Ord. 3568 §3, 1972.)

**7.16.305 Recyclable Materials.**

The City, or its authorized recycling collection contractor, shall have the exclusive right to collect recyclable materials which are placed out for recycling purposes pursuant to the City's recycling program. It shall be unlawful for any person to take, disturb or collect any recyclable materials placed at curbside or in recycling containers without the express consent of the property owner of the property (or the owner's tenant) upon which the recyclable material or container is located. (Ord. 5083, 1998; Ord. 4635, 1990.)

**7.16.310 Duties of Contractor - Generally.**

As to duties of a contractor not treated in this chapter, the terms of the agreement between the City and that contractor shall govern. In the event conflict is found between this chapter and the agreement as approved by ordinance, the terms of the latter shall prevail. (Ord. 5250, 2002; Ord. 3568 §3, 1972.)

**7.16.320 Billing and Collection.**

The City shall cause the refuse billing of all commercial and residential occupants or owners to be made on suitable forms. In cases where the same City utility customer receives multiple utility services (refuse, water, or sewer service, or any combination thereof) at the same service location, the charges for all utility services provided to the customer by the City at the particular service location shall be combined on the same bill. In such cases, the charges shall be billed upon the same bill as submitted for the charges for water service and/or sewer service and shall be due and payable bi-monthly at the same time and in the same manner that such charges for water and/or sewer service are due and payable; providing, however, separate bills are not to be prepared for residential premises which are not provided water and/or sewer service by the City.

In the event of delinquency of twenty (20) days after presentation of billing for refuse service by the City to the service customer, the City may instruct the contractor to cease pickup of refuse, and may discontinue water service to the premises for which payment is delinquent. In such event, water and refuse services shall be resumed only upon payment of all arrearages for said services, plus a service resumption fee as set by a resolution of the City Council. (Ord. 5741, 2016; Ord. 3990, 1979; Ord. 3568 §3, 1972.)

**7.16.330 Rules and Regulations.**

The City Administrator shall recommend for adoption by the Council, in resolution form, any rules and regulations required to enforce or carry out the provisions of this chapter. (Ord. 3568 §3, 1972.)

## Chapter 7.18

### UNSCHEDULED COLLECTION

#### Sections:

<b>7.18.010</b>	<b>Definitions.</b>	<b>7.18.060</b>	<b>Procedure Upon Appeal.</b>
<b>7.18.020</b>	<b>Permit Required.</b>	<b>7.18.070</b>	<b>Time to Submit Permit Application.</b>
<b>7.18.030</b>	<b>Permit Application and Issuance.</b>	<b>7.18.080</b>	<b>Chapter Regulations.</b>
<b>7.18.040</b>	<b>Permit Terms and Conditions.</b>		
<b>7.18.050</b>	<b>Suspension or Revocation of Unscheduled Collection Permit.</b>		

#### **7.18.010 Definitions.**

The words and phrases used in this Chapter shall have the same meaning as defined in Section 7.16.010, unless otherwise specifically defined herein. Words and phrases not defined in this Section or in Section 7.16.010 shall have the meaning as defined in the Act.

A. **ACT.** The California Integrated Waste Management Act, Public Resources Code Section 4000 et seq., including all regulations promulgated thereunder by the Integrated Waste Management Board as presently enacted or subsequently enacted or amended.

B. **CERTIFIED RECYCLING FACILITY OR FACILITIES.** A recycling, composting, materials recovery or re-use facility for which the Public Works Director has issued a certification pursuant to Chapter Regulations adopted pursuant to this Chapter. The Chapter Regulations establish the specific requirements for the certification of a recycling facility. The Public Works Director shall issue a certification on an annual basis for a recycling facility only if the owner or operator of the facility submits documentation satisfactory to the Director that the facility has obtained all applicable Federal, State and local permits. In addition, the owner or operator of a certified recycling facility shall regularly submit records, on a form approved by the Public Works Director, which evidences that the amount of waste that is diverted from landfill disposal meets the minimum percentage set forth in this Chapter and in the Chapter Regulations.

C. **COLLECTION BUSINESS.** Any Person who provides Unscheduled Collection services in the City.

D. **CONSTRUCTION AND DEMOLITION DEBRIS.** The discarded materials, packaging or rubble resulting from the construction, remodeling, repair, or demolition of buildings and other improvements, including, but not limited to, brick, rock, wood, and concrete.

