

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
ESTABLISHING RULES AND REGULATIONS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE
FOR THE FISCAL YEAR 2019-2020

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT AS FOLLOWS:

WHEREAS, The District has been provided with public testimony during numerous public hearings regarding the collection and disposal of garbage or refuse matter that:

- A. The residents of the District desire local control regarding the nature, extent, and cost of garbage collection; and
- B. The District can provide garbage collection service to its residents at a greater advantage than other public agencies;

WHEREAS, the fees and charges for the collection and disposal of solid waste shall be established pursuant to the set forth Article XIID, .6(A) of the California Constitution; and

WHEREAS, based upon facts and analysis presented by Staff, the Staff Report, and public testimony received, the Board of Directors finds;

- A. The public meeting adopting this Ordinance had been properly noticed pursuant to Government Code 54954.2 (The Brown Act); and
- B. Periodic collection and disposal of solid waste from all developed properties in the District benefits all occupants of developed properties within the District; and The Board may adopt the fee by resolution.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the **CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT** as follows:

Section 1. Authority.

This Ordinance is enacted pursuant to Government Code 61600, and 54343

Section 2. Purpose.

The health, welfare, and safety of the people of the District requires that the regulations and procedures be established that will provide for the storage, collection, and disposal of solid waste and rubble that accumulates within the District. To assure the existence and continuance of a collection and disposal system that will benefit all citizens of the District, it is necessary that regulations and procedures be established as set forth in the Ordinance.

Section 3. Solid Waste Collection and Control

Articles 1 through 7

ARTICLE 1

DEFINITIONS:

- 1.1 Introduction: Unless the context otherwise requires, the definitions set forth in this part shall govern the interpretation of provisions of this part.
- 1.2 CAST OFFS: "CAST OFFS" means items such as mattresses, couches, chairs, refrigerators, and other household furniture, but does not include rubble or solid waste.
- 1.3 District: "District" means the California Valley Community Services District.
- 1.4 Developed property: "Developed property" means real property within the District that is developed with a building or structure; that when used is capable of generating solid waste. Developed Properties include but not limited to occupied residential property, multi-family property, and commercial property.
- 1.5 Garbage: "Garbage" means and includes kitchen and table refuse, offal, swill, and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay, or dealing in or storage of meats, fish, fowl, birds, fruits, or vegetables. It shall also include crockery, bottles, tin vessels, fireplace ashes, and all or any refuse, save and excepting as defined in this section as green waste, rubble, cast offs, and recyclables.
- 1.6 Green Waste: "Green Waste" means and includes all tree trimmings, grass cuttings, dead plants, and weeds, but shall not include rubble.
- 1.7 Hazardous Materials: "Hazardous Materials" means any material defined as hazardous in the California Health and Safety Code, as may be amended from time to time; a waste that is hazardous according to the criteria set forth in the California Code of Regulations, as may be amended from time to time, or any waste that must be disposed of in a hazardous waste landfill.
- 1.8 Person: "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust organization, or any other type of legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them who is in possession of a commercial or residential property.
- 1.9 Recyclables or Recyclable Materials: "Recyclables" or Recyclable Materials" means, but is not limited to, any paper, glass, cardboard, plastic, ferrous metals, aluminum, or other material that is to be segregated for collection for reuse in the market place.
- 1.10 Refuse: "Refuse" includes garbage, recyclables, green waste, castoffs, and/or rubble.
- 1.11 Rubble: "Rubble" means and includes all debris from the construction, demolition, or alteration of building, earth, rocks, or incinerator ashes, brick, mortar, concrete, and similar solid material.
- 1.12 Solid Waste: "Solid Waste" means and includes all waste substances including garbage, green waste, and recyclables, but does not include cast offs or rubble.
- 1.13 Standard Container: "Standard Container" means and includes residential and commercial containers made of metal or plastic for holding/containing solid waste in a sufficient strength to prevent them from being broken under ordinary conditions. The size and capacity of standard containers are established by the Collection Rate and Charge Ordinance enacted pursuant to Article 3, Section 4 of this Part. Standard containers include garbage containers, green waste containers, and recyclable containers.

ARTICLE 2

Solid Waste Collection and Control Department:

- 2.1 Creation: A solid waste collection and control department is hereby created for the collection and disposal of refuse within the District.
- 2.2 Operations Supervisor: The General Manager or his/her designee shall be the Operations Supervisor of the District's Solid Waste Collection and Control Department.
- 2.3 Duties of Operation Supervisor: The Operations Supervisor shall administer and oversee compliance with the provisions of the part.

ARTICLE 3

Mandatory Garbage Service and Rates/Charges:

- 3.1 The periodic collection and disposal of solid waste from all developed properties within the District is MANDATORY.
- 3.2 All solid wastes of any kind shall be removed by District, its agents and/or employees, at least every seven days, unless otherwise directed by the District's Operations Supervisor.
- 3.3 Collection rates, fees, and charges, for solid waste collection and disposal shall be established pursuant to Article XIID,.6 (a) of the California Constitution, and are stated in Appendix A to this part.
- 3.4 The owner of developed property shall be responsible and liable for paying the solid waste collection rates and charges for that property. At the owner's request, a duplicate bill and delinquency notice to the service address by the District.

ARTICLE 4

Collection of Delinquent Fees and Charges:

- 4.1 Once each year, prior to a date established by the District, the District shall take the following actions to collect delinquent solid waste collection and disposal accounts:
 - (a) The District shall make a list of property owners (with corresponding parcel numbers) within the District whose accounts are more than one hundred twenty days past due;
 - (b) The District shall send a certified letter requesting payment to each property owner with a delinquent account;
 - (c) At least thirty days after delivery certification for payment requests, The District will prepare another list of property owners (with corresponding parcel numbers) whose accounts are still past due.
- 4.2 After the District has completed all actions above, the District Board of Directors will adopt a resolution authorizing the County Auditor to place the Delinquent accounts upon the tax roll. The District will bear the full cost of any fees charged by the County Auditor to place the delinquent accounts onto the tax roll.

