

Chapter 30.50 NONRESIDENTIAL HAULERS

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30.50.010 Franchise agreements required.

A. No person shall engage in the business of collecting, transporting, or disposing of commercial solid waste kept, accumulated or generated in the City or engage in the business of soliciting accounts or invoicing customers for commercial solid waste service in the City unless authorized to do so under a valid registration or franchise agreement with the City. The City may, in its discretion, authorize one (1) or more persons for the collection, transportation, or disposal of commercial solid waste kept, accumulated or generated in the City or to engage in the business of soliciting accounts or invoicing customers for commercial solid waste service in the City. Each and every such authorization shall describe the terms, conditions, restrictions, and limitations as may be deemed necessary or convenient for the preservation, protection, or enhancement of the public peace, health, safety, and general welfare; provided, that no authorization shall be granted without reserving to the City adequate compensation for the privilege conferred.

B. No person may haul commercial solid waste on City streets, alleys, highways or other public pavement except the following and his or her (or its) employees:

1. An authorized hauler with a valid registration that is not expired or revoked or an authorized hauler with a binding franchise agreement that is not expired or terminated;
2. Any person authorized to self-haul;
3. Any owner or operator of an industrial plant hauling solid waste that, in the judgment of the City Manager, cannot be handled by standard solid waste collection equipment or may involve significant health, operating or handling hazards;
4. Any person hauling dead animals, bones, meat scraps or food waste from food processing plants for tallow or fertilizer;
5. Any person transporting solid waste comprised of raw materials to be reused for new manufactured products and not for disposal. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.020 License fees, vehicle inspection fee or business taxes.

Any commercial refuse hauler fees paid by an authorized hauler shall be in addition to any license fee, special license fee, business tax, vehicle inspection fee or other fee prescribed by the City. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.030 Commercial hauler qualifications.

The following persons are referred to in this title as commercial haulers:

- A. Each person that is obligated under this chapter, and as may be amended or replaced, or who shall secure a valid registration or binding franchise agreement issued by the City; and
- B. Each person that is obligated under Section 1.01.030 of SWA Ordinance No. 16, and as may be amended from time to time, or under a substantially similar provision to secure a franchise granted by SWA; and
- C. Each person who collects solid waste from a fiveplex or larger multifamily property and services them with bins or roll-off containers; and
- D. Each person, including clean-up companies, that removes construction and demolition waste from premises in the City, regardless of the type of collection containers (including, without limitation, pens, bins, drop boxes, debris boxes or roll-off containers) or transport vehicles (including, without limitation, pickup, garbage or flat-bed trucks); and
- E. Each person who supplies goods (including, without limitation, containers and vehicles) or services (including, without limitation, account solicitation, billing, invoicing, subcontracting, brokering, disposal or any solid waste handling services) to persons described under the items listed in subsections (A) through (D) of this section, whether pursuant to arrangements that are formal or informal, written or otherwise. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.040 Registration application or franchise agreement.

A. All commercial hauler registration applications or franchise agreements pursuant to this chapter shall be in writing and approved by the City Manager.

B. Each registration application or franchise agreement shall be on a form provided by the City and shall include information related to the business identification, business operations, facilities and equipment, financial resources, diversion plan, and insurances. It may also include an application for law enforcement review. The application form or franchise agreement will be updated and changed periodically, as determined by the City Manager. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.050 Inspection of equipment and facilities.

The City may inspect any equipment, vehicles, containers, and facilities (including, without limitation, operations and maintenance, and solid waste handling) used by a commercial hauler in connection with operating, conducting business or providing services within the City or handling solid waste collected within the City. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.060 Vehicles.

