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Title 8

HEALTH AND SANITATION¹

Chapter:

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Chapter 8.02**JUNK - STORAGE****Section:****8.02.010 Definitions****8.02.020 Storage-Junk****8.02.040 Violation - owner, lessee, or occupant****8.02.010 Definitions.**

For the purposes of this chapter, the following words and phrases have the meaning indicated, unless the context in which any word or phrase is used requires another meaning:

- A. "Inoperative vehicle" means any vehicle which cannot be moved under its own power, or cannot be operated lawfully on a California public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield, or any other part necessary for such movement or lawful operation.
- B. "Junk" means any used, cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out, or wrecked object, thing, material, or substance, regardless of whether the same is being held for sale or storage, and having no substantial market value. Examples of "junk" include, but are not limited to, any old iron, wire, brass, copper, tin, lead, or any other scrap metals or alloys, and any rags, papers, bags, lumber, bottles, bones, plastics, or dismantled, wrecked, or old parts of bicycles, tricycles, baby carriages, abandoned or inoperative vehicles, machinery, appliances, or parts or portions thereof, and used furniture or other personal property, or parts or portions thereof.
- C. "Owner" means any person(s) shown as the property owner on the latest equalized property tax assessment rolls, or in the case of a vehicle, any person(s) shown on the last registration of the vehicle, or if that information is not ascertainable, the owner shall be deemed to be the owner of the property on which the vehicle is located.
- D. "Vehicle" has the meaning as set forth in California Vehicle Code section 670.
"Vehicle" does not include:
 - 1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner, where the same is not visible from the street or other public or private property; or
 - 2. A vehicle or part thereof which is stored or parked in a lawful manner on private property in conjunction with the lawful business of a licensed dismantler or licensed vehicle dealer.
- E. "Yard" has the meaning as set forth in section 19.04.020 of this code.
(Ord. 2212)

8.02.020 Storage - junk.

No junk shall be stored, accumulated, or placed on private property, in a yard, or

portion thereof, except as may be allowed by the specific regulations applicable to the zoning district in which such property, yard, or portion thereof is located.

(Ord. 2212)

8.02.030 Violation - owner, lessee, or occupant.

No owner, lessee, or occupant of real property shall store, accumulate, or place junk upon such property in violation of the provisions of this chapter. A violation of any provision of this chapter is an infraction.

(Ord. 2212)

Chapter 8.04**SOLID WASTE DISPOSAL - GENERAL PROVISIONS²****Section:****8.04.010 Definitions.****8.04.020 Promulgation of rules and regulations.****8.04.030 Enforcement.****8.04.010 Definitions.**

For the purposes of this chapter and Chapters 5.16, 8.08, 8.12, 8.14 and 9.22, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. Front Yard Service. "Front Yard Service" shall mean collection of solid waste, solid waste recyclables, and recyclable yard debris in receptacles placed within five feet of the edge of the street.
- B. Mixed paper. "Mixed paper" includes white and colored paper, magazines, phone books, paperback books, catalogs, junk mail, envelopes, manila folders, and paper grocery bags, but specifically excluding milk cartons and other waxed paper, hardcover books, blueprints or carbonless paper, and paper contaminated by food.
- C. Outer Banks. The term "outer banks," when used in the context of the outer banks of a creek, channel, or other watercourse, shall mean the upper elevation of land having a slope not exceeding ten percent which confines the water flowing in such creek, channel, or other watercourse during normal winter flows.
- D. Recyclable Solid Waste. "Recyclable solid waste" consists of newspaper, mixed paper, glass, aluminum cans, tin cans, plastic containers, cardboard boxes, and cartons.
- E. Recyclable Yard Debris. "Recyclable yard debris" consists of lawn cuttings, weeds, leaves, wood chips and shavings, nontreated or painted wood scraps, and remnants from tree or prunings which are less than four inches in diameter and are four feet long or less, excluding palm fronds, yucca plants and sod.
- F. Solid Waste. "Solid waste" consists of:
 - 1. Garbage. "Garbage" consists of every accumulation of animal, vegetable, or other matter that attends or results from the preparation, consumption, decay or dealing in, or storage of, meats, fish, fowl, birds, fruits, vegetables or other food products. The term "garbage" includes manure.
 - 2. Rubbish. "Rubbish" consists of painted or treated wood, woodenware, printed matter, cloth, straw or hay, leather, felt, plastic, and all other combustible solid waste.
 - 3. Waste Matter. "Waste matter" consists of soil, earth, sand, clay, gravel, loam, stones, brick, plaster, cement, concrete, asphaltum, crockery, screen wire, china, glass, glassware, ashes, cinders, shells, metals, and all other noncombustible material.
- G. Solid Waste Collector. A "solid waste collector" is any person or business entity permitted by the city to collect, transport, or dispose of solid waste within the city limits as provided in this chapter and chapters 5.16, 8.08, and 8.12. "Solid waste collector" shall not include a person engaged in those activities described in section

5.16.025 of this chapter.