E. **CONTAINER(S).** Any roll-off, container, box, dumpster, or other similar container that is ten cubic yards or greater in volume, including any vehicle with a gross vehicle weight rating of seven (7) tons or greater and which is used to provide Unscheduled Collection of solid waste or other similarly defined services. For purposes of this Section, the terms "gross vehicle weight rating" and "vehicle" shall have the same meaning as those terms are defined in Sections 350 and 670, respectively, in the California Vehicle Code as presently enacted or subsequently enacted or amended.

F. **DIVERT OR DIVERSION.** A reduction in the amount of solid waste being disposed in landfills by the delivery of waste collected by a Permittee to a Certified Recycling Facility or disposed by other appropriate methods as approved in the Chapter Regulations.

G. **GREENWASTE.** Any prunings, brush, leaves, grass clippings, hedge trimmings, small branches or other vegetative waste.

H. **PERMITTEE.** The Collection Business in whose name an Unscheduled Collection Permit has been issued, including any Person acting as an agent of the Permittee.

I. **PERSON.** Person includes both singular and plural and shall mean and include any business, individual, firm, corporation, association, partnership or limited partnership, joint venture, trust or a similar legal entity, but shall exclude public agencies.

J. **PUTRESCIBLE WASTE.** Any waste, including Garbage that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions. For purposes of this Chapter, putrescible waste does not include Greenwaste.

K. **SOLID WASTE.** All nonputrescible solid and semi-solid waste, including, but not limited to, Garbage, Rubbish and Trash, Refuse, Rubble, Construction and Demolition Debris, Industrial Waste, discarded home and industrial appliances, and other discarded substances and materials, excepting Hazardous waste, Radioactive waste, and Medical waste, as those terms are defined in the Act.

L. **UNSCHEDULED COLLECTION.** Collection of non-putrescible solid waste, including, but not limited to, Greenwaste and Construction and Demolition Debris, provided through the delivery, use, and removal of Containers on an occasional and non-recurring basis in response to requests for such service at specific real property located within the City. For purposes of this Chapter, Regular Collection Commercial Service, excepting the collection and transportation of Construction and Demolition Debris, provided by a franchised Contractor utilizing Containers, is not Unscheduled Collection service. (Ord. 5438, 2007.)

#### **7.18.020 Permit Required.**

A. PERMIT REQUIRED. No Person shall engage in, manage, conduct, or operate a Collection Business within the City of Santa Barbara without having obtained an Unscheduled Collection Permit from the City.

B. EXEMPTIONS. This Chapter shall not apply to:

1. Any Person who is authorized under the Act to transport or dispose of Hazardous Waste, Radioactive and Medical Waste and which does not provide Unscheduled Collection services pursuant to this Chapter.

2. A licensed general contractor (or an agent thereof) who transports loads that are not delivered to a Disposal site or Recycling facility and for which no disposal charge or fee is levied, including, but not limited to, loads consisting of soil, gravel and similar excavation material that is delivered to a construction site as part of the necessary grading of that site. (Ord. 5438, 2007.)

#### **7.18.030 Permit Application and Issuance.**

An Unscheduled Collection Permit shall be issued by the City Public Works Director upon receipt of a duly completed application, in a form approved by the Public Works Director, of any Collection Business intending to provide Unscheduled Collection within the City of Santa Barbara. The permit application form shall include, but is not limited to, the following information:

A. Full name of applicant.

B. Permanent home and business address of the applicant.

C. Trade and firm name.

D. If a joint venture, partnership or limited partnership, the names and permanent addresses of all joint ventures or general partners. If a corporation, the name and permanent address of the local manager and the address of the corporate headquarters. (Ord. 5438, 2007.)

#### **7.18.040 Permit Terms and Conditions.**

Unscheduled Collection Permits shall be subject to, but not limited to, the following required standard terms and conditions:

A. ENCROACHMENT PERMIT REQUIRED. The Permittee shall obtain an encroachment permit pursuant to SBMC Chapter 10.55 prior to placing a Container on any city street, roadway, sidewalk, parkway, parking area or facility or other City-owned property.

B. DIVERSION REQUIREMENTS. The Permittee shall deliver all solid waste collected pursuant to this Chapter to a Certified Recycling Facility. For purposes of this Chapter, "diversion" of solid waste shall commence at the real property located within the City where the solid waste is first collected and shall end upon delivery to a Certified Recycling Facility. The Public Works Director is authorized to waive or modify the requirements of this Subsection pursuant to the diversion requirements established in the Chapter Regulations.

