

CITY OF SAN ANSELMO

ORDINANCE NO. 594

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3
OF THE SAN ANSELMO MUNICIPAL CODE (GARBAGE
COLLECTION) BY REVISING COLLECTION METHODS
AND CHARGES FOR COLLECTION.

The City Council of the City of San Anselmo do
ordain as follows:

Section 1. The following sections and subsections of
Title 5, Chapter 3 of the San Anselmo Municipal
Code are hereby amended to read as follows:

Sec. 5-3.01. Definition.

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) Wet garbage shall mean all hygienic and food waste, cans, bottles and all other waste generated from preparation and, or consumption of food and, or beverages, or is physically wet.

(b) Dry waste shall mean all waste other than wet garbage as defined in (a).

(c) Unlimited service shall mean pick up from residential properties of any number of containers as defined in Sec. 5-3.03 (a) of this chapter.

(d) "The Flat" shall mean all that portion of the City of San Anselmo shown and delineated upon the map made a part hereof and marked with the legend "A".

(e) The hill area is all that part of the City of San Anselmo delineated upon the map made a part hereof and marked with the legend "B".

(f) A large scale map showing the "flat" and "hill" zones shall be kept on file and accessible for public examination in the office of the City Engineer and another like map shall be kept on file and available for public examination in the office of the Official Garbage Collector.

Sec. 5-3.02. Garbage disposal regulated.

(a) It shall be unlawful for any person to keep, deposit, bury or dispose of any garbage, except as provided in this chapter, in or upon any private property, public street, alley, sidewalk, gutter, park, or other public place whatsoever or to throw the same in the bed or upon the banks of any stream or creek in the City or in or upon any of the waters thereof. Every person in

the City having the obligation of the disposal of garbage shall dispose of the same only in the manner provided in this chapter through the Official Garbage Collector of the City; provided, however, any person may dispose of accumulations of dry waste by hauling or causing it to be hauled to legal disposal facilities. Every tenant, lessee, or occupant of any private dwelling house or premises, furnished flat or apartment house, and the keeper or manager of every hotel, restaurant, eating house, boarding-house, or other place where meals are furnished, and the owner or proprietor of every business house or store shall have the garbage collection service by the Official Garbage Collector at least once each week, or oftener if ordered by the Health Officer, and shall pay the Official Garbage Collector the monthly rates provided in this chapter.

(b) For the purposes of this chapter, any dwelling unit in which there are cooking facilities, and which is occupied more than four (4) days per month, shall be considered to produce garbage and require garbage collection.

(§ 2, Ord. 253, as amended by § 1, Ord. 512, eff. September 10, 1964)

Sec. 5-3.03. Garbage receptacles.

(a) It shall be the duty of every tenant, lessee, or occupant of any private dwelling house or premises, furnished flat or apartment house, and the keeper or manager of every hotel, restaurant, eating house, boardinghouse, or other building or place where meals are furnished, and the owner or proprietor of every grocery, butcher shop, or business house or store, and every person having garbage to be disposed of to provide, without expense to the City, and at all times to keep within said building or on the premises where the garbage is

located, for wet garbage, suitable and sufficient watertight cans or receptacles with suitable bales or handles, each having a tight-fitting cover, for receiving and holding, without leakage or escape of odors and without being filled to within four (4") inches of the top, all the garbage which would ordinarily accumulate on said premises in one week's time, or in such time as would ordinarily elapse before the same would be removed by the Official Garbage Collector, or otherwise disposed of as in this chapter provided. All such cans shall be placed and kept at least four (4") inches above the ground and shall be so placed and kept as to be readily accessible for removing and emptying the garbage therefrom and where they will not be a public nuisance or in any degree offensive. Such cans or receptacles for garbage shall have a capacity of not less than ten (10) gallons nor more than thirty-two (32) gallons. Dry waste must be contained either in a receptacle as described above or in any suitable barrel, can, box, bag or disposable container not exceeding 32 gallon capacity. Garden and tree cuttings may be securely tied in single bundles not to exceed 18" in diameter and 48" in length. No can or receptacle for receiving garbage shall be placed or kept on or in any public street, alley, sidewalk, footpath, or any public place whatsoever. Each filled container shall not exceed a total of 100 lbs. in weight including weight of the container.