A. Specifications. An authorized commercial hauler will ensure that each vehicle used for solid waste handling meets the following specifications (and as may be verified or determined by the City Manager):

1. The storage vessels, tanks, receptacles or beds of a vehicle that holds garbage, or other wet, putrescible or liquid-producing solid waste, or solid waste composed of fine particles, shall be leak-resistant and made of metal or other nonabsorbent material that is impervious to liquid, and comply with 14 CCR 17341, and as may be amended from time to time;
2. The vehicle shall be constructed in a way that minimizes health and safety hazards to solid waste handling personnel and the public, and also that complies with 14 CCR 17342, and as may be amended from time to time;
3. The vehicle shall be durable, easily cleaned and sanitized, designed for safe handling, and constructed to prevent loss of wastes during collection or transportation (such as by having covers), and also comply with 14 CCR 17341, and as may be amended from time to time;
4. The vehicle shall have an enclosed solid waste storage or holding compartment;
5. The vehicle shall be originally constructed for, or specifically modified for, solid waste handling;
6. The vehicle shall be equipped with audible and automatic back-up warning devices; and
7. Any vehicle used for refuse, recyclables or green waste collection shall be a packer-type truck, and any vehicle used for the collection of roll-off containers shall be a flat-bed truck designed for roll-off collection, unless some other type of truck suitable to the varying terrain, type of solid waste or any other special conditions is approved by the City Manager.

B. Equipping. An authorized commercial hauler shall ensure that each vehicle used for solid waste handling is equipped with a shovel, broom, fire extinguisher and absorbent materials for any spills, such as oil.

C. Signs. An authorized commercial hauler shall permanently display, in a prominent place on either the rear or both exterior sides of each vehicle used for solid waste handling, the following information, in letters at least two (2") inches high, and in a contrasting color to the body of the truck:

1. Name and phone number of the hauler, and any additional identification that complies with 14 CCR 17344, and as may be amended from time to time;
2. A unique vehicle identification number; and
3. Any other information as may be determined by the City Manager.

D. **Cleaning.** An authorized commercial hauler shall keep each vehicle used for solid waste handling clean and neatly painted, and the storage vessels, tanks, receptacles or beds shall be disinfected and sanitary. All cleaning, disinfecting, and sanitizing shall be done in a manner that prevents the propagation or attraction of flies, rodents or other vectors, or the creation of nuisances, and that complies with 14 CCR 17341, and as may be amended from time to time.

E. **Maintenance.** An authorized commercial hauler shall maintain each vehicle used for solid waste handling in good mechanical condition and in a manner that minimizes health and safety hazards to solid waste handling personnel and the public, and that complies with 14 CCR 17341 and 17342, and as may be amended from time to time.

F. **Parking and Storage.** When a vehicle used for solid waste handling is not in service, the authorized commercial hauler that owns or operates that vehicle may not park it on a street or in a residential area of the City, except in an emergency, and shall comply with 14 CCR 17343, and as may be amended from time to time.

G. **Time of Collection.** All vehicles used for solid waste handling may not enter a residential neighborhood to service customers prior to 6:00 a.m. nor after 5:00 p.m. If bins owned by a commercial customer back up to a residential neighborhood, then the same residential hauler restrictions in EGMC Chapter 30.30, or in the residential franchise agreement, apply to the commercial hauler, as well.

H. **Servicing of Schools.** No solid waste vehicle shall remove solid waste from any location within two hundred (200' 0") feet of a public or private preschool, or elementary, junior high, or high school, during the forty-five (45) minutes before the commencement of the regular school day and forty-five (45) minutes following the conclusion of the regular school day, where such locations are accessible to, and used by, children as routes to or from school. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.070 Vehicle inspections.

A. **General Provisions.** All vehicles and other equipment used in the collection, transportation, and disposal of commercial solid waste shall be inspected annually. No vehicle shall be used in the collection and transportation and disposal of commercial solid waste within the City unless it carries a current, unrevoked sticker issued by the City authorizing such activities. An authorized commercial hauler shall make its solid waste equipment available for inspection as requested by the City, and shall also comply with 14 CCR 17345, and as may be amended from time to time.

B. **Vehicle Inspections.** All registered or franchised haulers shall submit annually a vehicle inventory that lists (on a form provided by the City) all vehicles to be used within City limits. All registered or franchised haulers shall also submit annually a vehicle inspection report for all vehicles to be used by the hauler. This requirement can be met by submitting a current vehicle inspection report from Sacramento County's Environmental Management Department (EMD) or the California Highway Patrol (Department of Transportation BIT inspection), or by requesting an inspection from the City's Police Department. The

City's Police Department will charge a fee for each vehicle inspected. The fee amount for the City's Police Department inspection shall be set by resolution of the City Council. All vehicles and containers used in the collection, removal, transportation or storage of commercial solid waste in the City shall be subject to inspection by the City for the purposes of determining whether or not the vehicles and containers comply with 14 CCR 17341 through 17345, and as may be amended from time to time.

