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1-04-99



ORDINANCE No. 4525

SUMMARY

Ordinance No. 4525 repeals the existing Article II (Sections 8.42.200 through 8.42.260) of Chapter 8.42 of Title 8 of the El Dorado County Ordinance Code and enacts a new Article II of Chapter 8.42 of Title 8 (Sections 8.42.200 through 8.42.260) for mandatory solid waste collection areas within El Dorado County. The newly enacted Article II adds the present and future boundaries of the Cameron Park Community Services District as a mandatory solid waste collection area, adds a new set of ordinance definitions for mandatory solid waste collection areas and provides a new county lien hearing process for delinquent mandatory collection accounts outstanding for ninety (90) days or more. The new Article II also provides other ordinance provisions regarding the administration of mandatory solid waste collection areas that apply to all designated mandatory solid waste collection areas.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 26TH day of JANUARY, 1999, by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND NUTTING, J. MARK NIELSEN, PENNY HUMPHREYS, DAVID A. SOLARO

Noes: NONE

Absent: NONE

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret S. Moody
Deputy Clerk

N. Nielsen
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

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8-42.garbage
1-04-99



ORDINANCE No. 4525

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ESTABLISH MANDATORY GARBAGE SERVICE, PROVIDE RULES AND REGULATIONS GOVERNING THE COLLECTION, HANDLING AND DISPOSAL OF SOLID WASTE AND OTHER OPERATING REGULATIONS

WHEREAS, the Board of Supervisors finds and declares:

A. That, pursuant to the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 et seq.), the Legislature has mandated that local agencies make adequate provisions for Solid Waste handling within their jurisdictions; and

B. That to protect the health, safety and welfare of the County's constituency, it is in the public's best interest to establish exclusive franchises for the mandatory collection, disposal and processing of solid waste and recyclable materials.

C. That, pursuant to state law, El Dorado County is authorized to execute its powers for the purpose of the collection or disposal of garbage or refuse matter and may contract for the collection and disposal of garbage or refuse matter.

Section 1. Article II of Chapter 8.42 of Title 8 of the El Dorado County Ordinance Code, sections 8.42.200 through 8.42.260, is hereby repealed and superseded as follows:

8.42.200 Mandatory Collection Areas.

A. A mandatory collection area is established and shall consist of the unincorporated areas described below in the South Lake Tahoe Basin within El Dorado County included in the area more particularly described as follows:

All of Township 13 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 12 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 11 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

Excepting therefrom that processing of Section 6 in said township lying westerly of U.S. Highway 50 and further excepting

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from said township all of Section 7 but that portion of the Northeast Quarter thereof lying easterly of U.S. Highway 50.

All of Sections 22, 23, 25, 26, 27, 28, 33, 34, 35, 36 in Township 13 North, Range 17 East, Section 1, 2, 11, 12, 13, 14, 23, 24 and East half Sections 3, 10, 15, 22 of Township 12 North, Range 17 East.

B. The boundaries of the Cameron Park Community Services District as presently constituted at time of Ordinance passage, and as amended in the future by the El Dorado County Local Agency Formation Commission.

C. Other mandatory collection areas may be established by Ordinance by the Board of Supervisors as found to be necessary for the public health and welfare or required to implement state laws.

8.42.210 Liability for Payment of Fees-Mandatory Collection.

Each owner, occupant or person in possession, charge or control of any collection premises located in a mandatory collection area is hereby made liable jointly and severally for the payment of the solid waste collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the district or grantee. Services made available to those premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services.

8.42.220 Billing Cycle and Penalty for Delinquent Payments.

Solid waste collection fees may be billed and paid in advance on a quarterly or bi-monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

8.42.230 Discontinuation of Service. The county or grantee may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the director of the county stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

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8.42.240 Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to El Dorado County and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

8.42.250 Lien for Ninety (90) Day Delinquencies. Mandatory collection fees authorized pursuant to this article which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by El Dorado County as provided herein.

A. Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

B. The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

C. At the hearing, the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

D. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bonafide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach

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to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

8.42.255 General Exemptions-Mandatory Collection Area.

A. The provisions of this Article shall not apply to any of the residential units or commercial enterprises hereafter described:

1. To residential units in a motel or hotel containing more than three (3) units, where not more than twenty-five percent (25%) of the total number of units are residential units and where the franchisee is satisfied that adequate solid waste collection and disposal is provided by such motel or hotel;

2. To residential units which are not connected to water and electrical power and where water and electrical power cannot be provided to such premises without action by a public utility or mutual water company; provided that such exemption shall terminate upon occupancy of such units;

3. To commercial enterprises from which the owner of the premises on which the commercial enterprise is operated collects and disposes of solid waste from such premises in compliance with all applicable laws, ordinances and regulations.

B. Any person claiming an exemption pursuant to this section shall file a statement under oath or under penalty of perjury with the franchise stating the facts upon which exemption is claimed and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the solid waste collection fees required by this article.

C. The franchisee, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein.

8.42.260 Complaint Procedures. The director of environmental management, or his designee, shall adopt an administrative complaint procedure whereby customers may file complaints regarding service or any other matter arising out of the services provided under this article. Appeals from any determinations made pursuant to this administrative procedures may be made to the board of supervisors in accordance with Chapter 2.09 of the El Dorado County Code.

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Section 2. This ordinance shall take effect and become effective thirty (30) days after the adoption hererof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 26TH day of JANUARY, 1999 by the following vote of said Board:

Ayes: SUPERVISORS: WILLIAM S. BRADLEY,
RAYMOND J. NUTTING, J. MARK NIELSEN,
PENNY HUMPHREYS, DAVID A. SOLARO

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

Noes: NONE

Absent: NONE

Margaret E. Moody
Deputy Clerk

J. Mark Nielsen
Chairman, Board of Supervisors

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By _____
Deputy Clerk