Sec. 5-3.03 (b) Is hereby repealed.

Sec. 5-3.04. Removal of garbage from receptacles.

(a) All garbage and other waste shall be removed from cans or receptacles at least once each week, and as often in each week as may be necessary to fully comply with the requirements of this chapter, and shall be so removed only by the Official Garbage Collector and upon the terms and conditions specified in this chapter or shall be otherwise disposed of only as in this chapter provided. The Health Officer shall be the exclusive judge of the sufficiency of cans or receptacles, and of the least number of times each week garbage shall be removed from any premises, and of the sufficiency of disposition in compliance with this chapter otherwise than by collection of the Official Garbage Collector.

(b) It shall be unlawful for any person to place or cause to be placed in any refuse receptacle owned by the City and located upon any public street or public place any garbage or refuse originating within or upon any private property; provided, however, pedestrians or other persons using such street or public place shall be permitted to deposit in such receptacle miscellaneous small articles of refuse carried by them.

(§ 4, Ord. 253, as amended by § 1, Ord. 512, eff. September 10, 1964)

Sec. 5-3.05. Rates for collection.

The rates for the collection of garbage and dry waste for the calendar year 1970 shall be in accord with the following schedule which is adopted as a one year trial period. For any time after 1970 the garbage collection rates shall be as the City Council shall fix and determine notwithstanding that such

future rates may be greater or less than those for the 1970 period. If the City Council does not alter the rates for the time subsequent to 1970 the rates shall remain the same as for the year 1970.

(a) Residential Rates.

(1) Regular and unlimited weekly service.

Flat area: \$4.50 per month

Hill area: 4.75 per month

(2) Optional regular residential service.

Flat area: 2.50 per month
(One can per week)
65¢ per each can over
one picked up at time
of regular service

Hill area: 2.75 per month
(One can per week)
70¢ per each can over
one picked up at time
of regular service

(3) Special pick up not part of a regular service.

Flat area: 1.55 per each can

Hill area: 1.85 per each can

(b) Commercial rates (Subject to negotiation but in no event in excess of the following schedule:

\$2.00 per cu.yd. plus \$6.00 per month for
debris box rental (2 cu.yd.box)
.40 per 32-gal. can (carried no more than 15 ft.)
.50 per 32-gal. can (carried more than 15 ft. and
up to and including 65 ft.)
.60 per 32-gal. can (carried beyond 65 ft.)

(c) Debris box service on occasional basis.

\$7.50 for each debris box of a 2 yard capacity to be picked up within 24 hours after delivery of box to user's property if so requested, otherwise to be picked up not later than seven days from date of delivery of the box. (This charge includes box rental, delivery, pick up and disposal)

(d) All residential service unlimited unless option exercised.

All residential garbage service shall be on the unlimited rate basis, provided however that the user may make written

application for optional regular service which application for the calendar year 1970 must be made prior to January 16, 1970. Each year the Official Garbage Collector shall, during the month of November, send each user a form, approved by the City Administrator, explaining the regular and optional services available and notifying the user that if optional service is requested the notice must be returned so indicating prior to December 31st of that year. If optional service is not requested by the user he will be furnished and charged for unlimited service for the ensuing year. New users must be informed of the type of services available and shall make choice or election at the time of commencing service.

Sec. 5-3.06. Payment of garbage rates: Delinquencies.

(a) The rates prescribed in Section 5-3.05 shall be paid on or before the fifth day of each month succeeding the month in which garbage is collected to the person who was official garbage collector at the time of such collection, or may be paid one year in advance at a five (5%) per cent discount of the total annual charge.

