

Chapter 6.08 SOLID WASTE

6.08.010 Definitions.

- A. For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:
- “Bin” means a metal or rigid plastic container provided by the city or its franchisee with a capacity of less than 10 cubic yards, equipped with a lid, capable of containing all pollutants within, and designed for mechanical pick-up by collection vehicles.
- “Bulky waste” means solid waste that cannot and/or would not typically be accommodated within a cart, such as furniture and appliances. Bulky waste does not include exempt waste.
- “Cart” means a plastic container provided by the city or its franchisee with a hinged lid and wheels serviced by an automated truck with a capacity of no less than 30 and no greater than 101 gallons.
- “City” or “City of Carlsbad” means the incorporated territory of the City of Carlsbad.
- “Commercial premises” means premises upon which business activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding residential premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property.
- “Compost” has the same meaning as set forth in [Public Resources Code](#) Section 40116, as it may be amended from time to time.
- “Construction and demolition debris” means solid waste generated at a premises that is directly related to construction, remodeling, repair or demolition activities occurring thereon.
- “Container” means collectively the carts, bins or roll-off box furnished by the city or franchisee used for storage of solid waste, recyclable materials and green waste prior to collection.
- “Director” means the city’s public works director or designee, or other city official as designated by the city manager.
- “Diversion” has the same meaning as set forth in [Public Resources Code](#) Section 40124, as it may be amended from time to time.
- “Event promoter” has the same meaning as set forth in Section [8.17.020](#) of this code, as it may be amended from time to time.
- “Exempt waste” means biohazardous or biomedical waste, hazardous waste, sludge, designated waste, stable matter, waste tires, liquid wastes, green waste or lumber that is more than four feet in length in its longest dimension or two feet in diameter, automobiles, automobile parts, boats, boat parts, trailers, internal combustion engines, lead-acid batteries, and those wastes under the control of the nuclear regulatory commission.
- “Franchisee” means any person, persons, firm or corporation to whom a franchise has been granted by the city for the collection, processing, recycling and disposal of solid waste.
- “Green waste” means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than four feet in its longest dimension or six inches in diameter. Green waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, holiday trees, and other forms of organic waste that is generated at the premises wherein the green waste is collected. Green waste does not include materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic wastes, oil, and painted or treated wood products.
- “Hazardous waste” has the same meaning as set forth in [Public Resources Code](#) Section 40141, as it may be amended from time to time.

“Multifamily dwelling” means a distinct living unit within a multifamily residential complex.

“Multifamily residential complex” means any building or structure, or portion thereof, located in the city which is used for residential housing purposes, irrespective of whether residency at that property is transient, temporary, or permanent, and having four or more distinct living units.

“Organic waste” has the same meaning as set forth in [Public Resources Code](#) Section 42649.8(c), as it may be amended from time to time.

“Person” includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company and includes the United States, the State of California, the County of San Diego, the City of Carlsbad, cities, districts, and any officer or agency thereof.

“Pollutants” means and includes, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, sediment, silt, industrial waste, and any organic or inorganic substance defined as a pollutant under 40 CFR 122.2 whose presence degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards such as fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, fertilizers, pesticides, herbicides and other biocides. A pollutant also includes any contaminant which degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards by altering any of the following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, temperature, and other narrative standards of the basin plan.

“Premises” means any land or building where solid waste is generated or accumulated.

“Recyclable materials” means those materials that are capable of being recycled. Recyclable materials include, but are not limited to: organic waste, green waste, newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding 10 pounds in weight nor two feet in any dimension for any single item); steel including “tin” cans and small scrap (not exceeding 10 pounds in weight nor two feet in any dimension for any single item); bimetal containers; mixed plastics including, but not limited to, plastic containers (1—7), and bottles including containers made of HDPE, LDPE, PET, or PVC; and aseptic containers. Polystyrene peanuts and film plastic, including plastic bags are specifically excluded from collection and processing.

