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 AND 35 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:

<u>Section 1</u>: 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 this 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:

- A. Enterprises not utilizing curbside service at the time of the General Manager's decision shall utilize the District's bin service until review by the Board of Directors;
- B. Enterprises utilizing curbside service at the time of the General Manager's decision may continue to utilize such service until review by the Board of Directors.

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

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

<u>Section 6</u>: For all properties in the **District** requiring bin service for trash and garbage collection, a collection fee shall be established as follows; effective July 1, 1986:

A. For once per week pick-up, the charge shall be \$39.00 per bin per month. The determination of whether a user will have once per week or twice per week collection shall be at the discre-

tion of the Orange County Health Department or the Midway City Sanitary District.

- B. For twice per week pick-up, the charge shall be \$49.00 per bin per month.
- C. For pick-up three times per week, the charge shall be \$54.00 per bin per month.
- D. For pick-up four times per week, the charge shall be \$59.00 per bin per month.
- E. For pick-up five times per week, the charge shall be \$64.00 per bin per month.
- F. Charges for residential bins for ten (10) days shall be \$39.00.
- G. A surcharge of \$14.00 per pick-up shall be added for each pick-up in excess of the maximums set forth above.
- H. The charges set forth in subparagraphs A-G, inclusive, above, are for standard service based upon reasonable, usual and ordinary access and ability of District equipment and personnel to provide the service to the customer. The General Manager is authorized to establish a collection fee in an amount greater or lesser than for standard service when, in his determination, factors such as access to the customer's bins by District vehicles or a quantity of bins are all served in the same proximate area resulting in a level of service other than standard.

Section 7: The District may enter into lease agreements with the users of its bin service covering periods in excess of one

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(1) month. Fees under such Lease Agreements shall be the same as those set forth in Section 1 of this Ordinance, provided, however, that users paying six (6) months' rental fee, in advance, shall receive a five percent (5%) discount and users paying one (1) year's rental fee, in advance, shall receive a ten percent (10%) discount for such advance payment.

<u>Section 8:</u> The bin rental fees set forth in any such Lease Agreement shall be effective for at least one (1) year from the date of execution of the Lease Agreement, or throughout the term of the Lease Agreement if the term is less than one (1) year, notwithstanding any subsequent amendment to the **District's** bin fee schedules.

Section 9: That Ordinance Nos. 33 and 35 and all other Resolutions and Ordinances, and parts thereof, inconsistent herewith be and the same are hereby repealed to the extent of such inconsistency and no further.

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

ADOPTED, SIGNED AND APPROVED at a regular meeting of the Board of Directors of Midway City Sanitary District held this 3rd day of March, 1987.

President

ecretary

CERTIFICATE

	I. De	wey Wiles	5	Secretary of the MIDWAY
CITY SAI	NITARY DISTR	ICT of Orange	County,	Secretary of the MIDWAY California, do hereby
certity	that the ic	regoing Ordin	ance No.	3/ was duly adopted
at a	XXX	regular me	eting of t	the Governing Board
19 87 F	District ne	on the 3r	<u>'d</u> day	of <u>March</u> , rs of the Board:
<u> </u>	by the lollo	wing vote of	the member	rs of the Board:
	AYES:	DIRECTORS	Evans, Nels	on, Siefen, Wiles
	NOES:	DIRECTORS	Kirkpatrick	
	ABSENT:	· · · · · · · · · · · · · · · · · · ·	None	*
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and I II	irther certi	fy that	J. R. "Bob	
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