8.04.020 Promulgation of rules and regulations.

The city manager is hereby authorized to promulgate and establish administrative rules and regulations not in conflict with this chapter and Chapters 5.16, 8.08, 8.12 and 8.14 which the city manager may deem necessary to provide the most efficient administration of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14. Such rules and regulations when so declared and certified by the city manager and filed in the office of the city clerk, shall be deemed to be in full force and effect for all purposes of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14.

(Prior code §11.7 (Ord. 691 §11.13, Ord. 1875 §2))

8.04.030 Enforcement.

It shall be the duty of the city manager to enforce the provisions of this chapter and Chapters 5.16, 8.08, 8.12 and 8.14.

(Prior code §11.8 (Ord. 691 §11.15, Ord. 1875 §3))

Chapter 8.08**SOLID WASTE DISPOSAL - STORAGE AND COLLECTION****Section:**

- 8.08.010 Disposal generally.**
8.08.015 Disposal of recyclable solid waste.
8.08.020 Accumulation on residential property.
8.08.025 Accumulation of recyclable solid waste.
8.08.030 Accumulation on multiple-family residential, commercial and industrial property.

8.08.010 Disposal generally.

It shall be unlawful for any person to dispose of any garbage, rubbish or waste matter in the city other than at a disposal site established by the city council or designated by the city manager, excepting that the same may be placed in receptacles and in the manner as provided by this chapter, Chapters 5.16, 8.04 and 8.12.

(Prior code §11.9 (Ord. 691 §11.7))

8.08.015 Disposal of recyclable solid waste.

It shall be unlawful for any solid waste collector to dispose of recyclable solid waste, collected pursuant to the residential recycling program required pursuant to Chapter 5.16 of this Code, in a landfill disposal site, or to dispose of such recyclable solid waste in a manner which results in other than the marketing of such solid waste for re-use.

(Ord. 2047 §4)

8.08.020 Accumulation on residential property.

- A. Garbage, rubbish and waste matter accumulated on property used for single and two family residences shall be placed in receptacles or stored for collection in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. All receptacles used for the storage of garbage, rubbish and waste matter accumulated on such property shall be emptied and the contents thereof removed and disposed of when:
1. Said contents are within four inches or less from the top of the receptacle; and
 2. At least once a week.
- C. Garbage, rubbish and waste matter accumulated on such property may be combined in the same receptacle.
- D. Rubbish and waste matter not easily placed in receptacles shall be neatly tied in bundles with a maximum length of four feet and a maximum diameter of two feet.

(Prior code §11.10 (Ord. 691 §11.7-1, Ord. 1134 §2))

8.08.025 Accumulation of recyclable solid waste.

- A. Recyclable solid waste shall be placed in a designated recycling container system in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. Recyclable solid waste shall not be allowed to overflow recycling containers.

- C. Recycling containers shall contain recyclable solid waste only, and no other garbage, waste matter, or rubbish.
- D. Notwithstanding anything in this section to the contrary, recyclable cardboard boxes and cartons not easily placed in recycling containers shall be neatly tied in bundles with a maximum length of 4 feet, and a maximum thickness of 2 feet, and placed on the ground adjacent to recycling containers.

(Ord. 1860 §8. Ord. 1990 §2)

8.08.030 Accumulation on multiple-family residential, commercial and industrial property.

- A. Garbage, rubbish, and waste matter accumulated on properties used for multiple-family residential, commercial and industrial uses shall be placed in receptacles or stored for collection in the manner provided by this chapter, Chapters 5.16, 8.04 and 8.12.
- B. All receptacles used for the storage of garbage, rubbish and waste matter accumulated on such property shall be emptied and the contents thereof removed and disposed of when:
 - 1. Said contents are within four inches or less from the top of the receptacle; and
 - 2. At least once a week.
- C. Garbage, rubbish and waste matter accumulated on said property may be combined in the same receptacle.
- D. Garbage, rubbish and waste matter accumulated on such property in large quantities may be stored for collection in covered and watertight metal receptacles in excess of thirty-two gallons capacity of a type approved by the city, provided, that mechanical means of hoisting and emptying the same are provided by a licensed solid waste collector or by the person operating the uses upon said property.

(Prior code §11.11 (Ord. 691 §11.7-2, Ord. 1134 §3))

Chapter 8.12**SOLID WASTE RECEPTACLES****Section:**

- 8.12.010 Solid Waste - Required.**
- 8.12.020 Solid Waste Receptacles - Type and size.**
- 8.12.030 Solid Waste Receptacles - Number.**
- 8.12.040 Solid Waste Receptacles - Placement.**
- 8.12.045 Solid Waste Receptacles - Type and size - Exceptions.**
- 8.12.080 Placement of solid waste receptacles within front yards and adjoining public rights-of-way.**
- 8.12.085 Solid waste receptacles within the central business district.**
- 8.12.090 Recyclable solid waste - Type of containers.**
- 8.12.100 Recyclable solid waste - Placement of receptacles - Single-family and two-family residences.**
- 8.12.105 Recyclable solid waste - Placement of receptacles - Multifamily residences.**
- 8.12.107 Recyclable solid waste - Residential recycling program - Violations; penalties.**
- 8.12.110 Unlawful removal of recycling containers and recyclable solid waste.**
- 8.12.120 Recyclable yard debris collection.**

8.12.010 Solid Waste - Required.

It shall be unlawful for any person or place having solid waste, in the city, to fail to provide upon the property and at all times to keep and maintain within a building or on the property on which the building is situated receptacles as provided by this chapter, and chapters 5.16, 8.04, and 8.08.

