

**McCLOUD COMMUNITY SERVICES DISTRICT**

**ORDINANCE NO. 26**

**AN ORDINANCE REGULATING THE COLLECTION  
OF SOLID WASTE**

BE IT ORDAINED by the Board of Directors of the McCloud Community Services District as follows:

Section 1 – Findings

The Board of Directors hereby finds and declares:

- 1.1. The accumulation of solid waste and construction refuse within the District is unhealthy, unsanitary and unsightly;
- 1.2 A continuing program of mandatory solid waste collection is necessary for the public health, safety and welfare;
- 1.3 A continuing program of mandatory solid waste and construction refuse collection is necessary for the public health, safety and welfare.
- 1.4 The benefit derived by each residence and business establishment within the District from routine solid waste collection requires that each such person and business establishment pay a minimum monthly service charge for solid waste collection whether or not the service is actually used.

Section 2 – Administration

- 2.1 The administration of this ordinance shall be the responsibility of the General Manager in conjunction with the Public Works Superintendent. The General Manager shall establish a regular schedule for the collection of garbage for all the premises within the boundaries of the District. This schedule shall be posted in the office of the District. There will be no garbage collection on New Years' Day, Memorial Day, July 4<sup>th</sup> and Christmas and other holidays as adopted by the MCSD Board of Directors in Policy 2030 - Holidays.

Section 3 - Organization

- 3.1 The Refuse Department of the McCloud Community Services District is hereby authorized and established.

Section 4 – Applicability of Provisions

- 4.1 The provisions of this ordinance shall apply to all residence and property owners within the District, and any person or entity collecting solid waste, green waste and/or recyclables within the District.

## Section 5 – Definitions

- 5.1 “Collection” means collection and transport of solid waste or green waste.
- 5.2 “Collector” means a MCSD and/or a person or entity authorized by a contract issued by the District \ Board of Directors to collect solid waste and green waste within the boundaries of the District.
- 5.3 “Commercial Refuse” means all types of solid waste material which originate from commercial businesses such as restaurants, hotels, motels, mobile home parks and other establishments that sell products or services at retail.
- 5.4 “Construction Refuse” means refuse produced by a person engaged in the building, alteration or demolition of buildings or structures, including building materials, packaging and debris resulting from construction, remodeling, repair and demolition operations on pavement, houses, commercial buildings and other structures.
- 5.5 “Green Waste” means grass, tree or shrub trimmings and other plant material accumulated as a result of gardening and fireplace ashes.
- 5.6 Garbage is defined as all kitchen and table food waste and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of foodstuffs.
- 5.7 Rubbish includes non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, wood, glass, fabric, crockery, plastics, rubber by-products or litter.
- 5.8 “Solid Waste” means all non-hazardous putrescible and non-putrescible solid, semi-solid and liquid wastes, including garbage, trash, green waste, food processing waste, residential refuse, paper, rubbish, ashes, industrial refuse, commercial refuse, Construction Refuse, discarded home and industrial appliances, de-watered, treated or chemically fixed sewage sludge (biosolids), manure, vegetables or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
- Solid Waste does not include:
- a) Hazardous wastes regulated under Section 25800 et seq. of the Health & Safety Code;
  - b) Medical waste which is regulated under Section 25015 et seq. of the Health & Safety Code;
  - c) Abandoned vehicles and parts thereof
- 5.9 “Refuse” includes Solid Waste, Commercial, Industrial and Residential refuse, or, rendering waste, garbage and Construction Refuse.
- 5.10 “Resident” shall mean any person residing within the boundaries of the District.
- 5.11 “Residential Refuse” means all types of Solid Waste material which originate from habitation units or parcels upon which a habitation unit is located, except that waste from hotels, motels and mobile home parks is not considered residential refuse.
- 5.12 “Industrial Refuse” means all liquid, semisolid or Solid Waste, except sewage, from any producing, manufacturing or processing business or operation.