C. Inspection Certification. Each registered or franchised commercial hauler will be issued a vehicle sticker annually for each inspected vehicle. The City's vehicle sticker is evidence that the vehicle passed an annual inspection and that the hauler was authorized as a registered or franchised commercial hauler. Stickers will be mailed to each authorized hauler with specific instructions for displaying it on the vehicle. It is unlawful for any vehicle not clearly displaying a current sticker to collect commercial solid waste in the City. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.080 Transportation requirements.

A. No Escaping Contents. Anyone transporting solid waste in the City shall ensure that no material drops, sifts, leaks, blows, spills or otherwise escapes from the vehicle transporting that solid waste, and shall also be in compliance with California Vehicle Code Section 23114(a), and as may be amended from time to time.

B. Covered Loads. Anyone transporting solid waste shall cover the transported load of solid waste, and be in compliance with California Vehicle Code Section 23114(e), and as may be amended from time to time, with respect to aggregate material and Vehicle Code Section 23115(a), and as may be amended from time to time, with respect to garbage, refuse, trash, etc. Anyone transporting processed recyclables, such as waste paper or cardboard, need not cover transported loads, but shall secure the processed recyclables so that nothing spills or falls from the transporting vehicle, and shall also comply with California Vehicle Code Section 23115(c), and as may be amended from time to time. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.090 Containers.

A. Specifications. A registered or franchised commercial hauler that provides containers, such as bins, dumpsters, or roll-off containers, to a customer shall ensure that the containers meet the following specifications (and as may be verified or determined by the City Manager):

1. Durable;
2. Constructed of structural steel plate, with all seams welded;
3. Nonabsorbent, watertight (to keep rainwater out of the container), and leak-resistant (to keep any liquid inside the container); a drainage plug is permissible;
4. Easily cleaned, and having an interior surface that is smooth and without projections;
5. Designed for safe handling;
6. Equipped with a noncombustible lid;
7. Adequately protected from fire;

8. Vector-resistant (including rodents, insects and other vermin); and

9. In compliance with 14 CCR 17315 and 17341, and as may be amended from time to time.

B. Labels. A registered or franchised commercial hauler that provides containers, such as bins, dumpsters, or roll-off containers, to its customers shall ensure that the containers are labeled legibly, plainly and visibly, as follows (and as may be verified or determined by the City Manager):

1. With the name of the hauler, in lettering no less than three (3") inches high on the outside of each container;

2. With the telephone number of the hauler, in lettering no less than three (3") inches high on the outside of each container;

3. In compliance with 14 CCR 17316, and as may be amended from time to time, with respect to containers of one (1 yd³) cubic yard or more;

4. With labeling on each container clearly prohibiting the discard of unpermitted waste and also prohibiting scavenging. All labels shall provide adequate notice to institute enforcement actions under PRC Section 41950(b), and as may be amended from time to time, and shall be in substantially the following form:

The recyclables in this container are the property of an authorized commercial hauler or recycler. It is illegal to remove recyclables from this container under the City of Elk Grove Municipal Code and also Section 41950 of the California Public Resources Code. Only the authorized commercial hauler or recycler may collect this recyclable or solid waste material. Persons other than the authorized hauler that remove materials from this container are subject to enforcement under the Elk Grove Municipal Code.

C. Maintenance and Cleaning. A registered or franchised commercial hauler shall maintain containers that it furnishes in the following manner:

1. In good condition (ordinary wear and tear excepted), unless the authorized hauler furnishes them under other terms, conditions or agreements in compliance with 14 CCR 17314, and as may be amended from time to time;

2. In a clean and sound condition free from putrescible residue, and in compliance with 14 CCR 17315, and as may be amended from time to time; and

3. Free of graffiti.

D. Placement. A registered or franchised commercial hauler shall plan with each of its customers the location to store and set out containers in order to minimize traffic, aesthetic and other problems, both on the premises and for the general public. An authorized hauler shall comply with 14 CCR 17314, and as may be amended from time to time.

