

**APPENDIX THREE**  
**CITY OF LONG BEACH MANDATORY RECYCLING**  
**ORDINANCE**

**(January 1, 2005 through December 31, 2006)**



## ARTICLE III. RECYCLING

### Sec. 12-32. Legislative intent.

In order to reduce the economic and environmental costs associated with the disposal of solid waste and further encourage the reuse of recyclable materials, the City of Long Beach hereby establishes a comprehensive recycling program which will be mandatory for all residential, commercial, industrial and institutional entities within the city limits. The goal of this program is to remove those recyclable materials that are deemed to be economically marketable. By doing so, the city can effectively promote the reuse of valuable materials, preserve natural resources and decrease potential contaminants from entering the environment. The implementation of said comprehensive recycling program will result in an immediate decrease in the amount of disposable solid waste and correspondingly reduce the costs expended on such disposal, thus providing relief to taxpayers within the City of Long Beach.

The enactment of this legislation will permit the city to conform with applicable provisions of the New York State Solid Waste Management Act of 1988, which requires that local municipalities adopt laws which provide for regulating and enforcing the separation of solid waste into economically marketable, recyclable and/or reusable components.

In addition, this section of the Municipal Code of the City of Long Beach shall serve as the city's endorsement and promotion of the use of goods and products manufactured from or derived from recyclable materials, to further encourage and facilitate recycling efforts.

(Ord. No. 1787/92, § 1, 9-1-92)

### Sec. 12-33. Definitions.

As used in this article, the following definitions shall apply:

- (a) *Glass*: All clear (flint), amber, brown and green glass bottles and jars rinsed clean of food, beverage or other residue with lids or caps removed and discarded. Mirrors, crystal, laminants, ceramics, porcelains, windows and plate glass are excluded from the program.
- (b) *Lead-Acid Batteries*: Lead-acid batteries utilized in motorized vehicles shall be considered a recyclable material but will not be part of the city's curbside collection program and will be deemed illegal for disposal in regular trash collections. All such batteries must be disposed of at a designated battery recycling location or returned to a retail store that sells lead-acid batteries. New York State law requires that such establishments accept such batteries without charge.
- (c) *Metal*:
  - (1) *Cans*: Containers comprised of aluminum, tin, ferrous or bi-metal components which contained only food and/or beverage substances, and are rinsed clean of food residue.
  - (2) *Scrap/bulk*: All ferrous and nonferrous metals, including steel, aluminum and composite cans, containers, scrap metal, wire, piping, fencing, tubing, sheet

metal, etc. Such materials must be free of chemical contamination. Boilers, auto/boat batteries, oil/gas tanks or pipe lengths that exceed four (4) feet in length will be excluded from this program.

- (d) *Motor Oil:* Motor oil shall be considered a recyclable material but will not be part of the city's curbside collection program. Waste motor oil will be disposed of by residents and occupants of the City of Long Beach at service stations and/or those retailers of motor oil, required to accept such materials, under state law.
- (e) *Paper Products:*
  - (1) *Corrugated paper:* Corrugated cardboard containers, boxes and packaging which are empty and free of contaminants such as oils, greases, adhesives, metals, plastics, food wastes, packaging materials or other refuse. This term excludes residential quantities.
  - (2) *Newspaper:* Newsprint and all newspaper and newspaper enclosures such as advertisement, supplements and comics; as well as magazines, telephone books and brown paper bags that are dry and free of contaminants such as dirt, adhesives, oils and food waste. Newspaper recyclables do not include miscellaneous stationery products, letters, envelopes, junk mail, blueprint paper, office paper, computer paper, books or paper products other than those delineated above.
  - (3) *Non-newspaper recyclable products:* Shall include office paper, junk mail and miscellaneous mixed paper.
- (f) *Plastics:* Containers composed of only polyethylene terephthalate (PET) and high-density polyethylene (HDPE) plastics, used for food, beverage, detergent bleach and hair care substances. All containers must be empty, rinsed of residues and contaminants and free of lids or caps. Under the resin-coding system established by the Society of Plastics Industries, PET and HDPE plastic products are assigned the code numbers of "1" and "2" respectively.
- (g) *Recyclable Materials or Recyclables:* Any discarded materials designated by this article, and/or by subsequent resolution of the City Council of Long Beach pursuant to this article which can be reclaimed economically by source separation for the purpose of recycling, reduction and/or reuse.
- (h) *Source Separation (or) Curbside Collection of Recyclables:* The separation of designated recyclables from the solid waste stream by the generator at the point of generation. The recyclables shall be handled as defined within this article, and be placed at curbside for collection on days assigned by the city.

