

**Chapter 8.16****GARBAGE****Sections:**

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**Section 8.16.010 Definitions.**

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this section except where the

context clearly indicates a different meaning. The singular number shall include the plural.

A. "Automated/semi-automated containers" means a wheeled container, of at least ninety gallons capacity, suitable for use in semi-automated or fully automated collection systems.

B. "Garbage" means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables. The term garbage shall not include swill as defined in this section, or liquids.

C. "Garbage collector" means an agent or employee of the city or any person, firm, corporation or association or the agents or employees thereof, licensed by contract or otherwise to collect and transport garbage, swill, rubbish and waste matter in the city.

D. "Panel" means a panel composed of the city manager, a representative of contractor, and a third person appointed by the city council to hear petitions regarding hardship waiver and damage bills. Decisions made by the panel shall be final and not subject to further review.

E. "Recyclable container" means any container authorized or provided by the city or the city's authorized agent for the collection of recyclable material.

F. "Recyclable material" means any items authorized for collection under the city's recycling program, such as, but not limited to, are the following: newspapers, glass bottles and jars, tin, aluminum, plastic and other items which may be added as materials markets are developed.

G. "Rubbish" means wood, leaves, tree or shrub trimmings, dead trees or the branches thereof, shavings, sawdust, excelsior, woodenware, dodgers, printed matter, paper, pasteboard, concrete, metal, construction and remodeling debris, grass, rags, straw, boots, shoes, hats and all other combustible matter not included under the term garbage.

H. "Swill" means all animal, vegetable or other matter having a food value, from clubs, hospitals, hotels, restaurants and public eating places, which is putrefactive or easily decomposable and attractive to flies or rodents.

I. "Waste matter" means crockery, glass, glassware, ashes, cinders, shells and all other

noncombustible material. Animal droppings, ashes from fireplaces and sawdust shall be securely wrapped. Waste matter shall not include the following: dirt, sod, rocks, flammables and liquids, live ammunition, paints, oils and acids. (Ord. 89-13 §§ 1, 2; Ord. 88-14 § 1; Ord. 80-12 § 1; Ord. 28 § 1, 1950: prior code § 15300)

**Section 8.16.020 Automated/semi-automated containers.**

The contractor, at its cost and expense, shall provide an automated/semiautomated container for nonseparated solidwaste, an automated/semiautomated container for yard waste, and an automated/semi-automated container for source separated recyclables to each customer served by the contractor, excluding those customers using commercial containers or drop boxes. The size of such containers shall be as specified in the franchise agreement or contract between the City and the contractor. The contractor may, if customer agrees to pay therefor, provide additional automated/semi-automated containers. Customer shall wheel such containers to the curb or alleyway on the designated day prior to five a.m. on that day, unless contractor and customer make alternate arrangements. The contractor shall not litter in the process of making collection, nor allow any refuse to blow or fall from any vehicle used for collections. The contractor shall repair or replace damaged containers. If customer shall wantonly, deliberately, or with gross negligence, damage or destroy, or allow to be damaged or destroyed, such containers, contractor shall notify city, which shall add the cost of repair or replacement to that customer's next bill. Any person to whose bill such a cost is added may petition to city for a hearing on that cost, which hearing shall be conducted by the panel. The decision of the panel shall be final and not subject to further review, except by action filed in the appropriate court. (Ord. 2007-10, Amended, 07/17/2007; Ord. 96-06 § 1; Ord. 96-05 § 1; Ord. 88-14 § 2; Ord. 80-12 § 2; Ord. 190 § 1 (part), 1973; Ord. 28 § 2, 1950: prior code § 15301)

**Section 8.16.030 Garbage collection rates.**

Every person from whom garbage or waste is collected under the provisions of this Chapter shall pay the rates or charges for solid waste collection service established or authorized by resolution of the City Council. In addition to such rates or charges, new subscribers may be required to pay a deposit in an amount not to exceed three times the monthly service charge as a deposit in advance on registering for service. The deposit requirement may be waived or reduced upon a finding of good creditor extreme financial hardship by the Finance Department. For purposes of this section, new subscribers shall include commercial and residential subscribers, excluding tenants of master-metered multi-unit residential buildings, whose service has been discontinued due to nonpayment. (Ord. 2009-10, Amended, 07/07/2009; Ord. 2007-10, Amended, 07/17/2007; Ord. 96-13 § 12; Ord. 94-11 § 1; Ord. 84-42 § 1; Ord. 83-1 § 1 (part); Ord. 82-14 § 1 (part); Ord. 80-12 § 3 (part); Ord. 79-5 § 1 (part); Ord. 44 § 1 (part), 1956; Ord. 28 § 12 (part), 1950: prior code § 15311 (part))