(Prior code §11.13 (Ord. 691 §11.8), Ord. 2253)

8.12.020 Solid Waste Receptacles - Type and size.

Except as otherwise provided in this chapter, chapters 5.16, 8.04, and 8.08, receptacles for the storage of solid waste shall:

- A. Have tight-fitting covers for holding solid waste without leakage or escape of odors;
- B. Have suitable bails or handles;
- C. Be constructed of watertight metal or plastic material.
- D. Shall be of a type, size, and color approved by the city manager.

(Prior code §11.14 (Ord. 691 §11.8-1, Ord. 967 §3, Ord 1134 §4, Ord. 1361 §1), Ord. 2253)

8.12.030 Solid Waste Receptacles - Number.

Except as otherwise provided in this chapter, chapters 5.16, 8.04, and 8.08, receptacles for storage of solid waste shall be furnished in the minimum of one per residential unit and additional receptacles shall be furnished when necessary to store the solid waste which would ordinarily accumulate on the property in one week's time.

(Prior code §11.15 (Ord. 691 §11.8-2, Ord. 1134 §5), Ord. 2253)

8.12.040 Solid Waste Receptacles - Placement.

It shall be unlawful for any person to fail to place receptacles used for the storage

or accumulation of solid waste in such a manner:

- A. That the bottoms of the receptacles shall be at least two inches above a well-drained surface except where the receptacle is located within a concrete form beneath the surface of the ground which was installed prior to April 18, 1991;
- B. That the receptacles are readily accessible for emptying and removing the solid waste therein;
- C. That such receptacles will not be offensive or a nuisance to any person; and
- D. That, except when set out for collection, such receptacles are stored and maintained to the side or rear of the structure where the solid waste is generated and out of public view unless it is determined by the Building Official that this is not feasible. This subsection shall not apply to containers set out for collection in alleys.

(Prior code §11.16 (Ord. 691 §11.8-3, Ord. 1860 §10), Ord. 2253, Ord. 2284)

8.12.045 Solid Waste Receptacles - Type and size - Exceptions.

Notwithstanding any other provision in this chapter to the contrary, plastic bags, when sealed and closed, may be utilized for the collection of solid waste in lieu of the receptacles otherwise required by this chapter. The plastic bags shall be provided by the city's solid waste collectors and shall be of a type, size and color approved by the city manager.

(Ord. 2165 §1, Ord. 2253)

8.12.080 Placement of solid waste receptacles within front yards and adjoining public rights-of-way.

It shall be unlawful for any person to place a solid waste receptacle within a front yard or adjoining public right-of-way to facilitate solid waste collection services except in accordance with the following standards:

- A. The solid waste receptacle shall be of a type approved by the city manager;
- B. The solid waste receptacle shall be securely covered and no solid waste shall be permitted to remain outside of the receptacle;
- C. The solid waste receptacle shall not be placed in a position that will obstruct public streets, public sidewalks, or any public or private driveway; and
- D. The solid waste receptacle shall not be placed in the front yard or adjoining public right-of-way more than 12 hours in advance of the day on which solid waste collection services are to be provided, and shall be removed from the front yard or adjoining public right-of-way the same day upon which solid waste collection services are provided.

(Ord. 1767, Ord. 2253)

8.12.085 Solid waste and recycling receptacles within the central business district.

Within the area bounded on the north by Big Chico Creek, on the south by the south right-of-way line of East and West 5th Street, on the west by the west right-of-way line of Salem Street, and on the east by the east right-of-way line of Wall Street:

- A. Except as provided in subsection B, it shall be unlawful for any person to place a solid waste or recycling receptacle within a public right-of-way.
- B. A solid waste or recycling receptacle may be placed on the sidewalk for collection between 5:00 p.m. on the day before collection services are to be provided and 9:30 a.m. on the following day, provided the receptacle is a wheeled container and is placed for collection on the sidewalk against an adjoining wall.

(Ord. 2317)

8.12.090 Recyclable solid waste - Type of containers.

Notwithstanding anything hereinabove to the contrary, in connection with the recycling program set forth in Chapter 5.16 of this code, solid waste collectors shall provide a recycling container system for recyclables to each single-family, two-family and other multifamily residential customer at no additional cost to the customer.

The recycling container system shall be designed and used to collect recyclable solid waste, and shall be of a type, size and color approved by the city manager.