(Ord. No. 1787/92, § 1, 9-1-92; Ord. No. 1875/97, § 1, 3-18-97)

#### **Sec. 12-34. Curbside collection established.**

- (a) The City of Long Beach as part of its comprehensive recycling program has established a curbside collection plan for recyclables which shall encompass all residential, commercial, industrial and institutional entities within the jurisdictional limits of the city. Excluded from the mandatory provisions of this program will be all residents who can demonstrate physical disability.

- (b) All residential, commercial, industrial and institutional entities, unless excluded as per subsection (a), shall source separate from the solid waste stream, those recyclables designated by the City Council of Long Beach as being economically marketable, and place them at curbside in a manner as prescribed in section 12-35 of this article, on the day(s) specified for collection by the city.

(Ord. No. 1787/92, § 1, 9-1-92)

**Sec. 12-35. Preparation of recyclable materials for curbside collection.**

- (a) Upon the effective date of this article [September 1, 1992], a mandatory curbside program is established for the separate collection of components of the solid waste stream designated by the City Council of Long Beach as being recyclable. The recyclable items for collection, delineated herein, may by city council resolution be expanded or shortened depending upon the current financial marketability of each material.
- (b) It shall be the responsibility of each resident and/or occupant within the jurisdiction of the City of Long Beach to ensure that all recyclable materials are properly separated from other discarded materials, are cleaned of contaminants, and are otherwise prepared for collection in accordance with the procedures detailed in this section. All recyclables are to be placed in designated recyclable containers. When the amount of recyclable materials exceeds the capacity of the designated container(s), excess materials shall be placed securely in separate containers alongside designated container(s) at curbside.
- (c) Recyclable materials shall be placed at curbside consistent with the recycling schedule established by the City Council of Long Beach.
- (d) The city will only collect recyclable materials at curbside that are prepared for pickup consistent within the requirements specified herein. In all cases recyclables must be rinsed clean of all food residue or chemical contamination. Each container, bag, bundle and/or receptacle that is used for the curbside storage of recyclables shall not exceed thirty-five (35) pounds in total weight when filled.
- (e) Newspaper recyclables may be placed in brown paper bags or tied with twine in bundles not to exceed thirty-five (35) pounds in weight nor one (1) foot in thickness. Such bundles shall be placed within or on top of the designated recycling containers or adjacent to the container. Papers are not to be secured with wire or plastic bindings and/or placed in plastic trash bags.
- (f) Corrugated boxes, cardboard, cardboard cartons, pasteboard or similar paper materials are to be broken down and tied securely with twine. Wire or plastic binding should not be used. All bundles should be not larger than thirty-five (35) pounds in weight or four (4) feet in length. The residential community will not be required to separate corrugated materials from their solid waste stream. This provision applies to all commercial, industrial and institutional entities within the jurisdiction of the City of Long Beach.
- (g) Those plastic bottles and containers deemed as being recyclable shall be placed within designated recycling container(s) and shall be devoid of lids or caps.
- (h) All clear, amber, brown and green glass bottles and jars shall be placed within the

designated recycling container(s) and shall be devoid of caps.

- (i) Metal containers comprised of aluminum, tin, ferrous or bi-metal components shall be placed within the designated recycling container.
- (j) Scrap (bulk) metal shall be placed at curbside on days scheduled. The city will accept no more than four (4) items per location per pickup day. All metal pipes put out for recycling must be no more than four (4) feet in length.
- (k) In the event that the City of Long Beach determines that additional or revised measures and/or preparation are necessary in order to properly market recyclable materials, the city reserves the power to require city residents and occupants to undertake such actions. Such changes would be subject to reasonable advance notice by the city.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-36. Containers designated for recyclable materials.**

##### **(a) *Residential structures; One- and Two-Family Structures:***

- (1) All residents or occupants of one- and two-family structures within the City of Long Beach shall be required to utilize red, five-gallon plastic containers embossed with the recycling logo, for the placement of recyclable materials for curbside collection. These containers must be kept in a clean condition at all times and should not be utilized for any purpose other than as delineated within this article.
- (2) Residents or occupants shall affix their respective street addresses to any recycling container, in a manner that is legible and permanent.
- (3) In the event that such containers are lost, damaged, stolen or additional receptacles are needed, containers can be purchased for a fee of five dollars (\$5.00) per unit from the department of public works. The containers will be delivered to the purchaser by the city upon receipt of payment.
- (4) Physically disabled residents of the City of Long Beach will be excluded from the mandatory provisions of this article.