E. Noncompliance. The City may place a tag on a container that does not comply with the requirements of this section, describing the nature of the noncompliance and stating the date by which the hauler shall remedy the noncompliance. If the hauler does not remedy the noncompliance by the stated date, the City

may consider the container to be solid waste and may then remove and discard it (or recycle any recyclables including the container). The City may charge the hauler for the City's cost of removal and discard or recycling. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.100 Obligation.

A. Commercial haulers shall pay to the City the commercial refuse hauler fee based on gross receipts in the amount prescribed from time to time by resolution of the City Council and in accordance with the terms of this chapter.

B. "Gross receipts" includes all, total, aggregate, whole or entire revenue and income received by the commercial hauler for services rendered within the City without offsets or deductions such as costs, expenses, charges, losses, fees (except for the commercial refuse hauler fee), fines or penalties, and without regard to the identity of the customer to which that revenue or income is attributable, whether Federal, State or local governmental entities, including, without limitation, school districts. "Gross receipts" excludes all that revenue and income for services comprised of the collection of source-separated material. Source-separated material cannot be mixed for further sorting at a third (3rd) party facility.

C. "Source-separated material" means material separated at the point of generation from mixed solid waste that contains less than:

1. Ten (10%) percent of total weight in contaminating solid waste that is not a recyclable commodity, such as paper, glass, metal or wood; and
2. Thirty (30%) percent of total weight in contaminating solid waste that is not an inert; and
3. Both instances in subsections (C)(1) and (2) of this section shall include no more than one (1%) percent of total weight in putrescible solid waste as part of the contaminating solid waste.

For purposes of this chapter's definition of "source-separated material," "inert" means solid waste and recyclables that are source-separated and do not contain hazardous waste (as defined in 22 CCR Section 66261.3 et seq., and as may be amended from time to time), or soluble pollutants at concentrations in excess of applicable water quality objectives, none of which solid waste, recyclables or soluble pollutants contain putrescible wastes, including concrete (that may have steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, plastics, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products and any other materials determined by CalRecycle to constitute inerts; further including all materials determined by the State Water Resources Control Board to constitute inerts, such as treated industrial wastes, dewatered bentonite-based and drilling mud; but excluding gravel, rock, soil, sand and similar materials as they exist in their natural state, whether processed or not, that have never been used in connection with any structure, development, grading or other human purpose.

Commercial haulers shall not receive diversion credit for reuse or recycling of source-separated loads of clean dirt/soil. Clean soil/dirt with less than five (5%) percent contamination, which can be easily cleaned, does not count toward diversion (i.e., a dirt load with a few wooden pallets on the load). Source-separated clean loads of soil/dirt do not count toward either diversion or disposal in the quarterly reports of diversion submitted to the City. Haulers may claim diversion credit for dirt/soil if the individual load of mixed

construction and demolition debris is sorted and processed, and the resulting soil is used for beneficial reuse. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.110 Hauler fees for cleanup companies.

Cleanup companies provide a range of services, including but not limited to cleaning up a residential or commercial property or a construction site, source-separating recyclables at a property or construction site, the hauling of solid waste or recyclables, and/or the hauling of construction and demolition (C&D) debris from a property or construction site. The traditional formula of reporting gross revenue subject to the commercial refuse hauler fee does not apply well to a cleanup type of business. The City shall establish a gross revenue estimate due the City based on the weight (tonnage) of commercial solid waste hauled by a cleanup company for the month. Cleanup companies will establish gross revenue based on tons disposed which will not be linked to the actual revenue they may receive during the monthly reporting period. The method for determining that estimate will be set by resolution of the City Council. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.120 Disputes.

A. At the direction of the City, commercial haulers claiming that specified gross receipts are excluded from the calculation of commercial refuse hauler fees will sort source-separated materials, or characterize or analyze those source-separated materials by weight, in a manner satisfactory to the City in order to establish to the satisfaction of the City that they are source-separated materials as defined in EGMC Section [30.50.100](#).