(Ord. 1860 §11, Ord. 1955 §4)

8.12.100 Recyclable solid waste - Placement of receptacles - Single-family and two-family residences.

Notwithstanding anything hereinabove to the contrary, it shall be unlawful for any person to place recycling receptacles used for storing or accumulating recyclable solid waste within a front yard or adjoining public right-of-way except that single-family and two-family residential customers may do so in accordance with the following standards:

- A. Such recycling receptacles shall be placed in the front yard or adjoining public right-of-way, not more than 12 hours in advance of the day on which the recyclable collection services are to be provided, and shall be removed from the front yard or adjoining public right-of-way the same day upon which solid waste collection services are provided;
- B. Such recycling receptacles shall not be placed in a position that will obstruct public streets, public sidewalks, or any public or private driveway;
- C. Such recycling receptacles shall contain recyclable solid waste only and no other solid waste or recyclable yard debris and shall not be offensive or a nuisance to any person; and
- D. Except when set out for collection, such recycling receptacles are stored and maintained to the side or rear of the structure where the solid waste is generated and out of public view unless it is determined by the Building Official that this is not feasible. This subsection shall not apply to containers set out for collection in alleys.

(Ord. 1860 §12, Ord. 1955 §5, Ord. 2253, Ord. 2284)

8.12.105 Recyclable solid waste - Placement of containers - Multifamily residences.

- A. All owners of multifamily residential complexes consisting of three or more units shall provide recycling service to the residents thereof. Multifamily residential complex owners shall provide and maintain one or more recycling containers with a total capacity of at least 64-gallons for every ten (10) units. The recycling containers shall be located in areas that are equally convenient for use by residents as are the areas in which solid waste containers are located. For multifamily residences existing at the time this requirement is adopted and for which the building official determines that there is no adequate location to accommodate recycling containers as required by this section, the building official may approve alternative locations or an alternative container capacity.
- B. The location of recycling containers at multifamily residential complexes consisting of 3 or more residential units for which a building permit is issued on or after the effective date of this section shall be determined in accordance with the provisions set forth in Title 19 of this code.
- C. The location of recycling containers at existing multifamily residential complexes,

and multifamily residential complexes for which a building permit has been issued prior to the effective date of this section, shall be as set forth below.

1. Recycling containers shall be located in an enclosed area within, or next to, existing trash enclosures; provided, however, that no container shall be placed in such a manner that reduces or eliminates existing significant landscaping features or spaces currently designated for automobile or bicycle parking.
 2. The owner, or an authorized agent of the owner, of each multifamily residence subject hereto, who is unable to place the required recycling containers within, or next to, existing trash enclosures, shall, within 3 months of the effective date of this section, and prior to the placement of any recycling containers, submit a recycling collection site plan to the city's planning division setting forth the proposed location for one or more recycling containers. The plan also shall include a written explanation as to why the recycling containers cannot be placed within, or next to, the existing trash enclosures. Recycling collection site plans shall not eliminate or reduce existing significant landscaping features or spaces currently designated for automobile or bicycle parking in order to accommodate recycling containers.
 3. If existing conditions at a multifamily residence subject to this section prevent the location of recycling containers within or next to existing trash enclosures, the city's planning director may approve alternative locations. In reviewing and approving such plans, the primary goal shall be to institute an accessible recycling collection program at each multifamily residential complex while minimizing undue hardships for the residents or owners thereof. It is recognized that due to conditions in existing multifamily residential units, it may be necessary to allow for flexibility in the number of containers placed and the locations of the containers. In approving a plan, the planning director may impose any conditions or requirements deemed necessary to accomplish this goal.
 4. Recycling collection site plans shall be subject to architectural review approval by the planning director, provided, however, that a recycling collection site plan shall be subject to architectural review by the city's architectural review board if the planning director determines that the plan provides for the elimination or relocation of significant landscaping features or a significant reduction in the size of any significant landscaping feature or the number of spaces designated for automobile or bicycle parking.
 5. The planning director shall notify, in writing, each applicant submitting a recycling collection site plan of the action taken by the planning director in approving or denying the plan. If a plan is not approved, the applicant shall submit revised plans within 30 days after the planning director gives notice that the plan has not been approved. Any determination of the planning director in approving or denying a plan may be appealed to the city council pursuant to the procedures set forth in Chapter 2.80 of this code.
- D. Each owner of multifamily residential units subject to this section shall provide the recycling containers required therein within 6 months after the effective date of this section.
- E. After the placement of recycling containers at a multifamily residential complex subject to this section, at the time that any lease or rental agreement is signed by a tenant for a multifamily unit in that complex, the owner, or agent of the owner, thereof shall (1) inform the new tenant of the availability of recycling, the location of

the recycling collection sites and the materials that may be recycled, and (2) provide the new tenant with written information describing the city's recycling program. Such written information shall be provided to the owners or their agents by the city's solid waste permittees.

(Ord. 1955 §6, Ord. 2113 §14, Ord. 2221 §1, Ord. 2268)

8.12.107 Recyclable solid waste - Residential recycling program - Violations; penalties.

- A. Any solid waste collector failing to comply with the requirements of the residential recycling programs provided for by this chapter or by Chapter 5.16 of this Code shall be assessed a civil penalty by the City Manager in the manner provided for by Chapter 1.15 of this Code. The amount of the civil penalty assessed for such violations shall be as follows:
1. First violation: \$500;
 2. Second violation within six months of the first violation: \$1,000;
 3. Third and subsequent violations within 12 months of the first violation: \$2,500 for each offense.
- B. Any owner of a multifamily residential complex who violates the provisions of this chapter by failing to provide the residential recycling containers and/or information as required herein shall be assessed a civil penalty by the City Manager in the manner provided for by Chapter 1.15 of this Code. Provided, however, that prior to the imposition of such penalty for a first violation, the City Manager shall cause written notice of the violation to be mailed to the owner of the multifamily residential complex indicating the nature of the violation and that failure to correct such violation within fifteen (15) days of the date of the notice will result in the imposition of the civil penalty. No such written notice shall be required for subsequent violations. The amount of the civil penalty for such violations shall be the same as set forth in paragraph A. of this section.