**Section 8.16.070 Special pickup rates.**

Contractor shall provide special haul service (collection of items not capable of, or allowed for, disposal in regular weekly pickups) to all occupants of premises within the collection area, on rates to be agreed upon between contractor and occupant. (Ord. 88-14 § 6; Ord. 84-42 § 5; Ord. 83-20 § 1 (part); Ord. 82-14 § 1 (part); Ord. 80-12 § 3 (part); Ord. 79-5 § 1 (part); Ord. 28 § 12(f), 1950: prior code § 15311(g))

**Section 8.16.100 Credits for absence.**

For periods of absence, during which regular weekly pickups need not be made, which exceed two weeks, any occupant who provides at least twenty-four hours' notice to city of such absence, shall be provided a credit for the period of noncollection. Upon return, the occupant shall be responsible for notifying city within twenty-four hours of such return and the necessity of recommencing collection. Credit may only be

granted if in conjunction with discontinuance of water services pursuant to Galt Municipal Code section 13.04.050. (Ord. 2007-10, Amended, 07/17/2007; Ord. 88-14 § 9; Ord. 80-12 § 3 (part); Ord. 79-5 § 1 (part); Ord. 172 § 1, 1972; Ord. 28 § 12(i), 1950; prior code § 15311(j))

**Section 8.16.120 Bills - payable when.**

The billing period will cover one month in the arrears and one month in advance. Bills are due on receipt. Payment of bills shall be in cash and where payment is made by check or any other payment method, acceptance of the check or other payment method does not constitute payment until honored by the bank drawn upon. If the check, or other non cash transaction, is dishonored or payment is declined, it will be considered as if no payment has been made. (Ord. 2007-10, Amended, 07/17/2007; Ord. 96-13 §§ 13, 14; Ord. 86-17 § 1; Ord. 85-2 § 1; Ord. 80-12 § 3 (part); prior code § 15311(m))

**Section 8.16.125 Property owners responsible for bills.**

A. Commercial property owners and owners of all master-metered multi-unit residential buildings shall be responsible for all bills for garbage service provided to their premises and any and all unpaid bills for garbage service shall become a lien on the real property and may be collectible by legal action or by refusal of service to the premises until the account is paid in full, or by application of all or a portion of the deposit amount set forth in this chapter to the unpaid bill, or by combination of these methods.

B. The applicant for garbage collection service for residential property, excluding master-metered multi-unit residential buildings, who may be either the property owner or tenant, shall be responsible for all bills for garbage service provided to their premises and any and all unpaid bills for such service. Unpaid bills may be collected by the finance department by refusing service to the premises until the account is paid in full. In addition, in the event of tenant nonpayment of all or a portion of the bill, the deposit provided for in this chapter shall be applied to the final bill issued when service is terminated.

C. When service has been discontinued for nonpayment, a charge as established by resolution of the city council as adopted from time to time must be paid in addition to the bill before service will be restored. In addition, in the event the finance department has applied any portion of the deposit to unpaid bills, prior to the restoration of service the applicant may be required to replenish the deposit up to the maximum amount provided in this chapter. The deposit requirement may be waived or reduced upon a finding of good credit or extreme financial hardship by the Finance Department. (Ord. 2009-10, Amended, 07/07/2009; Ord. 96-13 § 15; Ord. 88-14 § 10; Ord. 86-17 § 2)

**Section 8.16.130 Bills - delinquency.**

In addition, all bills are due on receipt and become delinquent on the fifth day of the calendar month following the billing period for which the bill is rendered. Upon delinquency, a penalty of ten percent (10%) of the delinquent amount shall be charged. However, only one penalty of ten percent (10%) of the delinquent amount per billing period will apply. Upon application to the Director of Finance by any person to whom a penalty is assessed, the director of finance may waive or refund a penalty upon showing of excusable neglect, error by parties other than the person to whom the penalty is assessed, or extreme hardship. Such application must be made within thirty (30) days of the assessment of the penalty. A refusal to waive or refund a penalty, after application is made, may be appealed by submission of a written appeal hearing request to the City Clerk. Such hearing shall be set and conducted pursuant to section 21.03.060. The decision of the hearing officer shall be final. (Ord. 2006-07, Amended, 06/06/2006; Ord. 96-13 § 16; Ord. 94-11 § 2; Ord. 86-17 § 3; Ord. 85-2 § 2; Ord. 81-13 § 2; Ord. 80-12 § 3 (part); Ord. 80-10 § 5; Ord. 229 § 2, 1975; prior code § 15311(n))