Sec. 5-3.07. Conveyance of garbage through streets and alleys.

It shall be unlawful for any person, except the Official Garbage Collector, to remove or carry on, along, or through the streets and alleys of the City any wet garbage. All garbage removed or carried on, along, or through such streets or alleys shall be removed or carried in watertight cans or in carts or wagons which do not leak and which have proper covers and are so loaded that none of the garbage shall fall, drip, or spill to the ground or upon the streets or alleys. All such carts and wagons shall be kept clean on the outside and be numbered on the outside so that the number can be plainly seen. When at work each garbage collector shall wear a badge in plain sight upon which shall be the words, "Garbage Collector".

(§ 8, Ord. 253)

Section 5-3.08 is hereby repealed and a new section 5-3.08 is enacted to read as follows:

5-3.08. Municipal Garbage and Waste.

The Official Garbage Collector shall, without any charge whatsoever to the City of San Anselmo pick up and remove all properly contained garbage and waste from all City buildings and property on a weekly basis, and shall daily empty and remove the contents of all litter cans provided by the City.

A new section designated 5-3.13 is hereby enacted as follows:

5-3.13. Exporting and Importing Garbage Prohibited.

The following acts or conduct are hereby declared to be unlawful and a public nuisance:

(a) For any person having garbage service of any type to remove any garbage or waste from his premises to the premises of any other person.

(b) For any person having garbage service of any type to permit or suffer his premises to be used for the deposit of any garbage or waste from the premises of any other person.

A new section designated 5-3.14. is hereby enacted as follows:
5-3.14. Audit Annually by Collector.

The Official Garbage Collector shall annually furnish the City of San Anselmo, at his own expense, an audit of his garbage collection business and operations which audit shall include a statement of financial condition and profit and loss statement to be made and prepared by a certified public accountant approved by the City Council.

Section 2. This ordinance is declared to be an urgency measure for the immediate preservation of the public peace, health, and safety. A declaration of the facts constituting the urgency

are as follows:

Effective January 1, 1970, the practice of burning combustible materials and substances will be unlawful in all the counties of the San Francisco Bay Area by order of the Bay Area Air Pollution Control District. That the greater majority of the residents of San Anselmo have heretofore had the privilege of disposing of garden and tree prunings, clippings, leaves, and other combustible materials by burning but said materials after January 1, 1970 will, of necessity, have to be physically removed from the residents' premises and appropriate regulations are necessary to provide for the removal of such materials and to provide a reasonable compensation to the Official Garbage Collector for such removal if his services are required. That each resident is being offered a new type of garbage removal designated as "unlimited service" and it is imperative that each resident be immediately made aware of the new Air Pollution regulations and have time to decide whether or not to accept the new "unlimited" garbage removal service. That the new service must go into effect as of January 1, 1970, and there is not sufficient time to introduce and adopt a regulating ordinance under the law pertaining to non-urgency ordinances so as to be effective January 1, 1970. That unless this ordinance is passed as an urgency measure there will be a period of time in which a great deal of combustible material in the City of San Anselmo will accumulate and pile up creating not only a dangerous fire hazard but, in some cases, provide a refuge for rats, mice and like animals to the potential prejudice of private and public health.

Section 3. This ordinance shall take effect immediately upon its passage and adoption but the services and charges provided for

shall be effective as of the first day of January, 1970.

Within fifteen (15) days of its passage and adoption this ordinance shall be published in the "Reporter", a newspaper of general circulation published and circulated in the City of San Anselmo.

The foregoing ordinance was duly and regularly introduced and adopted at a regular meeting of the San Anselmo City Council held in said chambers and City on December 16, 1969, by the following vote:

AYES: COUNCILMEN: REED, RAGAN, ANDERSON, SCOTT, CAPURRO

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: NONE

Woodrow V. Capurro
WOODROW V. CAPURRO, MAYOR

ATTEST:

Anita Gannon
ANITA GANNON, CITY CLERK