(Ord. 2057)

8.12.110 Unlawful removal of recycling containers and recyclable solid waste.

It shall be unlawful for any person, other than the owner of the recycling containers or a person authorized by the owner of the recycling containers, to remove, upset or otherwise disturb such containers or recyclable solid waste placed therein.

(Ord. 1860 §13)

8.12.120 Recyclable yard debris collection.

- A. Receptacles and Bundles; Types and Size. All recyclable yard debris shall be placed for collection within receptacles so that the lid will close. Alternatively, recyclable yard debris may be bundled, provided that the material does not exceed four feet in length and 18 inches in diameter, is secured and each bundle is easily handled by one person. Recyclable yard debris shall not be placed in plastic bags or any receptacle other than a receptacle provided by the provider of the recyclable yard debris collection service.
- B. Placement of recyclable yard debris receptacles within front yards and adjoining public rights-of-way. Recyclable yard debris receptacles and bundles shall be placed in the front yard or adjoining public right of way not more than twelve hours in advance of the day on which the collection services are to be provided and shall be removed from the front yard or adjoining public right of way the same day upon

- which solid waste collection services are provided.– However, in locations where the collector of the recyclable yard debris determines that recyclable yard debris collection may be made from an alley, and upon notification to its customers in those locations that collection shall be from an alley, recyclable yard debris receptacles and bundles shall be placed within the alley. Such receptacles and bundles shall not be placed in a position that will obstruct public streets, alleys, public sidewalks or any public or private driveway.
- C. Seasonal Leaf Pickup Program.
1. Definitions. For purposes of this section, the following terms shall be defined as follows:
 - a. Residential yard debris generator shall mean the owner of a parcel of property which is improved with one, two or three dwelling units and which is within the city limits.
 - b. Non-residential yard debris generator shall mean all generators of yard debris who are not residential yard debris generators, including commercial yard debris generators.
 - c. Commercial yard debris generator means any business providing landscape maintenance services within the City.
 2. Residential yard debris generators. During leaf drop season, residential yard debris generators may place leaves in piles in public streets and rights of way in compliance with the following. The piles of leaves placed in public streets and rights of way must be no larger than four feet in length, four feet in width and four feet in height and shall be placed one foot from the curb or property line, if no curb exists. However, in streets which have bike lanes adjacent to the curb, the leaf piles shall be placed outside of the bike lane, but not in the traffic lane. Leaf piles may be placed in the street longer than twelve hours prior to collection.
 3. Non-residential yard debris generators. During leaf drop season non-residential yard debris generators shall not place leaves in piles in public streets and rights of way but may use drop off sites for leaf pickup at various locations throughout the city as identified annually by the city.
- D. Contents of Receptacles, Bundles, and Piles. Receptacles, bundles and piles of leaves shall contain recyclable yard debris only and no other solid waste and recyclable solid waste and shall not be offensive or a nuisance to any person.
- E. Storage of Receptacles. Except when set out for collection, recyclable yard debris receptacles shall be stored and maintained to the side or rear of the structure where the solid waste is generated and out of public view unless it is determined by the Building Official that this is not feasible. This subsection shall not apply to containers set out for collection in alleys.
- (Ord. 2107 §2, Ord. 2127 §32, Ord. 2253, Ord. 2284, Ord. 2398)

Chapter 8.14**DEPOSITS OF SOLID WASTE IN A CITY CREEK, CHANNEL
OR OTHER WATERCOURSE****Section:**

- 8.14.010 Purpose.**
8.14.020 Unlawful deposits of solid waste in a city creek, channel or other watercourse.
8.14.030 Removal of solid waste deposited in a city creek, channel or other watercourse.
8.14.040 Violations.

8.14.010 Purpose.

This chapter is enacted pursuant to the municipal affairs provisions of the city Charter for the purpose of preventing the adverse environmental effects which would normally result from the deposition of solid waste in a city creek, channel or other watercourse. (Ord. 1875 §4 (part))

8.14.020 Unlawful deposits of solid waste in a city creek, channel or other watercourse.

It shall be unlawful for any person to deposit solid waste between the outer banks of any city creek, channel or watercourse, including any manmade channel or watercourse. (Ord. 1875 §4 (part))