**Section 8.16.135 Proration of charges.**

When service is rendered for a period of less than one month, due to registering or terminating service, the charge will be prorated for the time service was rendered. (Ord. 94-11 § 3; Ord. 85-2 § 3)

**Section 8.16.150 Residential containers--location.**

Containers must be placed at curbside or as close as reasonably possible but in no event any distance exceeding ten feet or in the alley if appropriate; not to obstruct any drainage ditch, culvert, waterway, sidewalk, mailbox or regularly traveled footpath. Garbage containers may not be left at curbside, or in any location visible from a public or private street or road, for over thirty hours. (Ord. 2007-10, Amended, 07/17/2007; Ord. 88-14 § 12: Ord. 82-14 § 1 (part): Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 28 § 12(c), 1950: prior code § 15311(c))

**Section 8.16.160 Pickup of dead animals.**

The person to whom the franchise for garbage collection is awarded shall pick up any dead animals within the city limits of the city within twelve hours after being requested to do so by any citizen or police officer, provided said animal does not exceed sixty pounds in weight. (Ord. 2007-10, Amended, 07/17/2007; Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 44 § 1 (part), 1956: Ord. 28 § 12(k), 1950: prior code § 15311(l))

**Section 8.16.170 Nonpayment of service unlawful.**

It is unlawful for any person having garbage or rubbish collected and disposed of, as provided in this chapter, to willfully fail, neglect or refuse to pay to the person collecting and disposing of such garbage or rubbish, the rate provided in this chapter to be paid for such service. (Ord. 28 § 13, 1950: prior code § 15312)

**Section 8.16.180 Contract or agreement with collector--insurance for contractor required.**

The city council may let contracts or enter into agreements with any person, firm, or corporation for the removal of garbage, rubbish or waste matter. Such contract or agreement so entered into may be revoked at any time by the city council for noncompliance with the terms of this chapter. The said contractor shall be required to procure insurance to cover both the contractor, the city, and all of the city employees and agents engaged in any business connected

with the removal of garbage, rubbish, or waste matters, to the extent and in the amounts as the city council shall require by a resolution. (Ord. 28 § 14, 1950: prior code § 15313 (part))

**Section 8.16.200 City dump use regulations.**

The collector of garbage shall maintain any dump used by the city for the dumping of garbage, rubbish or waste matters in accordance with the terms of any contract entered into between the city and any other person relating to the maintenance and operation of any such dump in the event the collector of garbage uses such dump made available to the city. In making any contract under the provisions of this chapter, the city council shall reserve the right to cancel the contract after a hearing, upon the violation of any term or covenant of the contract by the contractor. The contract shall provide that the contractor shall promptly and properly collect garbage and rubbish in the city and shall charge rates not in excess of those established in this chapter, and that insolence towards persons, firms, or corporations, or the employees or agents thereof, by the contractor, his agents or employees, shall constitute violations of the terms of the contract. (Ord. 28 § 16, 1950: prior code § 15315)

**Section 8.16.210 Unlawful deposits--generally.**

It is unlawful for any person in the city to throw or deposit any garbage, swill, rubbish or waste matter or to cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way or to throw or deposit the same in or upon any premises or vacant lots or to store or keep the same except in containers as required by this Chapter. Nothing contained in this section shall prohibit the storing of occasional excess rubbish or waste matter in barrels, boxes or other proper receptacles adjacent to the garbage container while awaiting the regular collection, subject to the approval of the chief of the fire district of Galt. It is unlawful to store, deposit or keep garbage or swill in any place where rodents can have access thereto or feed thereon. (Ord. 2003-02, Amended, 02/04/2003; Ord. 28 § 3, 1950: prior code § 15302)

**Section 8.16.220 Unlawful deposits--Within city limits or four hundred yards thereof.**

It is unlawful for any person to deposit any garbage, swill, rubbish or waste matter within the city limits or within four hundred yards thereof, except in accordance with the provisions of this chapter. (Ord. 28 § 4, 1950: prior code § 15303)

**Section 8.16.230 Burning garbage within city unlawful--Exception.**

It is unlawful for any person, firm, or corporation to burn garbage, swill, or rubbish at any place within the city; provided, however, that the provisions of this section shall not apply to the burning of dry rubbish between the hours of six a.m. and nine a.m. and five p.m. and sundown every day except Sunday in accordance with the provisions of any fire prevention code of the city, when such burning is not attended by dense smoke or offensive odors. (Ord. 28 § 5, 1950: prior code § 15304)

**Section 8.16.240 Burying garbage or swill within city unlawful.**

It is unlawful for any person to bury garbage or swill at any place within the city. (Ord. 28 § 6, 1950: prior code § 15305)