“Recycling” has the same meaning as set forth in [Public Resources Code](#) Section 40180, as it may be amended from time to time.

“Recycling facility” means a recycling, composting, or materials recovery or reuse facility.

“Residential premises” means premises upon which a single-family dwelling or multifamily dwellings exist, including, but not limited to, apartments, boarding or rooming houses, condominiums, mobile homes, efficiency, and second units.

“Responsible person” means the individual or entity responsible for the management of solid waste or recyclable materials for disposal or recycling at a residential or commercial premises.

“Roll-off box” means a metal container with a capacity of 10 or more cubic yards, capable of containing all pollutants within, that is normally loaded onto a motor vehicle.

“Self-haul” means the process of personally, or through one’s own full-time employees, collecting, transporting, and delivering one’s own solid waste or recyclable materials.

“Single-family dwelling” means a distinct living unit within a single-family residential premises.

“Single-family residential premises” means any building or structure, or portion thereof, in the city which is used for residential housing purposes, irrespective of whether residence therein is transient, temporary or permanent, and having three or fewer distinct living units, in which each living unit of the premises receives individual solid waste collection service using carts.

“Solid waste” means all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including refuse, construction and demolition debris, bulky waste, recyclable materials, including, but not limited to, green waste and organic waste, or any combination thereof, and which are included in the definition

of “non-hazardous solid waste” set forth in the California [Code of Regulations](#). Solid waste does not include exempt waste.

“Solid waste facility” means a solid waste transfer or processing station, a composting facility, a transformation facility, or a disposal facility as approved by the city.

“Solid waste service” means the collection, transport and disposal of solid waste and recyclable materials, including, but not limited to, green waste and organic waste.

“Special event” has the same meaning as set forth in Section [8.17.020](#) of this code, as it may be amended from time to time.

“Stormwater” has the same meaning as set forth in Section [15.04.020](#) of this code, as it may be amended from time to time.

“Stormwater conveyance system” has the same meaning as set forth in Section [15.04.020](#) of this code, as it may be amended from time to time.

B. Any other term that is defined by Division 30 (Waste Management) of the California [Public Resources Code](#) (commencing with Section 4000) that is used but not otherwise defined in this chapter shall have the meaning established by the [Public Resources Code](#), to the extent meaning is not inconsistent with the context of the usage in this chapter and does not conflict with the approved franchise. (Ord. CS-359 § 2, 2019; Ord. CS-276, 2015; Ord. CS-183 § 2, 2012)

6.08.020 Required solid waste/recyclable materials/green waste handling.

A. Every person in possession, charge or control of any place or premises in the city in, upon, or from which solid waste and recyclable materials, including green waste and organic waste, are created, produced or accumulated shall:

1. Dispose of such solid waste through the regular solid waste service of the city or its franchisee; and
2. First segregate from solid waste and dispose of recyclable materials, including green waste and, if necessary to comply with Section [6.08.024](#), organic waste, in recycling, green waste, and organic waste containers, as appropriate; and
3. Pay therefor the fee or fees hereinafter established.

B. The collection of solid waste shall occur at least once per week.

C. Exceptions.

1. If the franchisee is unable to reasonably provide service to the premises, the responsible person shall make arrangements to dispose of the solid waste generated at, or accumulated on, the premises at a solid waste facility, and to deliver the recyclable materials, including green waste and, if necessary to comply with Section [6.08.024](#), organic waste, generated at, or accumulated on, the premises to a recycling facility.
2. Nothing in this chapter limits the right of any person to donate or sell his/her/its recyclable materials in lieu of placing said recyclable materials in recycling containers for collection.