C. REPORTING REQUIREMENTS. The Permittee shall make a quarterly report to the Public Works Director regarding the composition, weight, and final destination of all Solid Waste that is hauled from within the City of Santa Barbara in Containers provided by the Permittee and any other information required by the Public Works Director in regard to the collection, classification, and disposition of Solid Waste collected pursuant to this Chapter. The Public Works Director may develop a standard form for this required quarterly report.

D. REVIEW OF PERMITTEE'S RECORDS. The Public Works Director shall have the right at any time during normal business hours to inspect and request copies of the Permittee's records relating to unscheduled collection within the City for the purpose of determining compliance with the diversion and reporting requirements of this Chapter and the Chapter Regulations.

E. PERIOD OF VALIDITY. An Unscheduled Collection Permit shall be valid from five (5) years from the date of its issuance. Prior to expiration of the Permit, the Permittee shall reapply to the Public Works Director for a renewed Unscheduled Collection Permit.

F. PERMIT CONDITIONS AND MODIFICATION OF PERMIT. The Unscheduled Collection Permit shall be granted on such other conditions as determined appropriate by the Public Works Director, provided such conditions are consistent with the provisions of this Chapter, including all Chapter Regulations. The Public Works Director may, from time to time, modify the Unscheduled Collection Permit conditions as he or she deems appropriate or due to changes in applicable law.

G. PUTRESCIBLE WASTES NOT ALLOWED. Unscheduled Collection shall not be used for the placement and removal of Putrescible Waste.

H. POSTING OF PERMIT. A Permittee shall post, and securely fasten, a copy of its Unscheduled Collection Permit on all of its Containers being used within the City in a manner which makes the Permit clearly visible to the public at all times.

I. PERMIT AND OTHER FEES. Fees payable by Permittee for the Unscheduled Collection Permit and other applicable fees shall be established by resolution of the City Council. (Ord. 5438, 2007.)

#### **7.18.050 Suspension or Revocation of Unscheduled Collection Permit.**

A.  **GROUNDS FOR SUSPENSION OR REVOCATION.** The City shall have the right to temporarily suspend or revoke an Unscheduled Collection Permit, upon 10 days prior written notification to the Permittee, if the Permittee, his agent, employee or any person connected or associated with the Permittee has:

1. Knowingly made any false, misleading or fraudulent statement of a material fact in an application for an Unscheduled Collection Permit, or in any record or report required to be filed with the Public Works Director.
2. Violated any provision of this Chapter, rules and regulations adopted pursuant thereto, or of any statute or law relating to the permitted activity.
3. Failed to comply with the terms and conditions of the Unscheduled Collection Permit.

B.  **NOTIFICATION OF INTENT TO SUSPEND OR REVOKE.** The Public Works Director shall serve notice in writing to the Permittee by regular mail (postage prepaid) or by personal service that the Director intends to suspend or revoke Permittee's Unscheduled Collection Permit not less than ten (10) days following the date of the Notice. The Public Works Director shall also notify the Permittee in writing of the right to appeal the suspension or revocation to a hearing officer designated for that purpose by the City Administrator.

C.  **WRITTEN APPEAL.** A written appeal shall be filed by the Permittee within ten (10) calendar days of the date of the written notice of the suspension or revocation with the City Clerk and shall comply with the requirements of Santa Barbara Municipal Code Chapter 1.30. The Permittee shall set forth in the appeal letter the reason(s) why the suspension or revocation is not warranted.

D.  **AUTOMATIC SUSPENSION OR REVOCATION.** If no appeal is filed within the time allowed, the Permittee's Unscheduled Collection Permit shall be considered suspended or revoked for the period of time indicated in the notice as of fifteen (15) calendar days from the service of the notice of suspension or revocation as provided in Section A.

E.  **STAY OF SUSPENSION OR REVOCATION.** Upon the filing of a timely appeal, the suspension or revocation of the Unscheduled Collection Permit shall be stayed pending the final determination by the designated hearing officer, unless the Public Works Director determines in writing that the conditions or events which gave rise to the suspension or revocation of the Unscheduled Collection Permit constitutes an imminent or immediate threat to the health, safety, welfare or environment of the public, in which case the suspension or revocation shall be effective immediately upon Notification. (Ord. 5438, 2007.)