**Section 8.16.260 Disposal of rubbish carrying contagious substances.**

All rubbish, such as rags, used clothing, bedding, mattresses, shoes and other material which may carry infectious or contagious substances or communicable diseases shall be taken as directly as possible on the day of collection to the place of disposal. The collector shall not retain any material of this character nor carry the same to any premises for storage, segregation or use. (Ord. 28 § 8, 1950: prior code § 15307)

**Section 8.16.270 Vehicles transporting garbage.**

Every vehicle used for the collection of garbage, rubbish, waste matter or recyclables shall have a metal line body and shall be operated so as to prevent the contents from falling or spilling therefrom. From the time the last pickup is made and until the truck reached the garbage dump, the contents thereof shall be

covered. Each vehicle shall be well painted and shall be kept in a clean and sanitary condition. (Ord. 96-06 § 4: Ord. 28 § 9, 1950: prior code § 15308)

**Section 8.16.280 Public works director to supervise collection.**

The public works director is authorized to supervise the collection and disposal of garbage, swill, rubbish and waste matter in the city. The public works director shall receive and investigate all complaints and endeavor to improve and extend the garbage, rubbish and waste matter collection service. All disputes between garbage collectors and producers concerning charges, service or any other matter not otherwise delegated shall be decided by the public works director and his decision shall be final. The chief of police is directed to enforce the provisions of this chapter and he shall have the right to enter all premises for the purpose of making any inspection or investigation which he may deem necessary under the provisions of this chapter. (Ord. 190 § 1 (part), 1973; Ord. 28 § 10, 1950: prior code § 15309)

**Section 8.16.290 License required for garbage collection.**

It is unlawful for any person, firm, corporation, or association to collect garbage, rubbish or waste matter within the city or transport the same through the streets, alleys and public ways of the city unless such person, firm, corporation, or association has been licensed so to do by contract or otherwise. (Ord. 28 § 11 (part), 1950: prior code § 15313 (part))

**Section 8.16.300 Garbage collection compulsory.**

Every tenant, lessee, occupant, keeper, or owner of any private dwelling house, the keeper of a hotel, restaurant, eating house, boardinghouse or other building where meals are served, the owner of every flat or apartment house, trailer camp, motel, auto court, bachelor cabin and of every other person having garbage, rubbish or waste matter, shall be responsible for the regular collection of garbage from said places of occupancy or use by authorized collector of garbage in the city, and shall also be responsible for the payment of all garbage

services by said authorized collectors of garbage from said places of occupancy. (Ord. 88-14 § 13; Ord. 84-9 § 1 (part))

**Section 8.16.310 Hauling of rubbish to city dump.**

Nothing in this chapter shall be construed to prohibit any person with the consent of the chief of police from hauling rubbish or waste matter, or any firm or corporation handling live or dressed poultry, or handling fresh fish, from hauling garbage, as well as rubbish or waste matter, which in either or any event, has been produced on the premises actually occupied by said person, firm, or corporation, in his or their own vehicle, and depositing the same at the garbage dump. Delivery of garbage, rubbish, or waste matter, under the provisions of this section, must be made between the hours of eight a.m. and six p.m. of any day to the garbage dump used by the city. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

**Section 8.16.320 Disposing of waste accumulated at building construction site.**

Nothing in this chapter shall be construed to prohibit any person from removing and disposing of waste matter which has accumulated during the construction or repair of any building or structure. It is unlawful for any person, building contractor or subcontractor engaged in the repair, construction or demolition of any building or structure, or part thereof, to fail to remove from any street, alley, gutter, park, sidewalk, curbing, or any public way, building materials, waste matter or rubbish deposited thereon in connection with that portion of the repair, construction or demolition work under his special or general supervision. The person, building contractor or subcontractor must remove such building materials or waste matter within seven days of his final cessation of work on the building or structure, or part thereof. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

**Section 8.16.330 Disposing of rubbish to eliminate fire or health hazard.**

Nothing in this chapter shall be construed to prohibit any person from removing and disposing of rubbish or waste matter when

ordered so to do by the chief of police or the health officer of the county or his authorized representative in order to eliminate a fire hazard or a health menace immediately. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

**Section 8.16.340 Violation.**

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations are punishable as provided by Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 14; Ord. 28 § 17, 1950)

**Section 8.16.350 Tampering with prohibited.**

No person shall tamper or meddle with any refuse receptacle. No person other than the owner thereof, his agents or employees, or the city, or a licensed refuse collector shall remove the contents from any refuse receptacle. No person, other than the city or the city's authorized agent, shall remove recyclable materials which have been segregated for the purpose of collection and recycling by the city or the city's authorized agent. (Ord. 89-13 § 3)