D. The responsible person for a commercial premises or a multifamily residential complex that does not receive regular recyclable materials collection from the city or its franchisee under Section [6.08.020\(C\)\(1\)](#) or (2) shall submit an annual recycling report to the city by October 1 of each year, on a form or using a format prescribed by the city manager. This annual recycling report does not include any organic waste reporting pursuant to Section [6.08.024](#). Annual reports shall include the following information for the period June 30 through July 1 of the immediately preceding twelve-month period:

1. The name of the responsible person(s) for the premises.
2. The address for the premises.
3. The volume in cubic yards or gallons, measured by the size of the containers in use at the premises, of recyclable materials, including green waste, recycled through self-hauling or other means.
4. Additional information as required by the city manager. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.022 Requirements for multifamily residential complexes and commercial premises.

- A. The responsible person for any multifamily residential complex or commercial premises must do all of the following:
1. Provide on-site source separated collection of recyclable materials to the occupants of the complex or premises.
 2. Provide a sufficient number and type of containers at the property to contain the solid waste generated by the occupants of the complex or premises.
 3. Place recycling containers in convenient locations for use by occupants of the property, which means placement of recycling containers adjacent to, or in the immediate vicinity of, solid waste containers in disposal areas. The responsible person must pair recycling containers with solid waste containers of equivalent volume capacity at each disposal area.
 4. Educate the occupants of the multifamily residential complex or commercial premises about the recycling services as follows:
 - a. The responsible person must annually distribute recycling program information to all occupants that describes the types of recyclable materials accepted, the location of recyclable materials containers, and the occupant's responsibility to recycle pursuant to this chapter;
 - b. The responsible person must provide occupants with the recycling program information upon their first occupancy or use of the complex or premises; and
 - c. The responsible person must provide occupants with updated recycling program information upon any change in recycling service to the multifamily residential complex or commercial premises.
- B. Occupants of a multifamily residential complex or commercial premises must participate in the recycling program provided by the responsible person by separating recyclable materials from other solid waste and depositing the recyclable materials in the on-site recycling containers. (Ord. CS-359 § 2, 2019)

6.08.024 Mandatory organic waste recycling.

- A. For purposes of this section, the following additional definitions shall apply:
1. "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling of five or more units.
 2. "Commercial solid waste" means all types of solid waste generated by a business.
- B. The responsible person for a business that generates four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services as described in subsection D of this section.
- C. On or after January 1, 2020, if the California Department of Resources Recycling and Recovery requires additional organic waste diversion pursuant to [Public Resources Code](#) Section 42649.81(a)(4), the responsible person for a business that generates two cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services as described in subsection D of this section. The actual effective date of this section shall occur after the city has provided the public 30 calendar days' advance notice by placing a display advertisement in a newspaper of general daily circulation within the city.
- D. Organic waste recycling services shall consist of at least one of the following:
1. Source separating organic waste from other solid waste and subscribing to a basic level of organic waste recycling service that includes collection and recycling of organic waste.
 2. Recycling organic waste on-site or self-hauling organic waste for recycling; or
 3. Subscribing to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.
- E. In accordance with [Public Resources Code](#) Section 42649.81(f)(2), a business that is a multifamily dwelling of five or more units is not required to arrange for organic waste recycling services for food waste.

F. The responsible person for a business that complies with subsection D through means other than subscribing to an organic waste recycling service provided by the city's franchise hauler must provide an annual report to the city by October 1 of each year, on a form or using a format prescribed by the city manager, to certify compliance through on-site recycling or self-hauling. Annual reports shall include the following information for the period of June 30 to July 1 of the immediately preceding twelve-month period:

1. The name of the responsible person(s) for the business.
2. The name and address for the business.
3. The volume in cubic yards or gallons, measured by the size of the containers in use at the business, of organic waste recycled on-site through self-hauling or other means.
4. Additional information as required by the city manager.

G. No person shall deposit solid waste that is not organic waste in a container designated for organic waste. (Ord. CS-359 § 2, 2019)

6.08.026 Requirements for special events.

A. The event promoter of a special event permitted under Chapter [8.17](#) must provide a level of solid waste service sufficient to contain the solid waste generated at the special event.