- 5.13 “Permittee” means any person collecting or transporting Solid Waste or green waste pursuant to a contract issued by the District’s Board of Directors.
- 5.14 “Person or Entity” means any individual, firm, association, organization, partnership, joint venture, corporation or company and any city or other political subdivision of the State of California.
- 5.15 “Property Owner” shall mean any person owning property within the boundaries of the District.
- 5.16 “Regular Refuse Customers,” for the purpose of this ordinance, are those customers who use receptacles placed by the MCSD or contracted collector.
- 5.17 “Bulk Refuse Customers, for the purposes of this ordinance, are those customers who use bulk refuse receptacles (dumpsters) provided by the MCSD or contracted collector.
- 5.18 “Hazardous Wastes” include any waste material or mixture of material which is toxic, corrosive, flammable or an irritant that may cause substantial personal injury, serious illness or harm to humans, domestic animals or wildlife during, or as a proximate result of any disposal of such wastes, including all substances defined as hazardous waste in the California Health and Safety Code, or identified and listed as hazardous wastes by the U.S. Environmental Protection Agency pursuant to the Federal Resource Conservation and Recovery Act and all future amendments thereto.
- 5.19 “Household Hazardous Waste” means hazardous waste generated at a residential location within the District’s boundaries and includes, but is not limited to, batteries, antifreeze, soaps, cleaners, glues, paints, pesticides, pharmaceuticals and petroleum products. These products, when discarded, may become household hazardous waste if not properly discarded.
- 5.20 “Non-Combustible Solid Waste” includes miscellaneous refuse materials that are un-burnable at ordinary incinerator temperatures (1300 E to 2000E F).
- 5.21 “Scavenging” is the uncontrolled and/or unauthorized removal of Solid Waste materials.
- 5.22 “Salvaging” is the controlled removal of Solid Waste materials for reutilization.
- 5.23 “Vector” is defined as any insect, rodent or other animal capable of transmitting the causative agents of human disease or disrupting the normal enjoyment of life by adversely affecting the public health and well-being.
- 5.24 “Nuisance” includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property and affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage may be unequal, and which occurs as a result of the storage, removal, transport or disposal of Solid Waste.
- 5.25 “Infectious Wastes” include:
- a) Equipment, instruments, utensils and other fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;

- b) Laboratory wastes and disposable fomites attendant thereto;
- c) Surgical operating room pathologic specimens;

- 5.26 “Litter” includes any post-consumer Solid Waste which is not deposited in authorized sites or containers.
- 5.27 “Household Equivalent” is defined as the average quantity of Solid Waste generated by a single family residence.
- 5.28 “Special Collection of Bulk Refuse” is a service available by request and includes the delivery and subsequent removal of a bulk refuse receptacle and disposal of the contents therein.
- 5.29 “Additional Collection of Bulk Refuse” is the disposal of the contents of an existing bulk refuse receptacle in excess of the customer’s regularly scheduled Collection and Household Equivalent designation.

#### Section 6 – Compliance with Ordinance

- 6.1 It is unlawful for any person to deposit, store or maintain Solid Waste or Construction Refuse within the District excepted as provided in this ordinance.
- 6.2 Unless otherwise provided in this ordinance, the owner of every developed property within the boundaries of the District shall subscribe for Solid Waste collection services with the MCSD.

#### Section 7 – Franchise

- 7.1 The Board of Directors may provide for Solid Waste and Construction Refuse collection by the granting of an exclusive franchise for such purposes, subject to such terms and conditions as the Board deems appropriate. The franchisee shall, during the term of the franchise, be the sole person permitted to perform Solid Waste collection within the District and also will abide by this ordinance's contents.

#### Section 8 – Mandatory Solid Waste Collection

- 8.1 This ordinance imposes a mandatory scheme of Solid Waste Collection within the District. The owner of a developed park, single family dwelling, multiple family dwelling, or commercial or industrial establishment is liable for the minimum collection service charge applicable to the collection of one (1) container per week of the type specified in Section 9, whether or not the collection service is used.

#### Section 9 – Receptacles

- 9.1 Refuse shall be placed in the receptacle that was furnished to you by the MCSD and not to exceed its capacity. Receptacles shall be maintained by the owner or occupant in a sound, sanitary, clear, watertight condition.
- 9.2 Bulk refuse receptacles (dumpsters) of various sizes are available for use. Customer generating in excess of one (1) cubic yard of refuse per week shall be required to utilize such bulk refuse receptacles.

