

ORDINANCE NO. 383

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
CHAPTER 8.04 OF THE CLAYTON MUNICIPAL CODE (GARBAGE,
GARDEN TRIMMINGS, AND REFUSE) BY CHANGING THE
TIME LIMITS FOR PLACEMENT AND REMOVAL OF
SOLID WASTE CONTAINERS**

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Chapter 8.04 of the Clayton Municipal Code (Ordinance No. 19, 1964) regulating the collection of garbage, garden trimmings and refuse, contains provisions at Section 8.04.110 establishing time limits for the placement and removal of garden trimming containers; and

WHEREAS, at the City Council meeting of March 1, 2005, the City Manager gave a report on problems that have occurred with regard to the time limits for placing and removing garbage and other solid waste collection carts from residential curbsides during trash collection days; and

WHEREAS, the City Council instructed the City Manager and City Attorney to prepare a draft Ordinance modifying the time limits for placement and removal of solid waste collection containers for consideration by the Council at its March 15, 2005 meeting; and

WHEREAS, in reviewing the current regulations the City Manager and City Attorney have concluded that certain other revisions to the existing code sections are appropriate to reflect the current collection containers now in use; and

WHEREAS, the following amendments to Chapter 8.04 are recommended by the City Manager and the City Attorney and have been reviewed and approved by the City Council, which has fixed the placement and removal time limits set forth below.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON
DOES ORDAIN AS FOLLOWS:**

SECTION 1. The title of Chapter 8.04 of the Clayton Municipal Code is amended to read as follows:

"Solid Waste Collection"

SECTION 2. Section 8.04.010 is amended by adding Subparagraph I to read as follows:

I. "Solid Waste" means and includes garbage, garden trimmings, refuse and recyclable materials, which latter term means glass, paper, cardboard, wood, concrete, plastic,

used motor oil, ferrous and non-ferrous metal, aluminum and any other solid waste material capable of being recycled. References elsewhere in this Chapter 8.04 to "garbage", "garden trimmings", and/or "refuse", shall mean collectively "solid waste" unless specifically referenced otherwise.

SECTION 3. Section 8.04.030 is amended in its entirety to hereafter read as follows:

8.04.030 Solid Waste Container - Use Required - Standards. A person having control where solid waste accumulates shall place the solid waste in containers which:

- A. Are provided by the collection contractor (other watertight containers may be used to store excess solid waste pending collection).
- B. Do not exceed ninety-six (96) gallons for garbage and refuse, sixty-four (64) gallons for garden trimmings and sixty-four (64) gallons for recyclable materials.
- C. Are placed at curbside to be picked up on collection day.
- D. Are kept clean by the user.

SECTION 4. Section 8.04.100 is amended in its entirety to hereafter read as follows:

8.04.100 Curbside Collection - Solid Waste Container Requirements. The containers placed at the curb line for collection of solid waste shall be those provided by collection contractor and of a capacity not exceeding ninety-six (96) gallons for garbage and refuse, sixty-four (64) gallons for garden trimmings and sixty-four (64) gallons for recyclable materials.

SECTION 5. Section 8.04.110 is amended in its entirety to hereafter read as follows:

8.04.110 Solid Waste Containers - Collection Time Limits on Placement and Removal. Each solid waste container placed at the curb line for collection shall be placed there no earlier than 12:00 p.m. (noon) of the day preceding the day of collection and shall be removed no later than 10:00 p.m. of the day of collection.

SECTION 6. Section 8.04.290 is amended in its entirety to hereafter read as follows:

8.04.290 Violation and Penalty. It is an infraction for one to violate or fail to comply with the provisions of this chapter or any regulation promulgated thereto. An infraction is punishable (1) by a fine not exceeding One hundred Dollars (\$100.) for a first violation; (2) a fine not exceeding Two Hundred Dollars (\$200) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding Three Hundred Dollars (\$300) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.

SECTION 7. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the city Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on April 19, 2005.


Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on May 3, 2005 by the following vote:

AYES: Councilmember Laurence, Pierce, Walcutt, Vice Mayor Shuey and Mayor Manning.

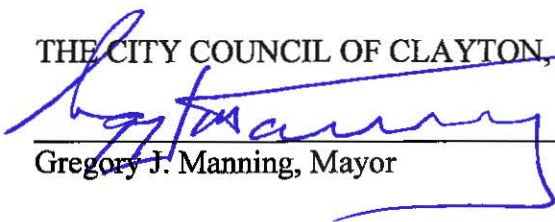
NOES: None.

ABSENT: None.

ATTEST:


Rhonda Basore, City Clerk


THE CITY COUNCIL OF CLAYTON, CA


Gregory J. Manning, Mayor

APPROVED AS TO FORM:


Maurice E. Huguet, Jr., City Attorney

APPROVED AS TO ADMINISTRATION:


Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held April 19, 2005 and was duly adopted, passed and ordered posted at a regular meeting to the City Council held on May 3, 2005.


Rhonda Basore, City Clerk