##### **(b) *Multifamily Residential Complexes:***

- (1) For purposes of this article, all single properties or contiguous properties under common ownership, control or management which possess three (3) or more residential units shall be considered multifamily residences.
- (2) Where the use of individual recyclable containers is practicable, the curbside collection of recyclable materials should proceed consistent with section 12-36(a).
- (3) Where the use of individual recyclable containers is not feasible, multifamily residential complexes shall establish private collection programs, capable of source separating, collecting and placing those designated recyclable materials at curbside, in a manner prescribed in this article, for pickup by the city.

The owner, manager and/or superintendent of each multifamily residential complex shall provide and maintain, in a

neat and sanitary condition, recycling collection areas to receive and prepare designated recyclables generated within the complex.

- (4) Where recyclable materials are to be placed at curbside adjacent to non-recyclable refuse, the recyclables shall be contained or packaged in a manner that is easily identifiable by city sanitation forces. To facilitate the identification of recyclables at curbside, the city has designated that "clear" plastic trash bags only shall be utilized for these materials. Where the use of such bags is not feasible, recyclables shall be placed in bins or receptacles labeled with a "LONG BEACH RECYCLABLES" sticker. Stickers can be obtained from the city at no cost.
  - (5) Physically disabled residents of the City of Long Beach will be excluded from the mandatory provisions of this article.
- (c) *Commercial, Industrial and Institutional Establishments:*
- (1) All commercial, industrial and institutional establishments within the jurisdiction of the City of Long Beach shall be subject to the source separation requirements designated in this article. As of the effective date of this article [September 1, 1992], such establishment must remove designated recyclable materials from the solid waste stream and prepare them for curbside collection by the city. The arrangements for the internal handling of recyclables shall be the owner, manager and/or operator of the establishment or his contractor and must include all materials generated at that location. All recyclable materials must be prepared consistent with the requirements delineated in this article.
  - (2) Where recyclable materials are to be placed at curbside adjacent to non-recyclable refuse, the recyclables shall be contained or packaged in a manner that is easily identifiable by city sanitation forces. To facilitate the identification of recyclables at curbside, the city has designated that "clear" plastic trash bags only shall be utilized for these materials. Where the use of such bags is not feasible, recyclables shall be placed in bins or receptacles labeled with a "LONG BEACH RECYCLABLES" sticker. Stickers can be obtained from the city at no cost.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-37. Collection of recyclable materials.**

Collection days for recyclables will be established by the City Council of Long Beach. The city reserves the right to alter schedules; however, ample prior notification of affected parties will be made when such changes are proposed.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-38. Unlawful and nuisance activities.**

- (a) The following acts shall be deemed as violations to the City Code of Ordinance and shall be subject to the enforcement provisions specified within this article. It shall be unlawful for:

- (1) Any person to collect, remove or dispose of solid waste generated within the jurisdiction of the City of Long Beach which consists of recyclable materials combined with other forms of solid waste as per the effective date of this article [September 1, 1992].
- (2) Any person, other than those persons lawfully authorized, to collect any designated recyclable or scavenge or remove any articles from any recyclable container which has been placed at the curbside for collection or at drop-off point.

Each such collection in violation hereof, from one (1) or more property locations, shall constitute a separate and distinct offense.

- (3) Any person, having custody or control of residential, commercial, industrial and/or institutional premises within the City of Long Beach shall permit or cause any garbage, refuse, rubbish as well as recyclable materials, under their jurisdiction, to become a hazard or potential hazard to health and/or safety; or impede pedestrian or vehicular travel; or become a nuisance of any sort.
- (4) Any person to place or cause to be placed any non-recyclable material in or near a designated recycling container or drop-off point.
- (5) Any person to place recyclables at curbside not more than one (1) hour before sunset on the day prior to the regularly scheduled collection; or keep emptied receptacles or containers at curbside more than twelve (12) hours after collection.
- (6) Any person to hinder, obstruct, prevent or otherwise interfere with City of Long Beach employees or any authorized persons in the performance of their duties under this article and/or in the enforcement of this article.
- (7) Any person to violate or to cause to assist in the published violation of any provision of this article or any rules and regulations promulgated by the City Council of Long Beach concerning recycling.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-39. Enforcement: Promulgation of additional rules and regulations.**

The City Council of Long Beach authorizes the city manager and duly appointed representative(s) to enforce the mandatory provisions of this article and to administer the recycling program elements established herein. The same individuals may adopt and promulgate, amend and repeal rules and regulations implementing this article in order to carry out and enforce the intent and purposes thereof.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-40. Discontinuing solid waste collection.**

The City of Long Beach or any other person collecting solid waste generated within this city reserves the right to refuse the collection of solid waste, rubbish or refuse from any person



who has clearly failed to source separate recyclables designated under an applicable section of this article.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-41. Private solid waste collection contracts.**