B. The event promoter shall provide containers at convenient locations at the special event to facilitate the source separation of solid waste and recyclable materials by event employees, vendors, and attendees. Convenient locations means that solid waste containers and recycling containers are placed next to one another throughout the special event venue. The event promoter must pair recycling containers with solid waste containers of equivalent volume capacity at each disposal area in the special event venue.

C. All containers must be clearly identified as either a solid waste or recycling container and must include signage that describes the types of materials that may be deposited in the container. (Ord. CS-359 § 2, 2019)

6.08.030 Containers generally.

A. No person shall deposit, keep or accumulate any solid waste in or upon any public or private premises unless enclosed in containers. Such containers shall be provided by the franchisee. The containers will remain the property of the franchisee. Every person occupying or having control of any such premises shall insure that a sufficient number of containers are available to properly store all solid waste generated at said premises.

B. No person shall deposit, keep or accumulate any recyclable materials in or upon any public or private premises unless enclosed within a recycling container.

C. Such containers shall be kept in the rear or on the side of the premises or in designated enclosures, except as provided in Section [6.08.080](#), or as approved by the director.

D. No person shall dispose of commercial grease or cooking oil in a container intended for recyclable materials. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.040 Cleanliness of solid waste containers.

No person shall allow grease or decomposing material to accumulate in the interior or on the exterior of a solid waste container. No person shall allow water or other liquids to accumulate in the bottom of a solid waste container in excess of a depth of one inch. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.045 Cleanliness of solid waste container areas or enclosures.

No person shall allow pollutants or liquids to accumulate around or on solid waste enclosures or around and/or under solid waste containers such that stormwater will carry these pollutants or liquids to the stormwater conveyance system. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.050 Solid waste containers to be kept covered.

No person shall permit a solid waste container to remain uncovered or open, or in such condition that insects or vermin may obtain access thereto, except when necessary to place solid waste therein or remove solid waste therefrom, and when the cover is removed therefrom for such purposes it shall be immediately replaced. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.055 Composting.

Every compost pile, bin, holding area or other compost system shall be maintained so as to not create a public nuisance. No compost pile, bin, holding area or other compost system shall be maintained within six feet from an exterior window, exterior door or other exterior entrance to an inhabited residential structure other than one owned by the owner of the compost system. (Ord. CS-359 § 2, 2019)

6.08.060 Residential solid waste carts—Maximum weight.

Residential solid waste carts, when placed for collection, shall not be at a weight greater than the cart manufacturer's recommended maximum weight. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.070 Maximum residential collection.

Solid waste and recyclable materials, including green waste, when placed for collection, shall fit entirely within the confines of the carts with lids securely shut. The franchisee shall not be obligated to collect solid waste and recyclable materials, including green waste, that is placed outside of said carts. Households requiring additional service shall arrange for special collection. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.080 Placement of residential carts for collection.

Solid waste, recyclable materials and green waste carts from single-family residential units shall be placed in the street with the wheels against the curb, or if no such curb exists, within the gutter of the public street; in the event that the solid waste and recyclable materials, including green waste, are to be collected from a public alley, the carts shall be placed within five feet of the edge of the right-of-way of such alley. Carts shall be positioned with handles facing away from the street or right-of-way. Carts must be placed at least two feet away from obstacles such as trees, vehicles and mailboxes, one foot away from other carts, and clear from any overhead obstructions such as tree limbs. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.090 Timing of placement of residential carts for collection.

Solid waste, recyclable materials and green waste carts must be placed for collection between the hours of 6:00 p.m. on the day prior to collection and 6:00 a.m. of the day of collection. Carts shall be removed no later than 12:00 a.m. of the day of collection. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.100 Unlawful placement of solid waste.

No person shall deposit or place any solid waste anywhere other than in an approved solid waste container under his or her control. Further, no person shall abandon, store, bury, and/or burn solid waste on public or private premises, with or without the property owner's permission, except at an authorized solid waste facility. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.110 Unhindered access to containers.

