

SUMMARY OF ORDINANCE FOR PUBLICATION [GOV'T CODE §36933]

Title: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTIONS 4421, 4425, 4441, 4444, 4446, 4460, 4461 AND 4463, AND REPEALING SECTIONS 4422, 4423 AND 4444 OF THE UKIAH CITY CODE

Date Introduced: November 16, 2011 by the following roll call vote: AYES: Councilmember Landis, Thomas, Crane, Baldwin, and Mayor Rodin; NOES: None; ABSENT: None; ABSTAIN: None.

Date scheduled for adoption: December 7, 2011.

Ordinance available for inspection at the Ukiah Civic Center, 300 Seminary Ave., Ukiah, CA. 95462 and on the City's website at: <http://www.cityofukiah.com>.

Summary of Ordinance: The ordinance amends and repeals, respectively, the above-referenced sections in the Ukiah City Code (UCC), regulating the storage, collection and disposal of solid waste in the City of Ukiah. The amendments are intended to update these sections in the Code to conform to existing waste collection practices and to provide flexibility for future changes in waste collection and disposal technologies. The ordinance amends Section 4460 to allow for the same contract term in a waste collection contract as is currently provided for a recycling collection contract in UCC Section 4483.

Statements in this summary are intended as a summary description of the ordinance contents. There are significant provisions in the ordinance that are not described herein. In any conflict or inconsistency between this summary and the ordinance, the provisions of the ordinance prevail. For a complete and accurate understanding of the ordinance, you are encouraged to read the ordinance.

Dated: 12/1/11
JoAnne Currie, Ukiah City Clerk

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTIONS 4421, 4425, 4441, 4444, 4446, 4460, 4461 AND 4463, AND REPEALING SECTIONS 4422, 4423 AND 4444 OF THE UKIAH CITY CODE

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE

- I. Sections 4421, 4425, 4441, 4446, 4460, 4461, and 4463 of the Ukiah City Code are amended to read as follows**

4421: GARBAGE AND RUBBISH; APPROVED RECEPTACLES:

Any and all garbage, refuse or rubbish deposited, kept or accumulated or permitted to be deposited, kept or accumulated within the City shall be in receptacles approved for said use by the City Manager or in a collection contract approved by the City Council. Containers for Recyclable materials, as defined in Section 4480.K, shall be kept in receptacles in accordance with Section 4487. Each such receptacle for garbage, including its cover, shall, upon the outside, be kept clean from accumulating grease or decomposing material.

4425: LOCATION OF REFUSE RECEPTACLE OF USER TO CONTRACTOR'S SERVICE:

All receptacles for the accumulation of garbage, refuse or rubbish in the City maintained on property of customers subscribing to contractor's service, shall be kept or placed in the following manner during the time for collection, and shall be accessible to the contractor at all times without the use of key or entering the above named buildings unless special arrangements are made with the contractor.

Any such accumulation shall be placed on the street frontage of the property in the case of single family residences, including duplexes or other residences, as directed by the City Manager or a collection contract approved by the City Council, and in the case of all other premises in a location easily accessible to the contractor and its collection vehicles, as approved by the City Manager or by a collection contract approved by the City Council.

4441: DUTY OF CONTRACTOR TO REMOVE USER'S REFUSE:

All garbage, rubbish and refuse of any kind shall be removed by the contractor from all premises and establishments within the corporate City on a schedule as established by a collection contract approved by the City Council. The owner or person in charge of any premises that does not subscribe to the contractor's collection service shall remove solid waste from the premises at least once each seven (7) days unless sooner directed by the City Manager or City Health Officer of the City.

4446: IRREGULAR COLLECTION; DUTY OF CONTRACTOR:

It shall be the duty of the contractor to make such irregular collections within such time period at such rates as are established by resolution of the City Council or a collection contract approved by the City Council.

4460: AUTHORITY TO CONTRACT:

The City may enter into a contract for the disposal of collection of refuse, garbage and for rubbish for a period not to exceed fifteen (15) years, subject to the terms and conditions of this Chapter. If in the determination of the City Council said contractor or contractors shall have satisfactorily performed such contract or contracts, the City Council, without inviting bids or proposals therefor and without giving notice of its intention to do so, may, either prior to or after the expiration of any such contract, extend or renew the same for such a period and on such terms and conditions as the City Council shall or if the collection contract shall so provide deem necessary and appropriate, and shall permit such an extension by the contractor on such terms and conditions as the collection agreement shall provide.