8.14.030 Removal of solid waste deposited in a city creek, channel or other watercourse.

It shall be the duty and obligation of the owner and/or any person entitled to possession of real property located between the outer banks of a city creek, channel or watercourse, including any manmade channel or watercourse, to remove and properly dispose of any solid waste deposited on such property. Failure of the owner or other person entitled to possession of real property located between the outer banks of a city creek, channel or other watercourse to remove solid waste deposited between the outer banks of such creek, channel or watercourse within thirty days after having been served with a written notice by the city manager requiring such removal shall be a violation of the provisions of this chapter punishable in the manner provided for herein. (Ord. 1875 §4 (part))

8.14.040 Violations.

Any violation of the provisions of this chapter shall be an infraction punishable by a fine in an amount established by Section 1505 of the Charter of the City of Chico. (Ord. 1875 §4 (part), Ord. 2136 §8)

Chapter 8.16

LEAVES AND RUBBISH IN STREETS

Section:

8.16.010 Depositing prohibited.

8.16.010 Depositing prohibited.

Except as specifically provided or permitted by Section 8.12.120, it shall be unlawful for any person to deposit, permit or cause to be deposited in or upon any street in the city of Chico any tree or shrubbery leaves, tree trimmings, shrubbery trimmings, or any other rubbish, garbage or waste matter.

(Prior code §11.40 (Ord. 967 §4, Ord. 1134 §9, Ord. 2107 §3))

Chapter 8.20

WEED AND RUBBISH ABATEMENT³

Section:

8.20.010 Provisions adopted by reference.

8.20.010 Provisions adopted by reference.

For the purpose of providing regulations covering the control of weeds as defined by Section 39561.5 of the Government Code of the state of California, growing upon or existing in front of properties within the city of Chico, there is hereby adopted by reference and incorporated herein as part of this code, Article 2 entitled "Alternative Procedures" of Chapter 13 entitled "Weed and Rubbish Abatement" of Title IV, Division 3, Part 2, of the Government Code of the state of California, as the same now exists or as hereafter amended, except wherein the provisions thereof are specifically changed or amended by the provisions of this title.

(Prior code §11.1 (Ord. 967 §2 (part), Ord. 2113 §15))

Chapter 8.28

SMOKING REGULATIONS*

Section:

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8.28.120	Smoking prohibited by other applicable laws.
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*Prior ordinance history: Ords. 1671 and 1886.

8.28.004 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the city charter for the purpose of prohibiting smoking in most enclosed places open to the public in order to reduce the hazards which smoking causes to those persons involuntarily exposed to side-stream and secondhand smoke, and for the further purpose of prohibiting and regulating smoking in places of employment also for the protection of those employees who are involuntarily exposed to side-stream or secondhand smoke.

(Adopted by initiative, dated 11/3/92 (part))

8.28.008 Findings.

The city council finds as follows:

- A. That tobacco smoke is a major contributor to indoor air pollution;
- B. That breathing side-stream or secondhand tobacco smoke is a cause of disease, including lung cancer in nonsmokers;
- C. That persons at special risk from the breathing of side-stream or secondhand smoke include pregnant women, children, elderly persons, persons with cardiovascular disease, persons with impaired respiratory function, including asthmatics, and persons with obstructive airway disease;
- D. That health hazards induced by breathing side-stream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, broncho-spasm and ear infections in children;
- E. That persons who suffer ill effects from breathing side-stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- F. That by reason of the foregoing, the smoking of tobacco or other weed or plant is

hazardous to the health of the general public.
(Adopted by initiative, dated 11/3/92 (part))

8.28.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

- A. "Bar" means any establishment open to and used by the general public which is devoted to the service of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages, and any portion of such establishment, including any portion of a restaurant, which is devoted to the service of alcoholic beverages, in which the service of food is only incidental to the consumption of such beverages and which is within an enclosed area which separates the bar from the other areas of the establishment.
- B. "Employee" means any person who regularly performs services for an employer either for compensation or as a noncompensated volunteer.
- C. "Employer" means any person, partnership, corporation, unincorporated association and/or any nonprofit organization which employs or otherwise uses the services of one or more employees.
- D. "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls, windows or other impermeable surfaces which extend from the floor to the ceiling except for doors or similar openings used for ingress or egress.
- E. "Health officer" means the city health officer; provided, that where the city council has consented by ordinance or resolution to the enforcement of public health laws in the city by the Butte County health officer, the term "health officer" shall mean the Butte County health officer.
- F. "Place of employment" means any enclosed area under the control of an employer which employees normally frequent during the course of employment, including but not limited to, work areas, individual and group offices, employee lounges, restrooms, conference rooms, classrooms and employee cafeterias and hallways.
- G. "Public place" means any establishment or facility area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health facilities, professional offices, public transportation facilities, recreation and sports facilities, restaurants, retail food production and marketing establishments, retail service establishments, retail stores and theaters.
- H. "Restaurant" means any establishment or portion of an establishment, other than a bar or portion of a restaurant used as a bar, which is open to and used by the general public and which is devoted to the service of food and/or beverages.
- I. "Smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or other similar smoking device or equipment, or emitting or exhaling the smoke of a cigarette, cigar, pipe, or other similar smoking device or equipment.

(Adopted by initiative, dated 11/3/92 (part))

8.28.020 Smoking prohibited in city buildings and facilities.

Smoking shall be prohibited in all enclosed areas of any building or facility owned or operated by the city, except that smoking shall be permitted in city buildings or facilities leased to other persons when not otherwise prohibited by the provisions of this chapter.