- (a) Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the city on the effective date of this article [September 1, 1992].
- (b) No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this article unless renewal of such contract shall conform to the requirements of this article.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-42. Penalties for Offense.**

- (a) In the event that an owner or occupant of a dwelling within the City of Long Beach fails to separate and prepare recyclable materials for collection in accordance with the provisions set forth in this article after being given reasonable notice of these requirements; collection of solid waste, refuse and/or rubble from these premises may be suspended at the discretion of the city manager or an authorized representative. Such suspension will be in effect until such time as the offender can demonstrate compliance. Concurrently, the offending owner or occupant is subject to fines and/or imprisonment as denoted in subsection (b) below.
- (b) Any person committing an offense against the provisions set forth in this article shall be guilty of a violation. Each occurrence shall constitute a separate violation. Such an offense shall be punishable by a fine and/or imprisonment in accordance with the following schedule:
  - (1) For a first conviction, by a fine not to exceed one hundred dollars (\$100.00) per violation.
  - (2) For a second conviction within one (1) year of the initial infraction, by a fine not to exceed two hundred fifty dollars (\$250.00) per violation.
  - (3) For a third conviction within one (1) year of the initial infraction, by a fine not less than one thousand dollars (\$1,000.00) per violation.
  - (4) For a fourth conviction within one (1) year of the initial infraction, by a fine not less than one thousand dollars (\$1,000.00) and not more than twenty-five hundred dollars (\$2,500.00) per violation; at the discretion of a court of competent jurisdiction, a sentence of imprisonment for a term not to exceed fifteen (15) days or a comparable time served in community service related to the purposes of this article.
  - (5) All fines and/or imprisonment for subsequent violations will be at the discretion of the courts, but will not be less than the sentence as prescribed under subsection (4).

- (c) Each continuing day of violation of this article shall constitute a separate offense.  
(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-43. Miscellaneous.**

- (a) *Construal*: The terms and provisionals of this article are to be liberally construed so as best to achieve and effectuate the goals and purposes hereof.
- (b) *Severability*: The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this article which can be given effect without the invalid provision or application of the article.
- (c) *Recyclable Materials (Inclusion and Deletion)*: The City Council of Long Beach reserves the right to periodically add or delete recyclable materials for curbside collection.
- (d) *Exclusions*:
- (1) The City Council of Long Beach has excluded physically disabled residents from the mandatory provisions of this article.
  - (2) Where hardship can be demonstrated, establishments within the city may be relieved of mandatory compliance of the provisions of this article.

(Ord. No. 1787/92, § 1, 9-1-92)

#### **Sec. 12-44. Effective date.**

The effective date for mandatory recycling shall be September 1, 1992.

(Ord. No. 1787/92, § 1, 9-1-92)

### **Chapter 13 HOUSING AND PROPERTY REHABILITATION AND CONSERVATION CODE\***

**\*Charter references:** Maximum rents to be charged by hotels and other lodging houses, § 262; department of buildings and property conservation, § 292 et seq.

**Cross references:** Housing and property rehabilitation and conservation commission, § 2-230 et seq.; building code, Ch. 7; electrical code, Ch. 10; fire prevention and protection, Ch. 11; unlawful practices involving sales of real estate, § 17-8; planning and zoning generally, Ch. 20; plumbing code, Ch. 21.

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- Art. I. In General, §§ 13-1--13-20
  - Art. II. Administration and Enforcement, §§ 13-21--13-60
  - Art. III. Minimum Standards, §§ 13-61--13-78.1
  - Art. IV. Swimming Pools Law, §§ 13-79--13-94
  - Art. V. Smoke Detector Law, §§ 13-95--13-99
  - Art. VI. Satellite-Dish Television Antennas, §§ 13-100--13-119
  - Art. VII. Dune Protection, §§ 13-120--13-125
  - Art. VIII. Telecommunication Towers, Antennas and Facilities, §§ 13-126--13-144

**APPENDIX FOUR**

**CITY OF LONG BEACH ORDINANCE PERTAINING TO REFUSE**

**(January 1, 2005 through December 31, 2006)**



## Chapter 12 GARBAGE AND REFUSE\*

\*Cross references: Roll-off containers or dumpsters, § 7-240 et seq.