4461: CONTRACT PROVISIONS:

A contract for the collection of garbage, refuse and rubbish within the City may contain provisions setting forth the collection services the contractor will provide, the charges for performing the services, an exclusive franchise for the collection of all refuse, garbage or rubbish and the right to transport same on City streets, requirements for the use of a local office, insurance and performance and payment bond requirements, and any other provisions related to waste collection services deemed by the City Council necessary or useful to assure the safe and efficient collection and disposition of solid waste within the City.

4463: COLLECTION FOR HIRE BY UNAUTHORIZED PERSON PROHIBITED; EXCEPTION:

No person not the contractor or the City shall for hire or other remuneration collect or dispose of or engage in the business of collecting or disposing of any refuse, rubbish or garbage from or within the corporate limits of the City, except as may be allowed in a collection contract approved by the City Council.

II. THE FOLLOWING SECTIONS OF THE UKIAH CITY CODE ARE HEREBY REPEALED: 4422, 4423 AND 4444.

SECTION TWO

1. COMPLIANCE WITH CEQA. The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment.)

2. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

3. **EFFECTIVE DATE.** This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on November 16, 2011, by the following roll call vote:

AYES: Councilmembers Landis, Thomas, Crane, Baldwin, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None

Adopted on _____, 2011, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mari Rodin, Mayor

ATTEST:

JoAnne Currie, City Clerk

**COMPARISON OF EXISTING WITH AMENDED OR REPEALED WASTE
COLLECTION SECTIONS IN UKIAH CITY CODE**

<u>AMENDED AND REPEALED SECTIONS</u>	<u>EXISTING SECTION</u>
<p>4421: GARBAGE AND RUBBISH; APPROVED RECEPTACLES:</p> <p>Any and all garbage, refuse or rubbish deposited, kept or accumulated or permitted to be deposited, kept or accumulated within the City shall be in receptacles approved for said use by the City Manager or in a collection contract approved by the City Council. Containers for Recyclable materials, as defined in Section 4480.K, shall be kept in receptacles in accordance with Section 4487. Each such receptacle for garbage, including its cover, shall, upon the outside, be kept clean from accumulating grease or decomposing material.</p>	<p>4421: GARBAGE; METAL AND OTHER APPROVED RECEPTACLES; MAXIMUM WEIGHT:</p> <p>Any and all garbage deposited, kept or accumulated or permitted to be deposited, kept or accumulated within the City shall be in a metal receptacle provided with handles or other receptacles approved for said use by the City Manager. Each of said receptacles shall have a capacity of not less than five (5) gallons and shall not exceed a capacity of thirty (30) gallons, and shall be provided with a close fitting metal lid or other suitable covering at all times except when necessarily opened to permit garbage to be taken therefrom or to be deposited therein. Each such receptacle for garbage, including its cover, shall, upon the outside, be kept clean from accumulating grease or decomposing material. No container shall be loaded heavier than seventy (70) pounds</p>
<p>REPEALED</p>	<p>4422: RUBBISH; MAXIMUM WEIGHT:</p> <p>Any and all rubbish deposited, kept or accumulated or permitted to be deposited, kept or accumulated within the City shall be in a suitable box or boxes, barrels or other suitable receptacles or a binding or wrapping sufficient to hold and securely contain any rubbish placed therein unaffected by wind, rain and other elements or by natural decomposition, but shall not be loaded heavier than seventy (70) pounds nor exceed a length of four feet (4') or a diameter of two feet (2')</p>
<p>REPEALED</p>	<p>4423: ALL OTHER REFUSE:</p> <p>All other refuse deposited, kept, accumulated or permitted to be deposited, kept or accumulated within the City shall be in a suitable box or boxes, barrels or other suitable receptacles or a binding or wrapping sufficient to hold and securely contain any rubbish placed therein unaffected by wind, rain and other elements or by natural decomposition, or if such refuse is of a type not subject to being affected or dispersed by wind, rain or other elements or by natural decomposition, such refuse may be stacked or piled in a safe manner in a safe</p>