B. Disputes over whether gross receipts are excluded from the calculation of commercial refuse hauler fees will be resolved by the Director of Public Works. The Director of Public Works' decision may be appealed to the City Manager, explaining the basis of the appeal, within twenty (20) days of the Director of Public Works' decision, and accompanied by a pre-payment of the City's projected costs and expenses of conducting the appeal, including related staff time and any consultant fees. The burden of proof will be on the commercial hauler challenging the Director of Public Works' decision. The City Manager will hear the appeal and render a written decision that will be final. The City will return any excess pre-payments to the commercial hauler within thirty (30) days of rendering the written decision, or the commercial hauler will reimburse the City any additional costs and expenses within thirty (30) days of the City's documented request. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.130 Customer invoices.

Commercial haulers may not separately itemize commercial refuse hauler fees in an amount greater than eight (8%) percent on their bills, invoices or other documentation that the commercial haulers distribute to their customers or to the general public. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.140 Time and manner of payment.

A. Commercial haulers shall pay the commercial refuse hauler fees monthly, due and payable on or before the first day of the second (2nd) month immediately following the month in which they received gross receipts from their customers, commencing on the day the ordinance codified in this title and its accompanying resolution take effect. For example, for gross receipts received in July, commercial haulers shall remit the corresponding monthly commercial refuse hauler fee on or before September 1st.

B. Commercial haulers shall pay the commercial refuse hauler fees to the following address:

City of Elk Grove
Attention: Finance Department
8401 Laguna Palms Way
Elk Grove, CA 95758

C. The City may direct payment to another address without amendment to this section by written direction to the commercial haulers. The commercial refuse hauler fees will be deemed paid at the following times:

1. On the date of personal delivery during hours that the City Hall is open for business to the public;
2. The date of postmark of mailed delivery with the United States Postal Service; or
3. Another date that is proven to the satisfaction of the City that the commercial refuse hauler fees were deposited in the mail or with another delivery service on or before the date the payment is due. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.150 Payment security.

A. For existing authorized commercial haulers, payment security to secure payment of the commercial refuse hauler fees to the City shall be required upon occurrence of any of the following within the preceding twelve (12) month period:

1. Delinquency of payment to the City of commercial refuse hauler fees, fees for late payments, penalties, and/or interest;
2. Delinquency of payment to the City of costs associated with commercial hauler audits;
3. Delinquency of any other payments owed to the City related to commercial hauler authorization.

B. For new commercial haulers with no prior history with the City, the commercial hauler shall not be required to provide a payment security to the City if the commercial hauler applicant provides the City with a credit reference from another city or public entity demonstrating no instances of late or nonpayment for the twelve (12) consecutive months preceding the commercial hauler's application to the City.

C. The payment security must be approved by the City Manager or his/her designee and shall be in the form of a cash deposit, a certificate of deposit or such other form as may be approved by the City Manager, in an amount equal to the greater of the following amounts:

1. One-half (0.5) of the amount of commercial refuse hauler fees received from the commercial hauler in the prior calendar year; or
2. The total amount of commercial refuse hauler fees received during the preceding one hundred eighty (180) days.
3. Should a payment security be required of a newly-authorized commercial hauler, the amount of payment security shall be ten (10%) percent of half (0.5) of the projected gross revenue for

the first twelve (12) months following authorization, or another calculation as may be approved by the City Manager.

D. Any payment security collected by the City shall be returned to the commercial hauler if the commercial hauler has paid all amounts owed to the City, including, but not limited to, commercial refuse hauler fees, commercial hauler audit fees, commercial hauler authorization fees, and late payment fees and interest, and meets either of the following criteria:

1. The commercial hauler ceases doing business in the City and provides documentary evidence to the City to that effect, or
2. The commercial hauler is not required to provide a payment security under subsection (A) of this section. [Ord. 5-2012 §2, eff. 4-27-2012; Ord. 10-2010 §4, eff. 6-25-2010]

30.50.160 Documentation and warranty.

A. Together with the payment of the commercial refuse hauler fees, the person submitting the payment and the chief financial officer of the commercial hauler, or another person acceptable to the City Manager, shall submit the following:

1. Reports and documentation in a form and detail satisfactory to the City Manager showing the basis for calculating the commercial refuse hauler fees, together with additional information that the City Manager determines necessary to calculate or verify the commercial refuse hauler fees; and
2. A representation and warranty, as follows:

I represent and warrant, under penalty of perjury of the laws of the State of California, that I am familiar with the financial transactions of [INSERT NAME OF COMMERCIAL HAULER] and am responsible for keeping and maintaining its financial records, including gross receipts thereof as defined in Section [30.50.100](#) of the City Code, and I have reviewed the information presented in this statement, and that, to the best of my knowledge and belief after inquiry, the statement is true, correct and complete.