- 9.3 Refuse receptacles or containers, as defined by this ordinance, shall be of adequate size (65 gallon receptacle maximum of 100 pounds and/or 95 gallon receptacle maximum of 150 pounds) to contain all of the refuse, within fully closed receptacles or containers, which ordinarily accumulates on the premises within one (1) week.
- 9.4 If Solid Waste containers are provided by the MCSD at no charge to the customer, then the customer shall be responsible to pay for damage to the container or loss of the container when a loss or damage is due to customer misuse or negligence as determined by the MCSD General Manager. The customer shall reimburse the vendor at the current invoice cost for replacement of such container as approved by the MCSD General Manager.

#### Section 10 – Location of Containers

- 10.1 Refuse containers shall be located or placed prior to collection within five (5) feet of the edge of the access used by the refuse collection vehicle and visible from such access.
- 10.2 No container shall be placed for collection more than 24 hours prior to the time of collection or allowed to remain at the place of collection for more than 24 hours after collection unless it is an approved bear proof can.
- 10.3 Collection will not be made from containers placed inside locked gates, garages, woodsheds or other buildings or within 3 feet of any obstacle that obstructs the mechanical arm.
- 10.4 Areas around the containers and providing access from the collection vehicle to the containers shall be kept free of high weeds, brush, scrap lumber, large rocks, wire and other debris which may pose a safety hazard to collection personnel and equipment (3 feet clearance around receptacle).
- 10.5 During winter periods collection personnel will not remove refuse from any form of receptacles which have not been cleared of snow (3 feet clearance) placed on a snowbank or are difficult to access safely.
- 10.6 In no event shall a refuse receptacle be placed upon any access way in such a manner that interferes with or impedes the movement or parking of vehicles and/or snow plowing operations.
- 10.7 Bulk refuse receptacles shall be placed on the premises in a location approved by the District. A hard surface acceptable to the MCSD shall be maintained in the bulk receptacle location by the owner of the premises to facilitate movement of the receptacle into position for dumping.

#### Section 11 – Disposal

- 11.1 It is unlawful in the District for a person or business not to have each and every can or bulk refuse receptacle used for the accumulative of refuse material emptied and the contents thereof removed from the premises and disposed of, as provided in this ordinance, at least once each week.
- 11.2 Refuse collection service shall be provided to bulk refuse customers in accordance with Section 13, 14 and 15 of this ordinance. Bulk refuse customers or regular customers who engage in commercial enterprise which produce Solid Waste may request collection of Solid Waste up to twice per week. Rates for such additional services are detailed in Policy 1060.

- 11.3 Regular customers who engage in commercial enterprises requesting twice weekly collection must notify the District by the 5<sup>th</sup> of the month for a second collection.
- 11.4 It is unlawful in the District for a person or business to place refuse into a refuse receptacle without the authority of the MCSD and/or permission from the MCSD to do so. It is unlawful for an unauthorized non district rate paying person to dump in any MCSD refuse container, residential or commercial. This would constitute a violation for illegal dumping and is subject to Section 22 of this ordinance.
- 11.5 All Solid Waste hauled by any person over public streets within the boundaries of the District shall be secured during the hauling thereof so as to prevent spillage, blowing or littering.

#### Section 12 – Normal Collection – Restricted Items

- 12.1 Construction Refuse, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge (biosolids), manure unbagged, animal solids and semisolid wastes, tree limbs (all green waste), pipes, bars, automotive mufflers and other refuse that could potentially damage collection equipment will not be collected as part of the normal collection.
- 12.2 The District General Manager may require any extra Solid Waste collection service that the General Manager deems reasonably necessary to ensure that Solid Waste is not accumulated or stored on property in violation of any provisions of the ordinance. The General Manager may cause the costs thereof to be added to the regular billing for such parcel of property for such Solid Waste collection services in the same manner as other charges, rates or fees are collected and as detailed in Policy 1060.

#### Section 13 – Items Restricted from Collection

For a complete list of restricted items refer to Policy 1060 - Miscellaneous Fee Schedule Attachment B - commercial dumpsters and residential customers - items restricted from collection.

