

CITY COUNCIL MEETING

APRIL 20, 1983

DEFINITIONS
REGARDING
GARBAGE AND
SOLID WASTE
COLLECTION

City Attorney Stein presented the following report regarding definitions regarding Garbage and solid waste collection:

At the March 16, 1983 City Council meeting, Council referred the subject of the garbage and solid waste ordinance back to staff, to clarify what is meant by "industrial plants" under Lodi City Code Section 11-1.

It is to be noted that although the City has the authority under State law (Government Code Section 66757) to regulate all garbage and solid waste collections within this City (see also Lodi City Code Section 11-6), the City at present has regulated only for the collection of residential and commercial garbage and solid waste, but has not regulated the collection of garbage and solid waste from industrial

In looking at the definition of "garbage" and "solid waste" under Lodi City Code Section 11-1, it is to be noted that there is an exception from the definition for factory waste and refuse from industrial plants.

I. DEFINITION OF INDUSTRIAL PLANTS

In order to determine what is meant by industrial plants, one must look at (1) the Lodi City Zoning Code Chapter 27; and (2) the activity that is going on at the industrial plant. Both criteria must be considered and joined in order to obtain an adequate clarification of the phrase "industrial plant".

To illustrate why both of these factors must be considered jointly in the definition of industrial plants, I would use as an example the Lodi Cable Television Company. If one were to ask if they were an industrial plant and only apply the Zoning Code, one could say that they are in an industrial zone and could only be allowed in same. The reason that the Lodi Cable TV is in an industrial zone is not because of their activity, but because of their towers and satellite receivers. They would not be considered an industrial plant under Lodi City Code Section 11-1.

It would be my recommendation that the City clarify the definition of the phrase "industrial plant" as it relates to the collection of garbage and solid waste, by adopting a Policy Statement as follows:

"A POLICY STATEMENT OF THE CITY OF LODI CLARIFYING THE DEFINITION OF THE PHRASE 'INDUSTRIAL PLANTS' AS IT RELATES TO THE COLLECTION OF GARBAGE AND SOLID WASTE WITHIN THE CITY OF LODI"

"As it relates to the collection of garbage and solid waste within the City of Lodi, the following shall be the definition for the phrase 'Industrial Plants':"

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"'Industrial Plants' means any person, firm, or corporation engaged in the business of processing or manufacturing agricultural products, animal, poultry, goods, wares, or other products or materials whose principal outlet for such products or wares is primarily wholesale, rather than retail, and whose business would not be permitted to be located in a General Commercial District (C-2) or higher (C-1, P-D, C-S, or any Residence District, R-C-P through R-1), as those districts are defined in Chapter 27 the Lodi City Code".

It is interesting to note that in practice over the past 15 years, the City staff has in fact followed the practice which is now being suggested be put into a Policy Statement, in determining which accounts were industrial plants and which accounts were commercial entities.

There could be certain grey areas which will require a judgment call on behalf of the staff and/or this Council on appeal.

II. REGULATION OF COLLECTION OF GARBAGE AND SOLID WASTE FROM INDUSTRIAL PLANTS.

This Council should be aware that in 1979 pursuant to Resolution No. 79-147, the City adopted the County's Solid Waste Management Plan (a review of said Plan is now taking place). On page 3-20 and 3-22 of said Plan, there are references to the franchise. On page 3-20, it states:

"City governments are responsible for solid waste storage and collection within their respective incorporated areas".

Page 3-22 states:

"Each city is responsible for the collection services within its incorporated areas, either through franchise, permits, or licenses to private companies, or use of its municipal employees."

It does appear, therefore, that the City has a requirement to put into effect the Solid Waste Management Plan by the regulation of all phases of collection of garbage and solid waste within the City of Lodi.

At present, the City has franchised to Sanitary City, the collection of garbage and solid waste in the residential and commercial areas, but there has been no regulation of the collection of garbage and solid waste from industrial plants. It is incumbent upon the Council to determine how the City is going to regulate the garbage and solid waste collection from industrial plants.

Of course, there are a number of questions that need to be answered in determining how to regulate the collection of garbage and solid waste from industrial plants. Some of the questions are as follows:

- a) Does the City want to have franchises, permits, or licenses to private companies, or use of its municipal employees?
- b) What would be the qualifications for being an industrial hauler?
- c) Would we require a bond of same?
- d) Would the City be interested in billing the industrial customer?
- e) How would we monitor the industrial hauling for charging at the landfill?
- f) Would we have a scale for same?
- g) Does the City want to charge a fee based on tonnage?

Mr. Stein recommended that Council direct Staff to review methods to regulate the industrial plants and have staff report back to Council at the earliest possible time with a report.

Council discussion followed with questions being directed to the City Attorney.

No formal action was taken by the Council on the matter.

ADJOURNMENT

There being no further business to come before the Council on motion of Council Member Pinkerton, Reid second, the meeting adjourned at approximately 10:40 p.m.

Attest:

James B. Schroeder
Deputy City Clerk