

## ORDINANCE 2005-03

### AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT ADOPTING CHAPTER 31 OF THE DISTRICT CODE, RELATING TO SOLID WASTE COLLECTION AND DISPOSAL

**BE IT ORDAINED** by the Board of Directors of the Rancho Murieta Community Services District, Rancho Murieta, Sacramento County, California, as follows:

#### **SECTION ONE:**

**Chapter 31, Solid Waste Collection and Disposal is hereby added to the District Code and reads as follows:**

#### **SECTION 1 Findings—Purpose of Provisions**

The Board of Directors does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board of Directors declares that the regulations in Chapter 31 of this code provided are designed to eliminate or alleviate such problems.

The Board of Directors further finds as follows:

- (a) Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- (b) Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- (c) Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

#### **SECTION 2 Definitions**

Whenever Chapter 31 of this code the following are used, they shall have the meanings respectively ascribed to them in this section:

- (a) Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar household appliances, electronic equipment such as stereos, televisions, computers, monitors, VCR's and other similar items, clothing, tires, large green waste, or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected.
- (b) Board shall mean the Board of Directors of the Rancho Murieta Community Services District.
- (c) Collection shall mean the operation of gathering together and transporting to the point of disposal of rubbish and waste material.



- (d) Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.
- (e) Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.
- (f) County shall mean the County of Sacramento.
- (g) Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.
- (h) Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste material and the product or residue arising from such treatment.
- (i) District shall mean the Rancho Murieta Community Services District.
- (j) Solid Waste shall mean Garbage, Green Waste, Large Items, Recyclable Materials, or Rubbish of every kind and character that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not be deemed to include manure or waste from any poultry yard or stable. The particular designation herein shall not be deemed to exclude the general. Solid Waste includes:
  - (k) Garbage shall mean all putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Garbage must be generated by and at the physical location wherein the Garbage is collected.
  - (k) Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.
  - (l) Manure shall mean any waste matter normally accumulated in stables or associated with livestock.
  - (m) Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as garbage or rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding forty (40) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans and small scrap (not exceeding forty (40) pounds in



weight nor two (2) feet in any dimension for any single item); bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; textiles; aseptic containers; and polystyrene.

- (n) Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups and all other accumulations of a nature other than Garbage, Green Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

### **SECTION 3 Mandatory Service**

- 3.01 Mandatory Service. Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste collection service provided by the District.
- 3.02 Exceptions to Mandatory Service. A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.
- 3.03 Exemptions from Green Waste Collection. District residents that do not generate any green waste may apply to the District for an exemption from green waste collection. If exemptions are granted by the District, residents receiving the exemptions shall be entitled to reduction on the monthly collection rate as established by the Board of Directors and will not be provided with a green waste cart.

### **SECTION 4 Exclusive Right of Collection**

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

#### **4.01 Collection by District—Applicable Provisions**

- (a) The District may provide for the collection and disposal Solid Waste material from all premises in the District. When the District so acts, the following provisions shall be applicable. Such collection and disposal shall be accomplished at least once each calendar week. Such provisions may be made either by letting a contract for such collection and removal, or otherwise. The District shall have charge and supervision of



such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this code, and may change the same from time to time. When such routes or days of collection are established or changed the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.

- (b) When the collection and Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District no earlier than 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after the time specified by the District.
- (c) When the collection of Bulky Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Bulky Waste is to be removed no earlier than 5:00 p.m. prior to the pre-scheduled day of Bulky Waste collection.

#### 4.02 Collection—By Independent Contractor

If the Board of Directors has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

#### 4.03 Collection Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board of Directors may determine and establish from time to time by ordinance. The Board of Directors may establish rates for residential collection without establishing rates for commercial or industrial collection.

#### 4.04 Collection—Hours and Collection Days

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur only on Tuesdays, Wednesday, or Thursdays.

#### 4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

- (a) Garbage Cart. A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than one-hundred (100) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.
- (b) Green Waste Cart. A heavy plastic receptacle with a rated capacity at least thirty-two (64) gallons and not exceeding one-hundred (100) gallons, having a hinged tight-fitting lid, and wheels, that is approved for such purpose by the District and is appropriately labeled as a green waste cart.
- (c) Recycling Cart. A heavy plastic receptacle with a rated capacity of at least thirty-two (64) gallons and not more than one-hundred (100) gallons, having a hinged tight-fitting



lid, and wheels, that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

- (d) Used Oil Container. A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.
- (e) Lawn and Leaf Bags. For the period January 1<sup>st</sup> -- April 30<sup>th</sup> of each year, residents may place green waste in such closed plastic bags suitable for collection as part of regular green waste collection.

#### 4.06 Solid Waste Burning

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

#### 4.07 Depositing In Streets

No person shall throw, place, scatter or deposit any Solid Waste in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste material upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

### **SECTION 5 Recyclable Material—Property Rights—Collection by Unauthorized Persons**

5.01 From time of placement of recyclable materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such recyclable materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

5.02 Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the state.

#### 5.01 Recyclable Material—Owner's Rights

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her recyclable materials.

### **SECTION 6 Construction and Demolition Refuse**

6.01 No rubbish from building construction or demolition may be stored on site and in the open. All rubbish from construction and demolition shall be placed and contained in commercial type debris containers. Rubbish which may be transported by the wind shall be placed in suitable containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

6.02 Rubbish from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

### **SECTION 7 Dumping Solid Waste**

7.01 On Public Property. No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such

property as may be provided and set apart for such use by the District, Solid Waste, of any kind or composition. The Board of Directors may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

7.02 On Private Property. No person shall dispose of or dump upon any private property within the District any Solid Waste of any kind or composition.

**SECTION 8 Residential Solid Waste Collection Vehicles**

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 2006, and certificates of testing showing that the vehicles met the requirements of this section.

**SECTION TWO:**

This Ordinance shall be in full force and effect thirty (30) days after adoption and shall be published not less than once in a newspaper of general circulation published in the District within ten (10) days after adoption.

**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting duly held on August 24, 2005, by the following roll call vote:

**Ayes:** *Merchant, Taylor, Brennan, Kuntz, White*

**Noes:** *None*


**Abstain:** *None*

**Absent:** *None*

  
\_\_\_\_\_  
John Merchant, President  
Rancho Murieta Community Services District

[seal]

**ATTEST:**

  
\_\_\_\_\_  
Edward R. Crouse  
District Secretary