B. The City may rely upon documentation and representations and warranties filed by commercial haulers, but that documentation and those representations and warranties will not be deemed conclusive as to the information presented or statements made therein. Commercial haulers' submission of documentation and representations and warranties does not preclude the City from taking additional measures and actions to determine and collect commercial refuse hauler fees actually due and payable. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.170 Late fees.

A. If a commercial hauler does not fully and timely pay its commercial refuse hauler fees in accordance with EGMC Section [30.50.140](#) or does not submit its monthly and quarterly reports in accordance with EGMC Section [30.50.190](#), the commercial hauler shall pay a late fee in an amount set by resolution of the City Council. Late fees apply, without limitation, to instances where the failure to fully and timely pay or report was discovered during a review of the commercial hauler's monthly or quarterly reports or during an on-site review of the commercial hauler's records.

B. As a result of a professional audit, if it is determined that a commercial hauler did not fully and timely pay its commercial refuse hauler fees in accordance with EGMC Section 30.50.140, the commercial hauler shall pay a late fee in an amount equal to two (2%) percent of the dollar (not an incremental two (2%) percent) on the amount of unpaid commercial refuse hauler fees that are late as determined by the audit performed, plus interest equal to one and one-half (1.5%) percent for each month in which the commercial refuse hauler fees are late, or the maximum amount permitted by law. Late fees apply, without limitation, to instances where the failure to fully and timely pay was discovered following an audit of the commercial hauler's records or reports in accordance with EGMC Section 30.50.200. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.180 Credit for overpayment.

If a commercial hauler believes it has paid commercial hauler refuse fees in excess of the amount owed the City, it may request a refund by application in form and manner satisfactory to the City. Upon submission of both request and documentation satisfactory to the City, the City may refund the excess amount or credit it against future payments of commercial hauler refuse fees. Commercial haulers may not credit or offset any claimed excess payments of commercial refuse hauler fees to future payments of fees or other amounts due the City without first obtaining the written consent of the City Manager. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.190 Records, accounts and reports.

Commercial haulers shall maintain accurate and complete books and accounts of all gross receipts and records documenting and supporting those books and accounts and shall maintain driver dispatch log books that track the jurisdiction, job site, material type and container volume for the bins collected by load. Commercial haulers shall further do the following:

A. Maintain records of the hauler's operations and business conducted, and the types of service provided in the City including, without limitation, the types and amount (by weight and/or volume) of solid waste and source-separated material that the hauler collects in the City; the materials recovered, transferred, processed, and disposed; and all facilities where the hauler delivers the solid waste and source-separated material).

B. Maintain records of all dump tags, driver dispatch log books and/or other documentation used by the hauler to record the revenue received for all solid waste hauled to landfills, and report to the City whether or not that documentation is tracked using unique numbers in consecutive order to allow receipts, adjustments and cancellations to be properly controlled and then reconciled to cash receipts and cancellations in the hauler's general ledger and permit fee reports.

C. Report on the monthly revenue reporting form the commercial refuse hauler fee due the City each month. Documentation supporting the reported commercial refuse hauler fee due the City each month, such as customer invoices or weight tags, is to be provided with the monthly revenue reporting form. The City reserves the right to require commercial haulers to provide any and all such documentation that it deems necessary to support the reported refuse hauler fee due the City along with each monthly revenue reporting form. The monthly revenue reporting form is due on or before the first (1st) day of the second (2nd) month immediately following the month in which the hauler received the gross receipts from their customers. For example, the January monthly revenue reporting form is due on or before March 1st. Payment of commercial refuse hauler fees shall accompany the monthly revenue reporting form.

D. Report the following customer account information at any time upon request by the City:

1. Customer name or name of business receiving service;
2. Customer address or address of service location;
3. Phone number of service location (if available);
4. Mailing address of customer receiving service (if different than subsection (D)(2) of this section);
5. Name and phone number of customer or entity point of contact; and
6. Weekly service volume.

