

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-09-0033

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AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTION
8.60.087.A AND SECTION 8.60.087.5, ALL RELATING TO
OPERATING RULES AND REGULATIONS FOR PRIVATE
REFUSE HAULERS

WHEREAS, the City Council finds and determines that in order to meet the requirements of the California Integrated Waste Management Act of 1989 (Public Resources Code Section 40000 et seq.), including source reduction of municipal solid waste, the diversion of municipal solid waste from landfills and conservation of natural resources, it is necessary to regulate the collection and recycling of municipal solid waste, including that provided by private refuse haulers for commercial and multi-family residential building in the City; and

WHEREAS, the City Council hereby finds and determines that the mandates of the Environmental Protection Agency, the Southern California Air Quality Management District and other regulatory agencies concerning air pollution and traffic congestion management require the regulation and, where possible, reduction of contaminants from solid waste collection vehicles that create air pollution; and

WHEREAS, the City currently regulates private refuse haulers through the issuance of permits according to Long Beach Municipal Code Chapter 8.60; and

WHEREAS, the addition of certain permit conditions regulating solid waste enterprises in the City will promote public health, safety and welfare by ensuring compliance with City policies, ordinances and state law;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

1 Section 1. Subsection 8.60.087.A of the Long Beach Municipal Code is
2 hereby amended to read as follows:

3 A. Each Permittee shall:

4 1. Provide waste receptacles or bins of sufficient capacity
5 and quantity so as to contain all refuse generated by an account;

6 2. Be responsible for the collection and disposal of
7 overflow refuse around receptacles. Following the collection of refuse or the
8 emptying of waste receptacles, the area where the refuse was placed for
9 collection shall be left free of refuse, litter, liquid waste and other debris;

10 3. Provide bulky item collection service for each account.

11 The Permittee is responsible for the removal and proper disposal of all bulky
12 items placed for collection for each account it services. The Permittees
13 shall remove such items within forty-eight (48) hours of servicing an account
14 or receiving a request for collection from the account or from the City. Each
15 Permittee shall maintain a log of such requests for bulky item collection and
16 make such log available for inspection by the Director of Public Works;

17 4. Comply with monthly and annual reporting
18 requirements as established by the Director of Public Works;

19 5. Provide a recycling program as set forth in Section
20 8.60.087.5;

21 6. Execute and maintain in effect a commercial franchise
22 agreement with the City, as a permit condition, for the use of streets,
23 highways or roads in the City of Long Beach for the conduct of its business
24 activity. The City hereby grants a solid waste hauling franchise to any solid
25 waste enterprise upon the issuance to it of a permit issued pursuant to
26 Section 8.60.80 of this Article. The term of the franchise shall run
27 concurrently with the term of the permit and shall end upon termination of
28 the permit. The valid possession of such a permit shall be deemed to make

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a solid waste enterprise a franchisee under this Section.

7. Pay a franchise fee, known as the "Refuse Hauler Business Fee", in an amount established by the City Council by resolution.

Section 2. Section 8.60.087.5 of the Long Beach Municipal Code is hereby amended to read as follows:

8.60.087.5 Recycling program – Fee.

Each Permittee shall implement a recycling program approved by the Director of Public Works.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

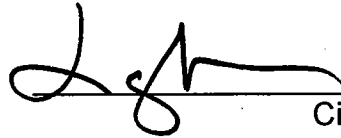
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1 I hereby certify that the foregoing ordinance was adopted by the City
2 Council of the City of Long Beach at its meeting of November 3, 2009, by the
3 following vote:

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5 Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
6 O'Donnell, Schipske, Andrews,
7 Reyes Uranga, Gabelich, Lerch.

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9 Noes: Councilmembers: None.

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11 Absent: Councilmembers: None.

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16 City Clerk

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18 Approved: 11-13-09
19 (Date)

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27
28 
Mayor

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