Art. I. In General, §§ 12-1--12-17  
Art. II. City Collections, §§ 12-18--12-31  
Div. 1. Generally, §§ 12-18--12-29  
Div. 2. Department of Sanitation, §§ 12-30, 12-31  
Art. III. Recycling, §§ 12-32--12-44

### ARTICLE I. IN GENERAL\*

\*Editor's note: Ord. No. 1884/97, § 1, adopted June 17, 1997, amended the Code by repealing Art. I, §§ 12-1--12-3, and adding a new Art. I, §§ 12-1--12-4. Former Art. I pertained to similar subject matter, and derived from the Code of 1957, §§ 2-414.12(D) and 6-217; Ord. No. 3326-A, adopted July 5, 1960; Ord. No. 723, adopted July 7, 1964; Ord. No. 1133/72, adopted July 11, 1972; Ord. No. 1145/72, adopted October 3, 1972; Ord. No. 1153/72, adopted December 12, 1972; Ord. No. 1683, adopted January 3, 1989; and Ord. No. 1777/92, adopted April 7, 1992.

#### Sec. 12-1. Improper disposal of refuse.

- (a) No person shall dump any ashes, garbage, refuse or debris on any land within the geographical boundaries of the city or upon those areas over which the city has jurisdiction (including but not limited to all streets, avenues, boulevards, roads, runways, alleys, sidewalks, public way, the land adjacent to the bulkhead on the bay front, the Ocean Beach Park, (as defined in section 18-13 of this Code), public parks and any vacant land or lots within the city), except with the prior written consent and permission of the city council.
- (b) Any person committing an offense under the provisions of this section shall be guilty of a violation. Each occurrence shall constitute a separate and distinct violation. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation. Each violation, upon conviction, shall be punishable by a fine and/or imprisonment in accordance with the following schedule:
  - (1) Upon a first conviction, by a fine not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed seven (7) days or by both such fine and imprisonment.
  - (2) Upon a second conviction, by a fine not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed ten (10) days or by both such fine and imprisonment.
  - (3) Upon a third conviction or subsequent conviction, by a fine not less than five

hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

(Ord. No. 1884/97, § 1, 6-17-97)

#### **Sec. 12-2. Hospital and medical laboratory waste.**

- (a) No infectious waste material shall be dumped on any land within the geographical boundaries of the city or upon those areas which the city has jurisdiction (including but not limited to all streets, avenues, boulevards, roads, runways, alleys, sidewalks, public ways, the land adjacent to the bulkhead on the bay front, the Ocean Beach Park, as defined in section 18-13 of this Code, public parks and any vacant land or lots within the city).
- (b) Any person committing an offense under the provisions of this section shall be guilty of a violation. Each occurrence shall constitute a separate and distinct violation. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation. Each violation, upon conviction, shall be punishable by a fine of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00) or by imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.
- (c) The provisions of the New York Public Health Law and the Rules and Regulations of the Health Department for the State of New York shall control the interpretation of this section.

(Ord. No. 1884/97, § 1, 6-17-97)

#### **Sec. 12-3. "Person" defined.**

The word "person" as used in this chapter shall be construed to include any individual, association, firm, partnership, corporation, company or other entity and includes any officer, employee, department or agency of the above.

(Ord. No. 1884/97, § 1, 6-17-97)

#### **Sec. 12-4. Penalties.**

Where a penalty is not specified, any person who commits an offense under the provisions of this chapter shall be guilty of a violation. Each occurrence shall constitute a separate and distinct violation. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation. Each violation, upon conviction, shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days or by both such fine and imprisonment.

(Ord. No. 1884/97, § 1, 6-17-97)

Secs. 12-5--12-17. Reserved.

### **ARTICLE II. CITY COLLECTIONS**

## **DIVISION 1. GENERALLY**

### **Sec. 12-18. Persons in charge of premises to provide receptacles for garbage; location.**

- (a) It shall be the duty of each owner, lessee, tenant, householder, occupant, superintendent or manager of any building, premises or place of business in the city where garbage, refuse or ashes is produced, accumulated or exists, to provide himself or cause to be provided, and at all times to keep in the building or upon the premises or place of business, suitable and efficient galvanized or other metal receptacles fitted with tight covers for receiving and holding, without leakage, all garbage that may accumulate from the building, place of business or premises, or portion of the premises of which the person may be the owner, tenant, lessee, occupant, superintendent or manager.
- (b) Each metal receptacle required by subsection (a) for the reception and retention of garbage shall be kept on the premises no nearer to the street than the building line of the premises; and the receptacles shall not remain on any sidewalk or in any exposed place longer than may be necessary for the removal of the contents thereof, and the receptacles shall at all times be kept securely closed and covered.
- (c) The metal receptacles required by subsection (a) shall have a bail or handles for convenience in handling and shall be placed and kept at all times other than the period for the collection of the contents thereof, in a place sheltered from snow and inclement weather and safe from the interference of dogs and cats and sufficiently removed from the adjoining premises to prevent any offense thereto.
- (d) It shall be unlawful and a violation of this chapter for any person, firm or corporation specified in subsection (a) to install, cause to be installed or permit to exist after July 1, 1988, any in-ground receptacle or storage space designed for the accumulation of garbage or refuse, all or any portion of which is below the level of the adjoining ground.