E. Report on the quarterly revenue reporting form, the hauling source-separated information form, and the quarterly diversion rate reporting form, a summary of the quarterly revenue and hauler fees, and the tonnage of material diverted for purposes of calculating the diversion rate for the hauler. The quarterly forms listed above are due on or before the first (1st) day of the second (2nd) month immediately following the end of the quarter (the first (1st) quarter is January through March, the second (2nd) quarter is April through June, the third (3rd) quarter is July through September, and the fourth (4th) quarter is October through December). All tonnages and the calculated diversion rate shall be rounded off to the nearest tenth (10th).

F. Additional reports to the City thereon, at the time, in the manner, and in form and substance satisfactory to the City Manager.

G. Any registered or franchised commercial hauler that fails to file the reports required by this chapter shall constitute cause for termination or suspension of its commercial hauler authorization pursuant to this chapter. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.200 Audit.

The City may audit the books, accounts and records of commercial haulers and commercial haulers shall provide the City with copies requested thereof within two (2) weeks of the City's request or access thereto at locations within the County. The City may elect to perform an on-site review of all internal controls over accounting for disposal tonnages, including the handling of dump tags/dispatch logs or other documentation used by commercial haulers to determine revenue for trash hauling and the corresponding hauler fees paid to the City. Records may include, without limitation, financial and operating records with respect to gross receipts, detailed lists of all transactions linked to the driver dispatch log, as well as customer subscriptions and accounts establishing a location within the City, and any other records described in EGMC Section [30.50.190](#). If the City's audit demonstrates to the satisfaction of the City that the amount of commercial refuse hauler fees remitted by the commercial hauler to the City was in error, then within thirty (30) days following the City's submission of the results of the audit to the commercial hauler, the commercial hauler shall pay the City the following amount:

A. The understated commercial refuse hauler fees; plus

B. The late fees provided in EGMC Section [30.50.170](#); plus

C. The City's costs of conducting the audit, including fees paid to any independent auditors or contractors and time spent by City employees. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.210 Insurance.

A. Each commercial hauler shall maintain, at its own expense, insurance coverage as specified in the registration application or franchise agreement, or as established by the City Manager. All such insurances shall remain in effect, uninterrupted, throughout the term of the commercial hauler authorization.

B. The minimum insurance coverage shall include the following items, in amounts determined by the City Manager: Insurance Services Office commercial general liability coverage, Insurance Services Office covering automobile liability, worker's compensation insurance as required by the Labor Code of the State of California and employer's liability insurance.

C. All insurance policies shall contain a provision requiring that written notice be mailed to the City by the insurer not less than thirty (30) days in advance of the cancellation, modification, or reduction of the insurance, or failure to renew such insurance, whether by the insurer or insured, and whether for nonpayment of premium or otherwise.

D. Any act, omission or circumstance which results in the commercial hauler being out of compliance with the requirements of this section shall constitute grounds for the immediate suspension of the right to collect commercial solid waste, without advance notice or hearing, pending re-establishment of compliance by the authorized hauler with the requirements hereof. [Ord. 10-2010 §4, eff. 6-25-2010]

30.50.220 Violation by grantee – Liability for damages to the City – Liability for operating without a contract.

A. The grantee of a registration or franchise under this chapter shall be liable to the City for all damages proximately caused or resulting from the failure of the grantee to faithfully observe and perform any provisions of such authorization and/or any provision of this chapter. If legal proceedings are necessary to enforce the provisions of the authorization against any grantee of said authorization, said grantee shall be liable for the value of the services of attorneys and of other personnel as well as the expenses of the City that are necessary to gain compliance.

B. Except as provided in EGMC Chapter [30.40](#), any person providing services consisting of collecting, transporting, or disposing of refuse in the City without the benefit of a valid authorization with the City shall be subject to criminal prosecution for violation of this chapter and shall be liable to the City for the value of the services of attorneys, other personnel, and expense of the City. Such person shall also be liable for the fees the City would have been entitled to if said person had been the duly authorized collector under contract with the City. [Ord. 10-2010 §4, eff. 6-25-2010]