- 13.1 Hot ashes will not be collected.
- 13.2 Unbagged animal wastes will not be collected.
- 13.3 Hazardous wastes will not be collected.
- 13.4 Infectious wastes cannot be collected.
- 13.5 Dead animals are not to be placed in refuse.
- 13.6 Green waste (all vegetation).
- 13.7 Construction Material (boards and siding)

#### Section 14 – Rate Structure

- 14.1 The District Board of Directors shall establish household equivalents, rates for regular and bulk refuse collection, special and additional bulk refuse collection, additional can collection. Rates shall appear in Policy 1060 – Miscellaneous Fee Schedule.
- 14.2 A minimum of one (1) Household Equivalent is assigned to each regular customer.
- 14.3 Where the amount of refuse generated by a regular refuse customer exceeds one (1) Household Equivalent the customer may increase the household equivalent designation or pay additional extra refuse bag fee (Policy 1060 - Miscellaneous Fee Schedule).
- 14.4 Household Equivalent levels for bulk refuse customers are based on the total annual amount of Solid Waste generated on the premises, such as Solid Waste to be collected throughout the year, according to a predetermined seasonal operating schedule. Those bulk refuse customers operating on a seasonal schedule may request additional bulk receptacle capacity from the District by the 5<sup>th</sup> of each month to be provided during the operating season with disposal of the contents of the additional receptacles provided in accordance with Section 11 of this ordinance.
- 14.5 The bulk refuse collection rates will be charged to in-District customers as specified in Policy 1060 - Miscellaneous Fee Schedule.
- 14.6 Special delivery and collection of bulk refuse containers is available. Applicable charges will apply per Board Policy 1060 – Miscellaneous Fee Schedule.
- 14.7 Each customer receiving Solid Waste collection service from the District shall be liable for the rates, charges and fees for that service as established by the District’s Board of Directors.

#### Section 15 – Burning of Rubbish

- 15.1 The burning of natural vegetation by owners or occupants of property within the District is permissible, per Policy 3280 - Dooryard Burns:
- 15.2 The burning of any Solid Waste other than natural vegetation is not allowed pursuant to this ordinance.

#### Section 16 – Burying of Garbage

- 16.1 No person shall throw, drop, leave, dump, bury, place or otherwise dispose of any Solid Waste upon any property within the boundaries of the District, whether with or without intent to remove the same from such property; or upon any street, sidewalk, gutter, stream or creek or the banks thereof, or any public place or public property within the District, except as otherwise approved by the District General Manager at a permitted disposal area approved for such use, or in an approved Solid Waste collection container.
- 16.2 Solid Waste material transported by the MCSD or contracted collector for disposal outside the boundaries of the District shall be disposed of in a location approved by the District General Manager.

### Section 17 – Storage of Solid Waste

- 17.1 Every person who occupies the premises or utilizes the premises as a business location, and every owner of an unoccupied premises or property, including multiple family dwellings or properties zoned for other than residential use shall keep the same in a clean and sanitary condition, and shall not cause, suffer or permit any Solid Waste to accumulate on such premises or property for a period in excess of one (1) week. All Solid Waste created, produced or accumulated at any industrial, commercial or residential establishment anywhere within the District shall be removed from the premises at least once each calendar week.
- 17.2 All Solid Waste shall be stored in a container provided by the MCSD or contracted collector. The container shall be stored with the lid closed and in a location that is as discrete as possible.
- 17.3 Bear proof cans approved by the MCSD may be purchased by customers. All associated fees found in Policy 1060 - Miscellaneous Fee Schedule will apply.

### Section 18 – Littering

- 18.1 It shall be unlawful for any person to place, scatter or dump, on any of the streets, sidewalks, lots, public alleys, District facilities or any other property, Solid Waste which is required to be disposed of pursuant to the provisions of this ordinance. All Solid Waste hauled by any person over public streets within the boundaries of the District shall be secured during the hauling thereof so as to prevent spillage, blowing or littering. Any such littering shall be subject to in Section 22 of this ordinance and Policy 1060 - Miscellaneous Fee Schedule clean up fees.