#### **7.18.060 Procedure Upon Appeal.**

Appeals by the Permittee of a suspension or revocation of the Unscheduled Collection Permit shall be conducted in accordance with SBMC Chapter 1.25.100. (Ord. 5438, 2007.)

#### **7.18.070 Time to Submit Permit Application.**

Persons operating a Collection Business at the time of the adoption of the ordinance enacting this Chapter must submit an application for an Unscheduled Collection Permit no later than ninety (90) days after the adoption date of the ordinance enacting this Chapter. (Ord. 5438, 2007.)

#### **7.18.080 Chapter Regulations.**

The Public Works Director shall prepare regulations required to enforce or carry out the provisions of this Chapter, which regulations shall be submitted to and approved by resolution of the City Council ("Chapter Regulations") not later than the effective date of the ordinance approving this Chapter. (Ord. 5438, 2007.)

## Chapter 7.24

### TEMPORARY SANITATION FACILITIES

**Sections:**

**7.24.010 Temporary Toilet Facilities During Building Construction - When Required.**                      **7.24.020 Specifications for Toilet Facilities.**

**7.24.010 Temporary Toilet Facilities During Building Construction - When Required.**

It shall be unlawful for any person to commence construction work on any building in the City where two (2) or more workmen are employed, unless adequate temporary toilet facilities for the use of the workmen is provided.

Such adequate temporary toilet facilities shall be maintained until the completion of the construction work on the building. (Prior Code §11.1.)

**7.24.020 Specifications for Toilet Facilities.**

Adequate temporary toilet facilities within the meaning of the preceding section shall consist of either a water closet connected with the sewer or an approved patented chemical-type portable toilet, regularly pumped and serviced to prevent unsanitary conditions and foul odor. (Ord. 3763 §1, 1975; prior Code §11.2.)

## Chapter 7.28

### PARKING PROHIBITION FOR STREET SWEEPING

#### Sections:

<b>7.28.010</b>	<b>Authority to Prohibit Parking.</b>	<b>7.28.040</b>	<b>Protest to Prohibition.</b>
<b>7.28.020</b>	<b>Public Nuisance.</b>	<b>7.28.050</b>	<b>Prohibition Effective Upon Posting.</b>
<b>7.28.030</b>	<b>Notice of Intention to Prohibit Parking.</b>	<b>7.28.060</b>	<b>Termination of Prohibition.</b>

#### **7.28.010 Authority to Prohibit Parking.**

The Director of Public Works is authorized to prohibit parking on designated City streets and private streets open for public use, for limited periods of time on designated days, for street sweeping purposes, when debris and/or refuse on a given street have accumulated to such an extent as to constitute a public nuisance. (Ord. 3403 §1(part), 1970.)

#### **7.28.020 Public Nuisance.**

A public nuisance under the provisions of this chapter shall be deemed to exist if the Director of Public Works submits to the City Administrator a written statement that debris and/or refuse has existed on a City street for a prolonged period of time exceeding five (5) days, and because of continual presence of parked vehicles it has not been possible to remove such debris and/or refuse by normal street sweeping methods. (Ord. 3403 §1(part), 1970.)

#### **7.28.030 Notice of Intention to Prohibit Parking.**

Notice of intention to prohibit parking, stating the date and time, shall be given in writing to owners of abutting properties along the street or streets where such public nuisance is deemed to exist, at least ten (10) days prior to the prohibition of parking on such street or streets as herein provided. (Ord. 3403 §1(part), 1970.)

#### **7.28.040 Protest to Prohibition.**

Any person objecting to the prohibition of parking on any street as herein provided may file a protest with the City Council prior to the actual posting of signs prohibiting parking, in which case the prohibition of parking shall be postponed until a hearing on such protest and a determination thereof by the City Council. (Ord. 3403 §1(part), 1970.)

#### **7.28.050 Prohibition Effective Upon Posting.**

The prohibition of parking on any given street shall be effective upon the posting of temporary signs thereof along the street. (Ord. 3403 §1(part), 1970.)

#### **7.28.060 Termination of Prohibition.**

The Director of Public Works shall terminate such prohibition of parking when and if he determines that the same is no longer required for the abatement of a public nuisance. (Ord. 3403 §1(part), 1970.)