ARTICLE 5

Regulations for Accumulation of Solid Waste, Rubble, and Refuse:

5.1 No person shall allow the following to accumulate on developed property:

- (a) Solid Waste;
- (b) Rubble; or
- (c) Cast Offs.

5.2 No person shall allow the following to accumulate on undeveloped (vacant) property:

- (a) Solid Waste;
- (b) Rubble; or
- (c) Cast Offs.

5.3 No person shall dispose of solid waste originating on such person's property by:

- (a) Causing the same to be placed on another person's lot or parcel
- (b) Causing the same to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic; (Do not dump your trash in other people's trash containers; or the District's parking lot containers)
- (c) Causing the same to be deposited on any public or private place, street, lane, alley, or drive; unless the same shall be in a standard container;
- (d) Causing the same to be placed into any standard container other than those in possession of such person, unless permission for such use is granted by the commercial or residential customer in possession of the standard container.

5.4 No person shall dispose of rubble or cast offs originating on such person's property by:

- (a) Causing the same to be placed on another person's lot or parcel;
- (b) Causing the same to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic;
- (c) Causing the same to be deposited on any public or private place, street, lane, alley, or drive, unless the same shall be in a standard container.

5.5 The owner of developed or non-developed (vacant) lot or parcel of land shall be liable for paying the costs, including administrative costs and attorney's fees for the removal of solid waste, refuse, and rubble that accumulates on his/her property in violation of this Article, if said waste is not removed after notice, as provided in Article 7.

ARTICLE 6

Clearing of Accumulated Solid Waste and Rubble:

6.1 The accumulation of solid waste, refuse, and/or rubble in violation of Article 6 is hereby declared to be a public nuisance.

6.2 The District's Operations Supervisor is authorized and empowered to notify the owner, his or her agent, or person in control of any lot or parcel within the District, and direct them to dispose of solid waste, refuse, and/or rubble that has accumulated in violation of Article 6. Such notice shall be given by posting the lot or parcel by certified mail addressed to the owner, his or her agent, at his or her last known address or by personal service on the owner, agent, person in control, or occupant of the property.

6.3 The notice shall describe the work to be done and shall state that if the work is not commenced within 10 calendar days after receipt of notice and diligently prosecuted to completion without interruption, the District Operations Supervisor shall notify the County Environmental Health Department to commence abatement proceedings. Cost of said abatement, including administrative costs and attorneys' fees, shall be a lien on the property. The notice shall be substantially in the following form:

NOTICE TO REMOVE SOLID WASTE, REFUSE, CAST OFFS, AND/OR RUBBLE

The owner of the property commonly known as: (address) _____ is hereby ordered to properly dispose of the solid waste matter, refuse, cast offs, and/or rubble located on the property, to wit;(describe type of waste matter to be disposed of) _____ within ten calendar days from the date hereof. If the disposal of the solid waste matter, cast offs, and/or rubble herein described is not commenced and diligently prosecuted to completion within the time fixed herein, the District Operations Supervisor will apply to the County of San Luis Obispo Environmental Health Department for an order to abate said nuisance, and the costs of such abatement shall become a charge against the property, and shall be made a special assessment against the property. Said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County taxes, and shall be subject to the same procedures as foreclosure and sale in the case of delinquency as is provided for ordinary County taxes.

If you should have any questions please contact the undersigned at (805) 475-2211

Date: _____ District Operations Supervisor _____

Cc: San Luis Obispo County Environmental Health Department

6.4 The District's Operations Supervisor shall cause to be kept in his/her office a permanent record containing:

(a) A description of each parcel of property for which notice to dispose of waste matter has been given:

(b) The name of the owner, if known;

(c) The date the matter was referred to the Sal Luis Obispo County Department of Environmental Health

(d) Action taken by the County Department of Environmental Health

Each such entry shall be made as soon as practicable after completion of such act.

6.5 The county of San Luis Obispo Environmental Health is hereby authorized to enforce all abatement proceedings authorized by this Article.

ARTICLE 7

Effective Date:

7.1 This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the San Luis Tribune.

Introduced at a regular meeting of the Board of Directors held on _____, 2019 and _____, 2019, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ruth Legaspi, President Board of Directors
CVCSD

Carrie York, General Manager/Operations
Supervisor CVCSD

Approved as to Form:

Michael Seitz, District Legal Counsel

Appendix "A"

CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

ORDINANCE 2019-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

IMPLEMENTING MANDATORY SOLID WASTE COLLECTION ADOPTING DISTRICT WIDE FEES FOR SOLID WASTE

ALL COMMERCIAL RATES EFFECTIVE: September 1, 2018

ALL RESIDENTIAL RATES EFFECTIVE: September 1, 2018

Service Description	Rate

COMMERCIAL	<u>\$300.00 per year</u>
(10) 33-35 GALLON CANS/BAGS WITH A WEIGHT LIMIT OF 40 LBS OR LESS	
1X PER WEEK	

RESIDENTIAL	<u>\$180.00 per year</u>
(5) 33-35 GALLON CANS/BAGS WITH A WEIGHT LIMIT OF 40 LBS OR LESS	
1X PER WEEK	
SPECIAL PURPOSE FEES (ALL AREAS) Per Occurrence	
Return check charge	<u>\$25.00</u>