**COMPARISON OF EXISTING WITH AMENDED OR REPEALED WASTE
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	place.
<p>4425: LOCATION OF REFUSE RECEPTACLE OF USER TO CONTRACTOR'S SERVICE: All receptacles for the accumulation of garbage, refuse or rubbish in the City maintained on property of customers subscribing to contractor's service shall be kept or placed in the following manner during the time for collection, and shall be accessible to the contractor at all times without the use of key or entering the above named buildings unless special arrangements are made with the contractor.</p> <p>Any such accumulation shall be placed on the street frontage of the property in the case of single family residences, including duplexes or other residences, as directed by the City Manager or a collection contract approved by the City Council, and in the case of all other premises in a location easily accessible to the contractor and its collection vehicles, as approved by the City Manager or by a collection contract approved by the City Council.</p>	<p>4425: LOCATION OF REFUSE RECEPTACLE OF USER TO CONTRACTOR'S SERVICE: Each garbage vessel, tank or receptacle and each rubbish container or other refuse accumulation provided, or caused to be provided, by the owner, manager or person in possession, charge or control of any restaurant, hospital, hotel, boarding house, cafe, cafeteria and other like eating place, apartment house, butcher shop, green vegetable store, dwelling or flat or business establishment within the City, subscribing to contractor's service shall be kept or placed in the manner following during the time for collection, and shall be accessible to the contractor at all times without the use of key or entering the above named buildings unless special arrangements are made with the contractor.</p> <p>Any such accumulation shall be placed on the premises in a location easily accessible to the contractor and not more than twenty feet (20') in the rear of the building from which such refuse is accumulated except as hereinafter provided in this Chapter and shall be accessible to the contractor at all times on an established walkway or driveway.</p>
<p>4441: DUTY OF CONTRACTOR TO REMOVE USER'S REFUSE: All garbage, rubbish and refuse of any kind shall be removed by the contractor from all premises and establishments within the corporate City on a schedule as established by a collection contract approved by the City Council. The owner or person in charge of any premises that does not subscribe to the contractor's collection service shall remove solid waste from the premises at least once each seven (7) days unless sooner directed by the City Manager or City Health Officer of the City.</p>	<p>4441: DUTY OF CONTRACTOR TO REMOVE USER'S REFUSE AT LEAST ONCE EACH SEVEN DAYS: All garbage, rubbish and refuse of any kind shall be removed by the contractor from all premises and establishments within the corporate City limits at least once each seven (7) days unless sooner directed by the City Manager or City Health Officer of the City.</p>
<p>REPEALED</p>	<p>4444: MAXIMUM RATES TO INCLUDE UNLIMITED AMOUNTS OF RUBBISH: The maximum rate for collecting and removal of refuse as set by the City Council shall include without additional charge, the collection, removal and disposal of an unlimited number of additional</p>

