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ITEM NO. 10a

ORDINANCE NO. 22-205

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Ordinance No. 05-205 (from 2005) is hereby repealed.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 Accordingly, Ordinance No. 05-205 addressing this issue has been affected in the past and is hereby repealed.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 Rd.
- B. Constructed in accordance with all applicable District Ordinances, Policies and Standards.
- C. Located conveniently to permit easy collection and in accordance with applicable District Ordinances, Policies and Standards.

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. Trash should first be placed into plastic bags, then placed into the container. Table scraps should be separated from regular trash in accordance with State Compost Law and placed in compostable bags then placed into the appropriate organics barrel provided by the District.

5. CONTAINER ALLOTMENT

Standard allotment of containers is one trash container (black) and one recyclables container (blue or brown) each of 60-gallon capacity per improved real property. Also, to meet compliance with the State Compost Law, each property shall have one organics waste barrel of 30-gallon capacity.

6. TRASH PICKUP

There shall be two types of trash collections:

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

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

7. FEES

The District pays the trash collection fees for the entire community from the Property Tax Revenue that is apportioned back to the District each year. Therefore there are no trash collection fees billed directly to homeowner with the exception of the special summer collection program.

A. Special summer collection is \$110.00 for the entire 2022 summer service per-

through mid-September and is subject to a fee adjustment each year thereafter as per Section B.

B. 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 of fee adjustments shall be sent to owners of all affected units.

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 10 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 28th day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patrick McNulty, 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. 22-205 adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on June 28, 2022.

Donal S. Russell, Manager
Capistrano Bay Community Services District