

DEPARTMENT: County Counsel

BY: Steve Dahlem

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

5/26 Ord. Introduced.

Adopt Ordinance amending Chapters 8.12 of the Mariposa County Code entitled "Landfills" and Sections 130, 160, 170 of Chapter 8.36 entitled "Solid Waste Disposal". Amending these chapters will add the requirement that solid waste originating within the boundaries of the county will be handled at the facilities within the Mariposa County solid waste system and allow persons residing within the Lake Don Pedro subdivision to use such facilities for their solid waste and recyclables. This change will increase the revenue base for Mariposa County's solid waste system providing additional resources for solid waste, recycling, and household hazardous waste programs developed by the Department of Public Works Solid Waste & Recycling Division.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 409 was adopted by the Board of Supervisors in 1975 creating Chapter 8.12, outlining which entities may use the Mariposa County solid waste system as well as restrictions and associated penalties. Ordinance 493 was adopted by the Board of Supervisors in 1978 creating Section 130 and Ordinance 29 was adopted in 1992 creating Section 160. Since that time, the solid waste system has changed significantly including the types of solid waste, recycling and hazardous waste generated, types of programs offered, regulatory requirements, and associated operational costs.

As the population in Mariposa and adjoining counties continue to grow, demands on the solid waste system increase. In addition, communities developed that straddled county boundaries. To address these concerns, the Department of Public Works was directed by the Board of Supervisors to address waste disposal and recycling for the Lake Don Pedro subdivision residents. The proposed amendments to Chapter 8.12 address the needs of this subdivision and helps provide resources for solid waste, recycling, and household hazardous waste programs developed by the Department of Public Works Solid Waste & Recycling Division for area residents.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (x) No Current FY Cost: \$ Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded
Amount in Budget: \$ List Attachments, number pages consecutively
Additional Funding Needed: \$ First and Second Reading of Ordinance
Source:
Internal Transfer _____
Unanticipated Revenue _____ 4/5's vote
Transfer Between Funds _____ 4/5's vote
Contingency _____ 4/5's vote
() General () Other

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1054 and 1055
Vote - Ayes: _____ Noes: _____
Absent: _____
() Approved
(x) Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

(x) Requested Action Recommended
() No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: RB



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: B) Waive First Reading and Introduce Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled "Sanitary Landfills" and Sections 130, 160 and 170 of Chapter 8.36 Entitled "Solid Waste Disposal"

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 26, 2009

ACTION AND VOTE:

B) Waive First Reading and Introduce Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled "Sanitary Landfills" and Sections 130, 160 and 170 of Chapter 8.36 Entitled "Solid Waste Disposal"

BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director. Supervisor Bibby requested that information be provided on whether Tuolumne County allows our residents to use their landfill and relative to usage by their residents of our landfill; and she advised of typographical corrections. Supervisor Turpin commented on tracking the costs for the transfer stations. Supervisor Cann requested that information be provided on the number of developed lots in the Lake Don Pedro subdivision for Mariposa and for Tuolumne. Supervisor Turpin noted that Buck Meadows is in Mariposa County; however, service is provided by Tuolumne County. (M)Turpin, (S)Cann, the first reading was waived and the Ordinance was introduced, with the typographical corrections. The Clerk of the Board read the title of the Ordinance in to the record. Supervisor Bibby asked that Public Works bring back information if there is a sudden increase in the waste disposal. Ayes: Unanimous.

Cc: Steve Dahlem, County Counsel
File

MARIPOSA COUNTY ORDINANCE NO. 1054

AN ORDINANCE AMENDING SECTIONS 8.36.130 and 8.36.160 and ADDING SECTION 8.36.170 OF CHAPTER 8.36 OF THE MARIPOSA COUNTY CODE ENTITLED "SOLID WASTE DISPOSAL"

WHEREAS, the Board of Supervisors desire to amend Sections 8.36.130 and 8.36.160 and add Section 8.36.170 of Chapter 8.36 of the Mariposa County Code, and

WHEREAS, this amendment will require the disposal of solid waste originating within the boundaries of Mariposa County at the facilities of the Mariposa County solid waste system and allow persons residing within the Lake Don Pedro Subdivision to use the facilities of the Mariposa County solid waste system for their solid waste and recyclables.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Sections 8.36.130, 8.36.160 and 8.36.170 of Chapter 8.36 of the Mariposa County Code is hereby amended to read as follows:

8.36.130 County area covered and excluded.

Certificate holders shall have the responsibility and the right to collect all garbage, refuse, and solid waste throughout the county on all private lands in the county excluding only those areas presently serviced by the National Park Service and for as long as said areas continue to be serviced by the National Park Service, subject to the conditions herein contained. (Ord. 493 (part), 1978). All certificate holders are required to dispose of all waste at solid waste facilities authorized by the Solid Waste & Recycling Manager.

8.36.160 Persons and entities permitted.

The following persons and entities are expressly permitted to dispose of solid waste, in compliance with the regulations of this chapter, in the Mariposa County solid waste system:

- A. Residents of Mariposa County bearing identification establishing residency.
- B. Owners of real property in Mariposa County bearing identification and listed on the property roles, and their tenants, lessees and agents.
- C. Persons or entities who have entered into contracts or agreements with Mariposa County for the use the Mariposa County solid waste system and transfer sites.
- D. Persons or entities who have entered into contracts or agreements with residents or owners of real property in Mariposa County.
- E. Notwithstanding anything to the contrary contained herein, commercial refuse collectors shall not be permitted to dump or dispose of solid waste and refuse in any transfer station in the County of Mariposa.

8.36.170 Persons and entities permitted.

The following persons and entities are expressly permitted to dispose of solid waste, in compliance with the regulations of this chapter, in the Mariposa County solid waste system:

A. Residents of the Lake Don Pedro Subdivision.

B. All persons, firms, corporations, and their agents that are not within the boundaries of the county who have a waste stream that is of beneficial use to the Mariposa County solid waste system, subject to the authorization of the Solid Waste & Recycling Manager.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 9th day of June 2009 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

ABSENT: NONE

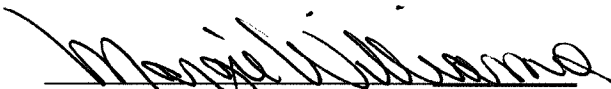
ABSTAINED: NONE



BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS
Clerk of the Board



STEVEN W. DAHLEM
County Counsel