(Adopted by initiative, dated 11/3/92 (part))

8.28.030 Prohibition of smoking in enclosed areas.

- A. Except as otherwise hereinafter provided by this chapter, smoking shall be prohibited in the enclosed areas of all public places located within the city, including but not limited to the enclosed areas of the following public places:
1. The hallways, waiting rooms, examination rooms, rooms used for treatment, wards and semi-private rooms of health facilities, including but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices;
 2. Any portion of a grocery store, supermarket or other retail food marketing establishment which is open to and used by the general public;
 3. Any portion of a museum, gallery or library which is open to and used by the general public;
 4. Any portion of a theater, auditorium, or hall which is open to the general public, and used for exhibiting a motion picture, live theatrical performance, lecture, musical recital or similar performance;
 5. Any portion of a building owned and/or operated by a public agency or entity which is open to and used by the general public and is subject to the jurisdiction of the city;
 6. Any elevator or restroom open to and used by the general public;
 7. Any bus, taxicab or other means of public transportation which is subject to the jurisdiction of the city, and any ticket, boarding or waiting area of a public transit depot;
 8. Any common area in an apartment building, condominium, congregate care facility, nursing home or day care facility;
 9. Any recreation or sports facility, including but not limited to gymnasiums, enclosed swimming pools, roller skating and ice skating rinks, bowling alleys, pool halls, health spas and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic activities or witness sports events;
 10. Any service line where one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money;
 11. Any restaurant or bar; and
 12. Any other business or establishment or portion of a business or establishment which is open to and used by the general public, including but not limited to retail stores, hotels and motels.
- B. Notwithstanding the provisions of this section, the owner, operator, manager or other person who controls the enclosed area of any establishment described in this section may declare the entire establishment as a nonsmoking area.

(Adopted by initiative, dated 11/3/92 (part); amended by initiative, dated 11/5/96)

8.28.050 Prohibition and regulation of smoking in places of employment.

It shall be the responsibility of employers to provide a smoke free work place for all employees. To carry out this responsibility each employer operating a place of employment within the city shall, on or before February 1, 1993, adopt, make known, implement and maintain a smoking policy prohibiting smoking within all enclosed places located at a place of employment without exception. This includes common work areas, individual and group offices, employee lounges, employee restrooms, conference rooms, classrooms, employee cafeterias, hallways and all other enclosed facilities. The smoking policy required by this section shall be communicated to all employees within three

weeks of its adoption and employers shall supply a written copy of such smoking policy upon request of any existing or prospective employee.

(Adopted by initiative, dated 11/3/92 (part))

8.28.060 Exceptions to smoking prohibitions and regulations.

Notwithstanding anything herein to the contrary, the following areas shall not be subject to the smoking prohibitions and regulations provided for in this chapter:

- A. Private residences, other than portion of a private residence used as a child care or health care facility;
- B. Hotel and motel rooms rented to guests;
- C. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;
- D. Restaurant, hotel and motel conference or meeting rooms, and other assembly rooms when being used for private functions.

(Adopted by initiative, dated 11/3/92 (part), amended by initiative, dated 11/5/96)

8.28.070 Signs and notices.

“No Smoking” signs, with letters of not less than one inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle not less than four inches in diameter with a red bar across it), shall be conspicuously posted in every enclosed area where smoking is prohibited by this chapter, by the owner, operator, manager or other person having control of such enclosed area. In addition, every restaurant shall have posted at every restaurant entrance a conspicuous sign clearly stating that smoking is prohibited in the restaurant.

(Adopted by initiative, dated 11/3/92 (part))

8.28.080 Administration and implementation.

- A. The health officer shall administer the provisions of this chapter and may, at the health officer’s sole discretion, take any of the following actions to enforce the provisions of this chapter:
 - 1. Service of a notice upon a person violating the provisions of this chapter requiring the correction of such violation;
 - 2. Commencement of a civil action in a court of appropriate jurisdiction to enjoin violation of the provisions of this chapter or otherwise require compliance herewith; and
 - 3. Initiation of criminal proceedings to assess any of the penalties hereinafter provided by this chapter.
- B. The health officer or fire chief may require, when an enclosed area or place of employment is undergoing an otherwise mandated inspection, a "self-certification" from the owner, manager, operator or other person having control of such area or place of employment that the enclosed area or place of employment fully complies with the requirements of this chapter.
- C. The owner, manager, operator or other person having control of an enclosed area or place of employment shall inform any person violating this chapter, or any employer’s smoking policy adopted pursuant to this chapter of the appropriate provisions hereof.
- D. A private citizen may also commence a civil action in a court of appropriate

jurisdiction to enjoin violation of this chapter or otherwise require compliance herewith.

