

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: COUNTY COUNSEL

BOARD AGENDA # *E-1

Urgent _____ Routine X

AGENDA DATE June 5, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT: APPROVAL TO INTRODUCE AND WAIVE THE FIRST READING OF AN
ORDINANCE REGARDING REFUSE REMOVAL BY OWNERS OR OCCUPANTS
OF PROPERTY AND PERMIT FEES FOR INDUSTRIAL REFUSE COLLECTION

STAFF
RECOMMEN-
DATIONS:

IT IS RECOMMENDED THAT YOU APPROVE THE FOLLOWING:

1. FIND AND DETERMINE THAT THE SUBJECT RESOLUTION IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE, SECTION 2100 ET SEQ.); AND
2. INTRODUCE, APPROVE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING STANISLAUS COUNTY CODE SECTIONS 9.04.040 AND 9.040.100 RELATED TO REFUSE REMOVAL BY OWNERS OR OCCUPANTS OF PROPERTY, AND SECTION 9.08.190 RELATED TO PERMIT FEES FOR INDUSTRIAL REFUSE COLLECTION, AS SET FORTH IN THE PROPOSED ORDINANCE ATTACHED AS ATTACHMENT 1.

FISCAL
IMPACT:

No fiscal impact is anticipated with these ordinance changes.

BOARD ACTION AS FOLLOWS:

No. 2001-404

On motion of Supervisor Simon, Seconded by Supervisor Caruso
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S.762

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy Christine Ferraro

File No. ORD54-H-14

SUBJECT: APPROVAL TO INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE REGARDING REFUSE REMOVAL BY OWNERS OR OCCUPANTS OF PROPERTY AND PERMIT FEES FOR INDUSTRIAL REFUSE COLLECTION

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DISCUSSION: Under the Stanislaus County Ordinance Code, owners of property are required to subscribe to weekly refuse collection service, but an owner's tenant is not included within the ordinance. The Stanislaus County Code Enforcement Taskforce identified a need to also require tenants or other occupants of property, in addition to the property owner, to regularly remove refuse from the property. The proposed ordinance amends Sections 9.04.040 and 9.04.100 to require both owners and occupants of property to regularly remove refuse and to subscribe to a refuse collection service in mandatory collection areas. The proposed change will improve the ability of County staff to eliminate nuisance conditions within the County.

Stanislaus County Code Section 9.08.190 requires payment of fees by persons permitted by the County to engage in the business of collecting industrial refuse, including a percentage of the gross receipts from that business. In order to clarify the intent of the ordinance, the proposed ordinance makes clear that the percentage fee was and is intended to apply to revenue from all aspects of providing industrial refuse collection services.

**POLICY
ISSUE:**

This action supports the Board's goals and polices of providing a safe, healthy community, efficient government services and community service delivery.

**STAFFING
IMPACT:**

There are no staffing impacts associated with this action.

**AN ORDINANCE REGARDING REFUSE REMOVAL
BY OWNERS OR OCCUPANTS OF PROPERTY AND
PERMIT FEES FOR INDUSTRIAL REFUSE COLLECTION**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Subdivision A of Section 9.04.040 of the Stanislaus County Code is amended to read as follows:

"A. The owner or occupant of each occupied dwelling unit or other place of human habitation, including a business establishment, within all mandatory collection service areas, shall cause all refuse to be removed weekly and shall subscribe to weekly collection service with the appropriate franchised refuse collector, from the first through the last date of occupancy. The owner, or the owner's authorized agent, of each business within all mandatory collection service areas that disposes of refuse or produces garbage, shall subscribe to collection service, with the appropriate franchised refuse collector, causing the business refuse to be removed from the premises no less than once each week, from the first through the last date of occupancy. The department may require a greater number of collections as it deems necessary."

Section 2. Section 9.04.100 of the Stanislaus County Code is amended to read as follows:

"The owner(s) and/or occupants, within a mandatory collection service area, or the owner(s) and/or occupant(s), within an exempt collection service area, may request the department to approve a plan whereby special arrangements are made for effective and efficient refuse removal. The proposed plan shall include a statement of expected charges and such other comments as the refuse collector whose services will be utilized considers appropriate. The department is authorized to grant variances to any provision of this chapter and to approve the proposed plan with such conditions as are deemed necessary."

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Section 3. Section 9.08.190 of the Stanislaus County Code is amended to read as follows:

"A. The permit fee for engaging in the business of collecting industrial refuse shall be the sum of one hundred dollars per year, payable on July 1st of each year. In addition to the annual fee, the holder of a permit, for engaging in the business of collecting industrial refuse, shall pay quarterly to the county, a percentage of the gross revenue derived from the furnishing of such industrial refuse collection services within the county. The percentage amount shall be determined by the board.

"B. The business of collecting industrial refuse shall include all aspects of providing industrial refuse collection services, including without limitation the rental or lease of refuse containers, the collection, transport, processing and handling of industrial refuse, and the disposal of industrial refuse at an approved and permitted disposal site or disposal facility.

"C. This section is a declaration and clarification of existing law."

Section 4. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2001, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Pat Paul, Chair of the Board of
Supervisors of the County of Stanislaus,
State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By _____
John P. Doering
Deputy County Counsel