(Code 1957, § 2-414.12; Ord. No. 1657/88, § 1, 4-5-88)

### **Sec. 12-19. Regulations to be promulgated by city manager concerning collection of garbage and refuse.**

The city manager is authorized and empowered to promulgate rules and regulations concerning all details and requirements in connection with the times, places and manner of collection of garbage and refuse, and details and requirements as to times, places and manner of placement of garbage and refuse for collection. Such rules and regulations shall have all of the force and effect of a provision of this Code of Ordinances from and after the dates therein specified when published in the official newspaper of the City of Long Beach.

(Ord. No. 1658/88, § 1, 4-5-88)

**Editor's note:** Ord. No. 1658/88, § 1, adopted April 5, 1988, repealed § 12-19 in its entirety and enacted new provisions therefor. Former § 12-19 was concerned with receptacles for refuse other than garbage and derived from the Code of 1957, § 2-414.12.

**Sec. 12-19.1. Reserved.**

**Editor's note:** Section 12-19.1, relating to recycling newspapers, derived from Code of 1957, § 2-414(c)(5)(a), (b), and Ord. Nos. 1126/72, 1144/72 and 1633/87, was repealed by § 1 of Ord. No. 1787/92, adopted Sept. 1, 1992. See art. III of this chapter, § 12-32 et seq.

**Sec. 12-20. Noncollectible refuse.**

No dirt, earthen matter, ashes nor construction or demolition debris shall be collected as refuse, and such materials shall not be placed or deposited for collection as refuse.

(Ord. No. 1658/88, § 2, 4-5-88)

**Editor's note:** Ord. No. 1658/88, § 2, adopted April 5, 1988, repealed § 12-20 in its entirety and enacted new provisions therefor. Former § 12-20 was concerned with separate receptacles for dirt and ashes, and derived from the Code of 1957, § 2-414.12.

**Sec. 12-21. Placement of containers for collection.**

In all residential areas of the city it shall be unlawful to keep any garbage or refuse receptacle required by this division at any place other than one no closer to the curb than the building line nor farther from the curb than twenty (20) feet from the building line. In commercial areas, in premises having an alley to the rear or side thereof, the receptacles shall be kept on the side of the building adjacent to the alley against the building; in premises having no alley but having a driveway, the receptacles shall be kept in the driveway in the same location as that described in this section for residential areas; in premises having no driveway or alley, the receptacles may be kept on the sidewalk, for the period permitted by this division, against the side of the building.

(Code 1957, § 2-414.12)

**Sec. 12-22. Cleanliness of receptacles.**

All garbage receptacles and all other receptacles required by this division shall be kept clean and in a sanitary condition by the owners thereof.

(Code 1957, § 2-414.12)

**Sec. 12-23. Service charges for collection of garbage imposed on commercial establishments.**

- (a) The department of sanitation shall collect garbage, refuse and ashes from all commercial establishments upon the payment in advance of the quarter-annual service charges fixed for each such respective establishment, which charges shall be billed on the first day of each of the months of July, October, January and April in each fiscal year, and shall be paid quarter-annually by the owner or operator of each such establishment on or before the tenth day of each such respective month. If such payment is not received by the City of Long Beach from the owner or operator of such establishment on or before the tenth day of each such respective month, then upon



notice of such default to the owner of the subject premises upon which the commercial establishment is operating, the owner of said premises is required to pay such quarter-annual service charges within ten (10) days after notice of such default is given to such owner of said premises.

- (1) *Commercial use:* The charge for each commercial establishment shall be based upon a survey conducted by the city, which survey shall be available for inspection by any person affected by the same, computed at the rate of eighteen dollars (\$18.00) per cubic yard, as disclosed by such survey. Such survey shall remain effective until it shall be superseded by a subsequent survey.
- (2) Anything contained in the preceding paragraph (1) notwithstanding, the collection charge for hotels, adult homes, convalescent homes, nursing homes and other similar establishments shall be one hundred twenty-seven dollars (\$127.00) per annum per unit.
- (3) *Long Beach housing authority:* the charge for each building owned and/or operated by the housing authority shall be based on a survey conducted by the city, which survey shall be available for inspection by the housing authority. Based on the cooperation agreements entered into between the city and the housing authority, unless there is an agreement to the contrary, the user fee shall be based on a per cubic yard usage, as disclosed by the survey and shall be computed at a rate of seventy-five (75) percent of the commercial use as set forth in (a)(1) above. The survey shall remain effective until it shall be superseded by a subsequent survey.