(Adopted by initiative, dated 11/3/92 (part))

8.28.090 Violations.

- A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any enclosed area or place of employment subject to the provisions of this chapter to fail or refuse to:
 - 1. Adopt or implement the employer's no smoking policy required by this chapter;
 - 2. Provide or post the signs or give the notices required by this chapter; or
 - 3. Otherwise comply with any other requirements of this chapter.
- B. It is unlawful for any person to smoke in any area in which smoking is prohibited by the provisions of this chapter.
- C. It is unlawful for any person to mutilate or destroy any signs posted pursuant to the provisions of this chapter.

(Adopted by initiative, dated 11/3/92 (part))

8.28.100 Penalties.

Any person who violates the provisions of this chapter shall be guilty of an infraction and upon conviction thereof, shall be punished by:

- A. A fine, not exceeding \$100, for the first violation;
- B. A fine, not exceeding \$200, for the second violation occurring within the same year, and
- C. A fine, not exceeding \$500, for the third and any additional violation occurring within the same year.

(Adopted by initiative, dated 11/3/92 (part))

8.28.110 Nonretaliation.

No employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right afforded by this chapter.

(Adopted by initiative, dated 11/3/92 (part))

8.28.120 Smoking prohibited by other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise prohibited by other applicable laws or regulations.

(Adopted by initiative, dated 11/3/92 (part))

8.28.130 Severability.

If any provisions or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions or clauses of this chapter or application thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this chapter are declared to be severable.

(Adopted by initiative, dated 11/3/92 (part))

Chapter 8.30**SELF-SERVICE DISPLAYS OF TOBACCO PRODUCTS
OR TOBACCO PARAPHERNALIA****Section:**

- 8.30.010 Purpose.**
- 8.30.020 Definitions.**
- 8.30.030 Sale by Vending Machine or Self-Service Display - Prohibited.**
- 8.30.040 Tobacco Retailer Assisted Sales.**
- 8.30.050 Exemption.**
- 8.30.060 Administration and Implementation.**
- 8.30.070 Violations and Remedies.**

8.30.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the city charter for the purpose of prohibiting the use of self-service displays for the sale of tobacco products and tobacco paraphernalia.

(Ord. 2254)

8.30.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

- A. "Enforcement officer" means any city employee or agent authorized to enforce any provision of this code.
- B. "Tobacco products" means any substance containing tobacco leaf, including but not limited to loose leaf tobacco, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.
- C. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed or intended to facilitate the smoking or ingestion of tobacco products.
- D. "Tobacco retailer" means any person who sells, offers for sale, or exchanges or offers to exchange for any form of consideration, any quantity of tobacco products or tobacco paraphernalia.
- E. "Self-service display" means the open display of any tobacco products or tobacco paraphernalia in a rack, on a counter top or shelf, or by any other means accessible to the general public without the assistance of the retailer or employee of the retailer.
- F. "Vending machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, or credit card and designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

(Ord. 2254)

8.30.030 Sale by Vending Machine or Self-Service Display - Prohibited.

It is unlawful for any tobacco retailer to sell, permit to be sold, offer for sale, or display for sale any tobacco products or tobacco paraphernalia by means of a vending machine or self-service display.

(Ord. 2254)

8.30.040 Tobacco Retailer Assisted Sales.

All tobacco products and tobacco paraphernalia shall be offered exclusively by means of tobacco retailer assisted sales. All tobacco products and tobacco paraphernalia shall be stored in an enclosed, secure case or an enclosed area not accessible to the public, that requires employee assistance to retrieve the tobacco products or tobacco paraphernalia. The storage case or area shall remain inaccessible to the public at all times, regardless of the presence of tobacco retailer employees.

(Ord. 2254)

8.30.050 Exemption.

This chapter shall not apply to any tobacco retailer that primarily sells tobacco products or tobacco paraphernalia and derives half or more of the retailer's income from such sales, if persons under the age of 18 years are prohibited from entering any part of the tobacco retailer's premises unless accompanied by an adult.

(Ord. 2254)

8.30.060 Administration and Implementation.

- A. The enforcement officer shall administer and enforce the provisions of this chapter.
- B. Any citizen who has cause to believe that a violation of this chapter has occurred or is occurring may register a complaint with an enforcement officer.
- C. Any tobacco retailer, including the owner, manager, or operator, shall inform all employees of the existence and content of this chapter.

(Ord. 2254)

8.30.070 Violations and Remedies.

- A. Any person violating any provision of this chapter is guilty of an infraction. Each instance of causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a separate violation.
- B. Each violation of this chapter is hereby declared to be a public nuisance and an unfair business practice.
- C. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity to the city or any person aggrieved by a violation of this chapter.

(Ord. 2254)

TITLE 8 FOOTNOTES

1. Rabies control, see Ch. 7.12; animals and disease control, see Ch. 7.16.
2. For statutory provisions on the authority of cities to contract for collection and disposal of garbage, see Public Resources Code §49300; for business regulations on solid waste collectors, see Ch. 5.16; solid waste collection rules and regulations, see Appendix Title 8R.
3. For statutory provisions on alternative provisions for weed and rubbish abatement in municipalities, see Government Code §39560 et seq.; for provisions on abatement of hazardous weeds generally, see Health & Safety Code §14875 et seq.; for provisions on adoption of state statutes by reference, see Government Code §50022.1 et. seq.