

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

*5/26* (x) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

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. 1055**

**AN ORDINANCE AMENDING  
CHAPTER 8.12 OF THE MARIPOSA COUNTY CODE  
ENTITLED "SANITARY LANDFILLS"**

**WHEREAS**, the Board of Supervisors desire to amend Chapter 8.12 of the Mariposa County Code, and

**WHEREAS**, this amendment will allow persons residing within the Lake Don Pedro Subdivision to use 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:** Chapter 8.12 of the Mariposa County Code is hereby amended to read as follows:

- 8.12.010 Persons required to use.
- 8.12.020 Articles prohibited from landfill sites.
- 8.12.030 Persons prohibited from sites.
- 8.12.040 Violations – Penalty.

**8.12.010 Persons privileged to use.**

A. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of Mariposa County shall be privileged to use the facilities of the Mariposa County solid waste system for the disposal of solid waste originating with the boundaries of Mariposa County.

B. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of the Lake Don Pedro Subdivision may use the facilities of the Mariposa County solid waste system for appropriately managing their solid waste and recyclables.

C. All persons, firms, corporations, and their agents whose residences or places of business are not within the boundaries of Mariposa County who have a waste stream that is of beneficial use to the Mariposa County solid waste system may use the facilities of the Mariposa County solid waste system, subject to the authorization of the Solid Waste and Recycling Manager.

D. No person, firm, corporation, or their agents, other than those designated in subsections A, B, and C, shall enter into or upon the lands of the Mariposa County solid waste system for any purpose whatsoever, unless authorized to do so by the Solid Waste and Recycling Manager.

**8.12.020 Articles prohibited from solid waste system.**

It is unlawful for any person, firm, or corporation or their agent having the right to use the Mariposa County solid waste system to deposit household hazardous waste, medical waste, asbestos-containing materials, explosives, radioactive material or other materials as determined by the Solid Waste & Recycling Manager. (Ord. 409 Sec. 2, 1975)

**8.12.030 Persons prohibited from sites.**

Persons under the age of twelve years are not allowed on the grounds of the various sanitary landfill sites in the County of Mariposa unless:

- A. Accompanied by a parent or guardian; and
- B. Remain within the vehicle during the use of the solid waste facilities.


**8.12.040 Violation – Penalty.**

Violations of this chapter shall be punishable by a fine not to exceed two hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment.

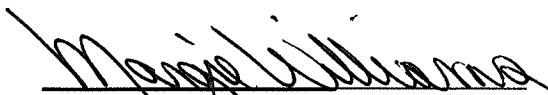
**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 9<sup>th</sup> 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:**

  
\_\_\_\_\_  
**MARGIE WILLIAMS**  
Clerk of the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**STEVEN W. DAHLEM**  
County Counsel