If the owner or operator of the commercial establishment or the landlord or owner of the subject premises upon which any commercial establishment operates disputes or shall make a complaint concerning the inequities in the application of the foregoing collection charges, such dispute or complaint must be made in writing to the city manager within thirty (30) days from the date the charges are billed.

The city manager may hear, investigate and determine any complaints concerning specific charges or inequities in the application of such charges and may make equitable adjustments on the basis of the foregoing criteria.

- (b) The minimum collection charge for any commercial establishment shall be twenty-seven dollars (\$27.00) per month.
- (c) *Storage:*
  - (1) All commercial garbage and refuse shall be placed in plastic, sealed bags at curbside, no larger than twenty (20) gallons' capacity.
    - a. In no event shall there be any oil or grease left for the city's curbside collection program. The owner, manager and/or operator of the commercial establishment shall be responsible for the proper disposal and labeling of such refuse by private collection.
  - (2) All cardboard and paper shall be broken down, baled or tied.
  - (3) If a compactor is utilized, the maximum compacted weight per bale shall not exceed forty (40) pounds.

- (d) Notwithstanding the provisions of this Code or any other city ordinance, all fees and charges for the collection of garbage, refuse and ashes by the department of sanitation provided for by this section shall be payable in advance by any seasonal commercial establishment for the period from the date of the issuance of a license under an applicable provision of this Code or other city ordinance to the last day of September of the then current year where the charge is on a seasonal basis; or for the period from the date of the issuance of a license under an applicable provision of this Code or other city ordinance to September tenth of the then current year where the charge is on a monthly basis.
- (e) In the event of nonpayment of the fees fixed in this section, collection service may be discontinued; and, if payment is not made within thirty (30) days after the due date, a penalty shall be imposed at the rate of one and one-half (1 1/2) percent per month from the date payment is due until the date payment is made.
- (f) Notwithstanding any prior provision of this section, all fees and charges for the collection of garbage, refuse and ashes by the department of sanitation from the housing authority as provided in this section shall be payable at the end of the month following the collection. Billing shall be made at the end of the month and shall be payable within thirty (30) days of the housing authority being billed.

(Code 1957, § 2-414.12(A--C); Ord. No. 460-N, § 1, 7-5-60; Ord. No. 460-O, § 1, 9-6-60; Ord. No. 460-P, § 1, 10-4-60; Ord. No. 780, § 1, 3-1-66; Ord. No. 861, § 1, 10-3-67; Ord. No. 1097/71, §§ 1--3, 11-29-71; Ord. No. 1129/72, § 1, 6-6-72; Ord. No. 1147/72, § 1, 10-3-72; Ord. No. 1192/73, § 1, 12-18-73; Ord. No. 1261/74, § 1, 11-26-74; Ord. No. 1300/75, § 1, 11-18-75; Ord. No. 1401/79, § 1, 8-21-79; Ord. No. 1408/79, §§ 1, 2, 12-18-79; Ord. No. 1412/80, §§ 1, 2, 3-4-80; Ord. No. 1468/82, § 1, 3-16-82; Ord. No. 1491/83, § 1, 2-1-83; Ord. No. 1548/84, § 1, 5-29-84; Ord. No. 1632/87, § 3, 7-21-87; Ord. No. 1719-90, § 1, 4-3-90; Ord. No. 1771/92, § 1, 1-7-92; Ord. No. 1782/92, § 1, 6-16-92; Ord. No. 1884/97, § 1, 6-17-97; Ord. No. 1913/99, § 1, 4-20-99; Ord. No. 1921/99, § 1, 7-6-99; Ord. No. 1958/02, § 1, 6-18-02)

#### **Sec. 12-24. Sanitation charges for collection of garbage imposed on residential properties.**

- (a) The owner or owners of every parcel of real property in the city in which one (1) or more residential units is or are located shall pay to the city annually in advance one-half ( 1/2) on July 1 of each year, beginning July 1, 2002, and one-half ( 1/2) on January 1 of each year, beginning January 1, 2003, sanitation charges in the amount of two hundred ninety dollars (\$290.00) for each residential unit contained in such parcel of property for the collection of garbage, paper and refuse from said premises.
- (b) Bills for such residential sanitation charges shall be mailed to each such owner or other person to whom tax bills for said premises are mailed, and shall be due and payable and shall become a lien on such premises one-half ( 1/2) on July 1 and one-half ( 1/2) on January 1 of each year in advance, and may be paid without interest or penalty on or before July 31 and January 31 next succeeding the due date. If July 31 or January 31 falls on a Saturday, Sunday or legal holiday, such residential sanitation charge may be paid without penalty not later than the next business day.
- (c) The failure to mail or to receive a bill for any sanitation charges shall not affect the validity of any such sanitation charge.