### Section 19 – Inspection and Enforcement

- 19.1 The District General Manager may, from time to time, inspect all premises within the boundaries of the District to determine compliance with and to enforce the provisions of this ordinance.
- 19.2 The District General Manager may cause to be accomplished any extra Solid Waste collection service that the District General Manager deems reasonably necessary to ensure that Solid Waste is not accumulated or stored on any property in violation of the provisions of this ordinance. The District General Manager may cause the costs thereof to be added to the regular billing for such Solid Waste collection service for such property in the same manner as other charges, rates or fees are charged and collected.

### 20 – Liability for Charges

- 20.1 Each customer receiving Solid Waste collection service from the District shall be liable for the rates, charges and fees for that service as established by the District's Board of Directors in Policy 1060. It shall be and is hereby made the duty of each customer to ascertain from the District the amount and due date of any rates, charges and fees for which the customer is liable. It shall also be, and it is hereby made, the duty of each customer liable for the rates, charges and fees to inform the District immediately of all circumstances, and of any change in circumstances, which will in any way affect the applicability or the amount of any rates, charges and fees to that customer's premises for Solid Waste collection services provided also see Section 8.1 Mandatory Solid Waste Collection.



Section 21 – Collection of Solid Waste Collection Charges  
With Charges of other Utility Services

21.1 Solid Waste collection service charges, rates and fees imposed for Solid Waste collection to a customer shall be collected together with the charges for water, wastewater and other services provided by the District to its customers. Such Solid Waste collection charges shall be billed upon the same bill and collected as one item with such other utility charges. Failure of a customer to pay Solid Waste collection charges imposed by the District may result in the termination of other utility services billed on the same statement, including water service charges.

Section 22 – Enforcement

22.1 Any person found by the District to be in violation of any of the provisions of this ordinance shall be deemed guilty of an infraction, and each day such violation is committed or permitted to continue after written notice has been served on the person by the District General Manager or the Board of Directors shall constitute a separate offense and shall be punishable as such. Each violation of the provisions of this ordinance shall constitute an infraction and shall subject violators to fines not exceeding \$500 per infraction. In addition, the District retains the right to file a civil action alleging a public nuisance against any person who fails to comply with the terms of this ordinance with respect to periodic Solid Waste collection services.

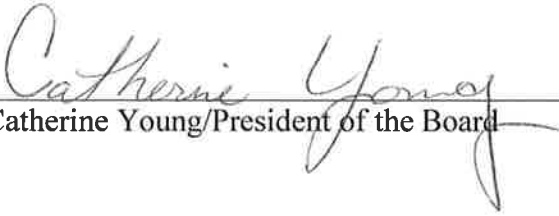
22.2 Any unpaid and delinquent charges for solid rate collection services levied by the District pursuant to Policy 1060 become a lien upon the property to which the Solid Waste collection service was rendered upon the recordation of such lien by the District.

22.3 The remedies and penalties provided for in this ordinance shall be cumulative and shall be in addition to any and all other remedies available to the District General Manager pursuant to the Community Services District Law at Government Code Section 61000 et seq.

This ordinance shall take effect and be in full force from and after 30 days after the date of its final passage if, before the expiration of fifteen (15) days after its final passage, (1) the summary of this ordinance as adopted by the Board of Directors is published one time in a newspaper of general circulation throughout the District; and (2) the summary of this ordinance shall be posted by the secretary in three (3) public places and for not less than thirty (30) days within the McCloud Community Services District.

This ordinance summary was published in the Mt. Shasta Herald, a newspaper of local circulation on July 1, 2020 and posted July 2, 2020 in three (3) locations throughout the community. The ordinance was then presented for a second reading and final adoption at the Regular Meeting of the Board of Directors of the McCloud Community Services District on July 13, 2020 and at said meeting Director Young moved the adoption of said ordinance, which motion was seconded by Director Rorke and upon roll call was carried by the following vote:

AYES:	DIRECTORS:	Hanson, Richey, Rorke, Young, Zanni
NOES:	DIRECTORS:	
ABSENT:	DIRECTORS:	
ABSTAIN:	DIRECTORS:	

  
Catherine Young/President of the Board

ATTEST:   
Teryl Smith/Secretary of the Board