

ORDINANCE NO. 05-205

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ESTABLISHING RULES AND REGULATIONS FOR THE KEEPING, STORAGE AND REMOVAL OF GARBAGE, REFUSE AND DEBRIS.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 205 and No. 04-205 are hereby repealed.

2. PURPOSE AND NEED

The public health, safety and welfare requires the Garbage, Refuse and Debris (Trash) created by residents of the District to be properly contained, stored and suitably disposed. Accordingly, Ordinance No. 114 addressing this issue has been affected in the past and is hereby repealed.

3. STORAGE FACILITY

Every owner of improved real property located in the District shall provide an adequate enclosure for the storage of trash containers provided by the District's authorized trash hauler for use on their property. The enclosure shall be:

A. Constructed in such a manner as to hide the contents from the view of persons along Beach Road.

B. Constructed in accordance with all applicable District Ordinances.

C. Located conveniently to permit easy collection and in accordance with applicable District Ordinances.

4. PLACEMENT WITHIN ENCLOSURES

All trash must be placed in the containers provided by the trash hauler. NO TRASH SHALL BE PLACED ON THE GROUND IN THE ENCLOSURE. Garbage and "kitchen type trash" should first be placed into plastic bags, then placed into the container.

5. CONTAINER ALLOTMENT

Standard allotment of containers is one refuse or garbage container (black) and one recyclables container (blue or brown) each of 60-gallon capacity per improved real property. Additional containers are available as per the rates shown in Section 6.B.

6. TRASH PICKUP

There shall be two types of trash collections:

A. Standard collection for every property shall be one (1) time per week.

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B. Special collection shall be one (1) additional time per week. This collection shall only be available from June through September. This pickup is primarily for rental units. However, this special collection service may be offered to non-rental residences on a fee for service basis. It has been observed that during the summer months rental units tend to create excessive trash creating the need for the special collection. This collection is to control the environmental hazard and provide owners of rental units the option of renting additional containers. Any rental units found to be creating excessive trash will be automatically required to use and pay for the special collection. Containers for the special collection shall be specifically marked for easy identification.

7. FEES

Rates for all trash collections are listed here and are effective pursuant to section 9:

A. Standard service is charged at \$12.24 per month for two (2) containers. This includes one refuse barrel and one recycle barrel, each of 60-gallon capacity.

B. Additional containers are \$3.48 per month per container and are collected on the same day as standard service.

C. Special summer collection is \$20.00 per month for up to two (2) containers and \$5.00 additional for each container over two. This collection is in addition to the standard service and is applied only in monthly increments from June 1st through September 30th of each year.

D. Capistrano Bay District reserves the right to alter these rates accordingly based on collection fees charged by the provider of this pickup service. Written notice shall be sent to owners of all units affected and shall be posted as an addendum to this ordinance through Board action.

8. PENALTY

Any person violating any provision of this Ordinance shall be deemed guilty of an infraction and shall be fined \$100.00 for the first offense, \$150.00 for the second offense and \$200.00 for a third and subsequent offense.

9. TRASH HAULER

Only trash haulers authorized by the District shall be allowed to operate on Beach Road. The sole exception shall be that when an owner or his contractor requires a large container for debris created by work on the property, a debris bin no larger than 4 cubic yards may be rented by the owner or contractor, provided that said bin is not placed within the Beach Road right-of-way at any time.

10. WRITTEN NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section of the classified ads of the local Orange County Register newspaper.

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Passed, approved and adopted this 27th day of September, 2005 by the following vote:

AYES: Martinez, Jahnke, Dunn, Brady, Southwick
NOES:
ABSENT:
ABSTAIN:

Alex J. Martinez, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 05-205 adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on September 27, 2004.

Donal S. Russell, Manager
Capistrano Bay Community Services District