(Ord. No. 1548/84, § 2, 5-29-84; Ord. No. 1750/91, § 1, 4-16-91; Ord. No. 1778/92, § 1, 4-21-92; Ord. No. 1884/97, § 1, 6-17-97; Ord. No. 1921/99, § 1, 7-6-99; Ord. No. 1958/02, § 1, 6-18-02)

**Editor's note:** Section 12-24, relative to charges imposed on outside contractors for use of city incinerator was repealed by § 2 of Ord. No. 1548/84, enacted May 29, 1984. Said section derived from Code 1957, § 2-414.12; Ord. No. 460-M, § 1, Oct. 6, 1959. Further, § 2 of Ord. No. 1548/84 enacted a new § 12-24 as set out above.

#### **Sec. 12-25. Supervision of collection and disposal operations.**

- (a) All refuse accumulated in the city shall be collected, conveyed and disposed of under the supervision of the superintendent of operations, or next in charge, who shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as shall be found necessary, and to change and modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions hereunder.
- (b) The superintendent of operations, or next in charge, may provide for the disposal of refuse collected in a sanitary district, village or town at a site owned and maintained by the City of Long Beach for the disposal of refuse, and the superintendent of operations, or next in charge, shall have the authority to make regulations with respect thereto.
- (c) The disposal of the refuse shall be by incineration or other means consistent with accepted practices as prescribed by the superintendent of operations, or next in charge, or any other governmental agency having authority to control or regulate such facilities.
- (d) Regulations as to hours of operation at the incineration site, the outside pickup zones, the type and volume of materials considered to be acceptable or any other regulations concerning the control of refuse shall be established, modified and revised by the superintendent of operations, or next in charge, from time to time, as operational conditions may require.
- (e) The superintendent of operations, or next in charge, may reject any and all refuse brought for disposal.

(Code 1957, § 2-414.12(C)(6); Ord. No. 1141/72, § 1, 8-1-72)

#### **Sec. 12-26. Private incineration or burning of solid waste prohibited.**

- (a) *Purpose.* The purpose of this section is to reduce to a minimum the dissemination of smoke, gas, dust, odor or any other atmospheric pollutant caused by private incineration of garbage and solid wastes within the City of Long Beach to ensure and maintain a reasonable degree of purity of the air resources therein and maintain and improve the natural and environmental resources for the protection of our present and future citizens.
- (b) Commencing six (6) months after the effective date of this section, no person shall use, or permit the use of, or operation of, refuse burning equipment or incinerators within the City of Long Beach.

- (c) Any person who shall violate the provisions of this section shall be guilty of a violation punishable for each violation by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

(Ord. No. 1257/74, § 1, 11-6-74)

#### **Sec. 12-27. Bulk collections.**

- (a) No person shall place any bulk items at the curb for collection at any time other than as prescribed pursuant to section 12-25 of this chapter.
- (b) All bulk items to be collected shall be placed at the curb for collection between the hours of 9:00 p.m. on the evening prior to the specified appointment date described in subdivision (a) herein and 7:00 a.m. on the said specified appointment date and at no other time or times.
- (c) For the purposes of this section, "bulk items for collection" shall be defined as any large items being discarded that cannot be contained in the receptacles required by subsection 12-18(a) of this chapter and shall include but not be limited to, such items as major kitchen appliances, furniture, mattresses, lumber and other sizable objects.

(Ord. No. 1427/80, § 1, 8-5-80; Ord. No. 1488/82, § 1, 11-3-82)

Secs. 12-28, 12-29. Reserved.

### **DIVISION 2. DEPARTMENT OF SANITATION**

#### **Sec. 12-30. Created.**

There shall be a department of sanitation under the supervision and direction of a superintendent of sanitation.

(Code 1957, § 2-414.12; Ord. No. 1658/88, § 3, 4-5-88)

#### **Sec. 12-31. Superintendent of sanitation.**

A superintendent of sanitation shall be appointed by the city manager. The compensation of the superintendent of sanitation shall be fixed by the council.

(Code 1957, § 2-414.12)

### **ARTICLE III. RECYCLING**


#### **Sec. 12-32. Legislative intent.**

In order to reduce the economic and environmental costs associated with the disposal of solid waste and further encourage the reuse of recyclable materials, the City of Long Beach hereby establishes a comprehensive recycling program which will be mandatory for all residential, commercial, industrial and institutional entities within the city limits. The goal of this

Single-family owner-occupied homes	4,328				brief
Median value (dollars)	220,700	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			brief
With a mortgage (dollars)	1,800	(X)	1,088	map	
Not mortgaged (dollars)	654	(X)	295		

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

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