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	<p>containers of rubbish only per collection, each container individually not to exceed those standards set forth in §4422 of the Ukiah City Code.</p> <p>The additional containers of rubbish shall be placed at the curb, alley or other place immediately adjacent to the normal loading area on the regular day of collection and shall be contained in boxes, baskets, bindings or other suitable containers which may be removed by the contractor as a disposable unit.</p>
<p>4446: IRREGULAR COLLECTION; DUTY OF CONTRACTOR:</p> <p>It shall be the duty of the contractor to make such irregular collections within such time period at such rates as are established by resolution of the City Council or a collection contract approved by the City Council.</p>	<p>4446: IRREGULAR COLLECTION; DUTY OF CONTRACTOR:</p> <p>It shall be the duty of the contractor to make such irregular collections within twenty four (24) hours after being properly notified by telephone or otherwise; in the event of the failure of the contractor to remove such refuse within said twenty four (24) hour period, City shall make such collection and the contractor shall pay to City the amount set by the City Council to be charged for such irregular collection.</p>
<p>4460: AUTHORITY TO CONTRACT:</p> <p>The City may enter into a contract for the disposal of collection of refuse, garbage and for rubbish for a period not to exceed fifteen (15) years, subject to the terms and conditions of this Chapter. If in the determination of the City Council said contractor or contractors shall have satisfactorily performed such contract or contracts, the City Council, without inviting bids or proposals therefor and without giving notice of its intention to do so, may, either prior to or after the expiration of any such contract, extend or renew the same for such a period and on such terms and conditions as the City Council shall or if the collection contract shall so provide deem necessary and appropriate, and shall permit such an extension by the contractor on such terms and conditions as the collection agreement shall provide.</p>	<p>4460: AUTHORITY TO CONTRACT:</p> <p>The City may enter into a contract for the disposal of collection of refuse, garbage and for rubbish for a period not to exceed fifteen (15) years, subject to the terms and conditions of this Chapter.</p>
<p>4461: CONTRACT PROVISIONS:</p> <p>A contract for the collection of garbage, refuse and rubbish within the City may contain provisions setting forth the collection services the contractor will provide, the charges for performing the services, an exclusive franchise for the collection of all refuse, garbage or rubbish and the right to transport same on City streets, requirements for the use of a local office, insurance and performance</p>	<p>4461: CONTRACT PROVISIONS:</p> <p>Such contract may provide that:</p> <p>A. The contractor shall collect and dispose of the refuse, garbage and/or rubbish or any one or all of any combination thereof in the City in the manner provided in this Chapter.</p> <p>B. The contractor shall charge rates not in excess of those established by the City Council.</p> <p>C. The contractor shall have the sole and exclusive</p>

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<p>and payment bond requirements, and any other provisions related to waste collection services deemed by the City Council necessary or useful to assure the safe and efficient collection and disposition of solid waste within the City.</p>	<p>rights, except in this Chapter otherwise provided to collect all refuse and/or garbage and/or rubbish in the City and transport the same through streets and public ways of said City.</p> <p>D. The contractor shall at all times maintain an office within the City with a telephone having a listed number, such office to be operated not less than five (5) days per week.</p> <p>E. Contractors shall provide a cash or surety bond in the amount of one hundred thousand dollars (\$100,000.00) conditioned upon faithful performance of the contract and provisions of this Chapter.</p> <p>F. The contractor shall procure for the period covered by the proposed contract, full compensation insurance with an "industrial carrier" as defined by and in accordance with the provision of the Act of the Legislature of the State of California known as "Workmen's Compensation Act", approved May 26, 1913, and subsequently amended.</p> <p>G. The contractor shall carry for the full period of this contract, public liability insurance to the extent of one hundred thousand dollars (\$100,000.00) for the death of one person or injury of one person and three hundred thousand dollars (\$300,000.00) for the death of, or injury of, more than one person and property damage insurance to the extent of twenty five thousand dollars (\$25,000.00) each accident, fifty thousand dollars (\$50,000.00) aggregate, on each of the trucks or other vehicles used by him in carrying out the work called for in the contract. Contractor shall secure an umbrella coverage of one million dollars (\$1,000,000.00), said umbrella policy to be available in the event the previously set forth limits of liability are exceeded. Such insurance shall name the City as an additional insured and a certificate of the policy thereof shall be on file with the City Clerk of said City at all times.</p> <p>H. Any further provisions necessary to protect the interest of the City or to assure efficient or safe operations of the refuse collection and disposal service may be included.</p>
<p>4463: COLLECTION FOR HIRE BY UNAUTHORIZED PERSON PROHIBITED; EXCEPTION:</p> <p>No person not the contractor or the City shall for hire or other remuneration collect or dispose of or</p>	<p>4463: COLLECTION FOR HIRE BY UNAUTHORIZED PERSON PROHIBITED; EXCEPTION:</p> <p>No person not the contractor or the City shall for hire or other remuneration collect or dispose of or engage in the business of collecting or disposing of</p>

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<p>engage in the business of collecting or disposing of any refuse, rubbish or garbage from or within the corporate limits of the City, except as may be allowed in a collection contract approved by the City Council.</p>	<p>any refuse, rubbish or garbage from or within the corporate limits of the City. This Section shall not apply to any person engaged in the business or activity of collecting salvageable material.</p>
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