

ORDINANCE NO. 2002-1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
ARMONA COMMUNITY SERVICES DISTRICT
ESTABLISHING
CHARGES FOR VIOLATION OF GREEN WASTE SEPARATION

The Board of Directors of the Armona Community Services District does hereby find:

WHEREAS, the Armona Community Services District ("District") is a California community services district formed and existing under and by virtue of the provisions of the Community Services District Law, codified at Government Code §§ 61000-61800, inclusive; and

WHEREAS, the District is not a public utility subject to the Public Utilities Code, is not subject to the jurisdiction of the Public Utilities Commission, and is not a "municipal corporation," as that term is used in Public Utilities Code § 10009.6; and

WHEREAS, the Community Services District Law provides, at Government Code Section 61621, that the District may provide for the collection of charges and that the remedies for the collection and enforcement of charges are cumulative and may be pursued alternatively or consecutively by the District; and

WHEREAS, the District is subject to various laws and regulations, including the California Integrated Waste Management Act of 1989, set out at California Public Resources Code §§ 40000-49620, and regulations issued by the California Integrated Waste Management Board, the Kings County Environmental Health Department, and the Kings Waste and Recycling Authority ("KWRA"), among other instrumentalities of government, providing for the reduction of solid waste disposal in land fills and the conservation of recyclable materials; and

WHEREAS, under such laws and regulations, green waste, which includes grass clippings, weeds, leaves, small branches, and other landscape waste from homes and businesses, is required to be separated from other forms of solid waste which include recyclables and garbage; and

WHEREAS, the District is a party to the Refuse Service Agreement ("Agreement") entered into between the District and Kingsburg Disposal Service, Inc. ("Contractor"), on December 12, 2001; and

WHEREAS, under the Agreement, the Contractor provides a two can system under which green waste is collected in one container and garbage and commingled recyclables are collected in a second container for each residential service in the District; and

WHEREAS, the failure to separate such green waste from other forms of solid waste, in particular recyclables, subjects the District to increased fees which are charged back to the District for the disposal of such green waste intermingled with such recyclables and other forms of solid waste; and

WHEREAS, as of the date hereof, the KWRA charges \$35/ton for disposal of green waste that is separated from other solid waste; and

WHEREAS, as of the date hereof, the KWRA charges \$67/ton for disposal of garbage and commingled recyclables; and

WHEREAS, as of the date hereof, the KWRA charges \$67/ton for disposal of green waste that is commingled with garbage or other forms of solid waste; and

WHEREAS, the District could be charged for multiple tons, at \$67/ton, for a multi-ton truck load of solid waste containing green waste commingled with other forms of solid waste, even though the commingled waste in that truck load originates from only one or a few households; and

WHEREAS, such additional disposal fees charged for disposal of such intermingled of green waste must either be paid by the District's ratepayers, or by those service recipients who intermingle such green waste with such other forms of solid waste; and

WHEREAS, it is equitable that those who cause the District, and the citizens it serves, to incur additional charges for such intermingling or commingling of green waste with other forms of waste, to pay the costs incurred therefor; and

WHEREAS, it is in the interests of the District and the citizens of the District that the District establish procedures for the enforcement and collection of such charges; and

WHEREAS, the charges below fairly represent the costs to the District of such intermingling or commingling of such green waste with other forms of solid waste.

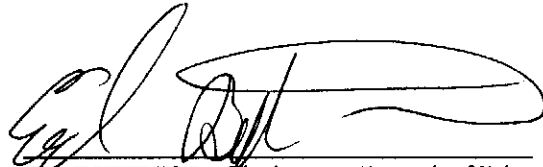
NOW, THEREFORE, the Board of Directors of the Armona Community Services District does hereby enact as follows:

1. First Violation. A written notice of such violation shall be issued by the District.
2. Second Violation. A written notice of such violation shall be given of a second violation, and a charge of Fifty and no/100 Dollars (\$50.00) shall be added to the next regular monthly bill of the service address at which the second violation occurred.

3. Third and Subsequent Violations. A written notice of such violation shall be given of any subsequent violations and a charge of One-Hundred and no/100 Dollars (\$100.00) shall be added to the next regular monthly bill of the service address at which the third or subsequent violation occurred, as the case may be.
4. Determination of Number of Violations. To determine whether a violation is other than a first violation, only notices issued within one year prior thereto shall be considered.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Armona Community Services District on April 10, 2002, by the following vote:

AYES: 5 Directors Bittner, Maciel, Danielson, Plooy , and Schales
NOES: 0
ABSENT: 0
ABSTAIN: 0



ED BITTNER, Chairman, Board of Directors

ATTEST:


JAMES MACIEL, SECRETARY

CERTIFICATE OF SECRETARY

I, James Maciel, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby declare that the foregoing Ordinance was passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly held at Armona, California, on April 10, 2002.

[DISTRICT SEAL]

DATED: April 10, 2002.


JAMES MACIEL, SECRETARY

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