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ORDINANCE NO. 42

AN ORDINANCE OF THE BOARD OF DIRECTORS OF MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, RELATING TO THE USE OF BINS BY BUSINESS, INDUSTRIAL OR OTHER COMMERCIAL ENTERPRISES, AND SETTING FEES FOR THE USE OF BINS, REPEALING ORDINANCE NOS. 33, 35 AND 37 AND ALL OTHER ORDINANCES, RESOLUTIONS AND MOTIONS INCONSISTENT THEREWITH

The Board of Directors of the Midway City Sanitary District of Orange County, California, does ORDAIN as follows:

Section 1: Every business, industrial, or other commercial enterprise utilizing the District's refuse collection service shall utilize the refuse bins provided by the District.

Section 2: Notwithstanding Section 1 of this Ordinance, upon written application by a person or entity affected by the ordinance, and upon findings that the enterprise in question generates a volume of refuse comparable with an average single family residence within the District and that the District is able to conveniently provide curbside pick-up, the District's General Manager may authorize curbside service for such enterprise. The District shall maintain a roll containing the name and address of each such enterprise authorized to receive curbside service, which roll shall be reviewed from time to time by the General Manager for the purpose of determining whether the continuation of curbside service for the enterprises listed is still appropriate.

Section 3: Decisions of the General Manager with respect to the method of service set forth herein shall be final unless written application for review by the Board of Directors is filed with the District within fifteen (15) days of the date of the General Manager's decision. Pending review by the Board of Directors, the following rules shall apply:

1 A. Enterprises not utilizing curbside service at the time of
2 the General Manager's decision shall utilize the District's bin
3 service until review by the Board of Directors.

4 B. Enterprises utilizing curbside service at the time of the
5 General Manager's decision may continue to utilize such service
6 until review by the Board of Directors.

7 **Section 4:** The Board of Directors shall consider an
8 application for review no later than thirty (30) days following its
9 filing with the District. The Board, in its discretion, may
10 consider such application on the date of a regular or special
11 meeting of the Board of Directors. The applicant shall be informed
12 not less than five (5) days in advance of the date and time on
13 which the Board shall consider the application.

14 **Section 5:** The Board's decision with respect to an
15 application for review filed pursuant to this Ordinance shall be
16 effective immediately upon rendition, and shall be final and
17 unappealable.

18 **Section 6:** For all properties in the District requiring
19 bin service for trash and garbage collection, a collection fee
20 shall be established as follows; effective August 1, 1990:

21 A. For pick-up one (1) time per week, the charge shall be
22 \$50.00 per bin per month. The determination of whether a user will
23 have once per week or twice per week collection shall be at the
24 discretion of the Orange County Health Department or the Midway
25 City Sanitary District.

26 B. For pick-up two (2) times per week, the charge shall be
27 \$60.00 per bin per month.

28 C. For pick-up three times per week, the charge shall be

1 \$70.00 per bin per month.

2 D. For pick-up four times per week, the charge shall be
3 \$80.00 per bin per month.

4 E. For pick-up five times per week, the charge shall be
5 \$90.00 per bin per month.

6 F. Charges for residential bins for ten (10) days shall be
7 \$45.00.

8 G. A surcharge of \$20.00 per pick-up shall be added for each
9 pick-up in excess of the maximums set forth above.

10 H. The charges set forth in subparagraphs A - G, inclusive,
11 above, are for standard service based upon reasonable, usual and
12 ordinary access and ability of District equipment and personnel to
13 provide the service to the customer. The General Manager is
14 authorized to establish a collection fee in an amount greater or
15 less than for standard service when, in his determination, factors
16 such as access to the customer's bins by District vehicles or a
17 quantity of bins are all served in the same proximate area
18 resulting in a level of service other than standard.

19 **Section 7:** The District may enter into lease agreements
20 with the users of its bin service covering periods in excess of one
21 (1) month. Fees under such Lease Agreements shall be the same as
22 those set forth in Section 1 of this Ordinance, provided, however,
23 that users paying six (6) months' rental fee, in advance, shall
24 receive a five percent (5%) discount and users paying one (1)
25 year's rental fee, in advance, shall receive a ten percent (10%)
26 discount for such advance payment.

27 **Section 8:** The bin rental fees set forth in any such Lease
28 Agreement shall be effective for at least one (1) year from the

1 date of execution of the Lease Agreement, or throughout the term
2 of the Lease Agreement if the term is less than one (1) year,
3 notwithstanding any subsequent amendment to the District's bin
4 fee schedules.

5 Section 9: Ordinance Nos. 33, 35 and 37 and all other
6 Resolutions and Ordinances, and parts thereof, inconsistent
7 therewith be and the same are hereby repealed to the extent of
8 such inconsistency and no further.

9 Section 10: The Secretary of the District is hereby author-
10 ized and directed to cause a certified copy of this Ordinance to
11 be published in a newspaper of general circulation and to be
12 posted in three (3) public places within the District.

13 ADOPTED, SIGNED AND APPROVED at a regular meeting of
14 the Board of Directors of Midway City Sanitary District held
15 this 5th day of June, 1990.

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19 ATTEST:

20 *"Bob" JB*
J. R. Seifen
21 Secretary

Anthony Nelson, Jr.
22 President