It is unlawful for any person within the city to hinder access of the franchisee to the solid waste, recyclable materials or green waste containers. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.120 Special collection service.

The franchisee shall provide for the collection of any solid waste and recyclable materials, including green waste, which requires special collection. If the special service is not identified in the city's contract with the franchisee, the franchisee shall provide the service at a rate mutually agreed upon by the customer and the franchisee. Customers shall contract the city's franchisee to arrange for such services. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.130 Bulky waste collection.

Bulky waste shall be discarded or recycled through special collection service. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.140 Shared service allowed.

Multiple tenants within a single building or complex may be allowed to share bin service. Customers utilizing carts shall not be allowed to share service, except at the sole discretion of the director. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.150 Multiple tenant residential service.

Multiple tenant residential complexes shall be allowed to utilize bin service or individual cart service at the discretion of the owner or property manager. Multiple tenant residential complexes utilizing individual cart service shall be charged the single-family fee per each unit. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.160 Hauling solid waste.

- A. All solid waste, after collection, shall be removed and transported to a solid waste facility.
- B. No person shall haul, carry or transport any solid waste through the city or along or over any public street or public place in the city except in water-tight vehicles so that the contents thereof are not offensive. Such vehicles shall be so loaded and operated that none of their contents falls or spills therefrom, and every vehicle used for such purposes shall be kept in a clean and sanitary condition. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.170 Unauthorized collection (scavenging).

It is unlawful for any person, other than an employee of the franchisee or an employee of the city to collect, remove, or dispose of solid waste (including recyclable materials) in the city; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as regulated by the city plumbing code. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.180 Contracts.

The city may enter into a contract or contracts under such terms or conditions as may be agreed upon and as may be seen fit by the city for the collection and disposal of solid waste and recyclable materials, including green waste, within the city. No person shall engage in the business of providing solid waste services, except as provided in Section [6.08.020\(C\)](#), within the city without having a valid solid waste services contract with the city. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.190 Rate and fees for service.

The rates and fees to be paid for regular (excluding Section [6.08.120](#)) solid waste services rendered shall be those rates and fees as established from time to time by resolution of the city council. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.200 Payment of fees.

It is unlawful for any person having solid waste collected and disposed of as herein provided, to willfully fail, neglect, or refuse after demand by the city, or its duly authorized agent or employee, to pay the fees herein prescribed for services. The city and/or franchisee may seek payment for delinquent accounts by any legal means available. In addition to all other remedies available by law or established by this chapter, failure to pay after delinquency may result in suspension of service. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.210 Liability for payment.

The obligation to pay solid waste services fees is upon the legal owner or owners of the property served. Nothing in this section, however, shall prevent an arrangement under which payments for solid waste services are made by a tenant or tenants, or any agent, on behalf of the owner, provided any such arrangement shall not affect the owner's obligation for payment of such fees. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.215 Administrative regulations.

The city manager may adopt administrative regulations that are consistent with and that further the terms and requirements set forth within this chapter. All such administrative regulations must be in writing. (Ord. CS-359 § 2, 2019)

6.08.220 Enforcement.

The director shall be responsible for the enforcement of all provisions of this chapter. Failure to comply with these regulations shall be an infraction. Nothing in these regulations shall prevent the city's authorized agents or deputies from efforts to obtain compliance by way of warning, notice of violation, educational means or other civil or administrative remedies available under this code or other applicable law. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)

6.08.230 Savings clause.

All code provisions, ordinances, and parts of ordinances in conflict with the provisions of this chapter are repealed. The provisions of this chapter, insofar as they are substantially the same as existing code provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of the ordinance codified in this chapter, under any chapter, ordinance, or part of an ordinance hereby otherwise repealed, all provisions of such chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal. (Ord. CS-359 § 2, 2019; Ord. CS-183 § 2, 2012)