

CORRECTED-ORDINANCE No 2007-02

THE BOARD OF DIRECTORS OF THE CAMERON PARK COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:

ESTABLISH MANDATORY GARBAGE SERVICE, PROVIDE RULES AND REGULATIONS GOVERNING THE COLLECTION, HANDLING AND DISPOSAL OF SOLID WASTE AND OTHER OPERATING REGULATIONS

WHEREAS, the Board of Directors finds and declares:

A. That, pursuant to the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 et seq.), the Legislature has mandated that local agencies make adequate provisions for solid waste handling within their jurisdictions; and

B. That to protect the health, safety and welfare of the District's constituency, it is in the public's best interest to establish exclusive franchises for the mandatory collection, disposal and processing of solid waste and recyclable materials.

C. That, pursuant to state law, the Cameron Park Community Services District is authorized to execute its powers for the purpose of the collection or disposal of garbage or refuse matter and may contract for the collection and disposal of garbage or refuse matter.

Section 1. Mandatory Collection Areas

A. The areas within boundaries of the Cameron Park Community Services District as presently constituted at time of Ordinance passage, and as amended in the future by the El Dorado County Local Agency Formation Commission, shall constitute mandatory collection areas.

B. Other mandatory collection areas may be established by Ordinance by the Board of Directors as found to be necessary for the public health and welfare or required to implement state laws.

Section 2. Liability for Payment of Fees-Mandatory Collection. Each owner, occupant or person in possession, charge or control of any collection premises located in the Cameron Park Community Services District is hereby made liable jointly and severally for the payment of the solid waste collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the District or grantee. Services made available to those

premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services.

Section 3. Billing Cycle and Penalty for Delinquent Payments. Solid waste collection fees may be billed and paid in advance on a quarterly or bi-monthly basis. Payment shall be due upon receipt, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

Section 4. Discontinuation of Service. The District or grantee may discontinue service for any customer whose account remains unpaid for forty five (45) days after the date of billing as long as the customer has received a notice on a form approved by the general Manager stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

Section 5. Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to the Cameron Park Community Services District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

Section 6. Lien for Ninety (90) Day Delinquencies. Mandatory collection fees authorized pursuant to this article which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the Cameron Park Community Services District as provided herein.

A. Once a year the Board of Directors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

B. The Board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

C. At the hearing, the Board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

D. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the

amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of the district ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

Section 7. General Exemptions-Mandatory Collection Area.

A. The provisions of this Article shall not apply to any of the residential units or commercial enterprises hereafter described:

(1) A person or entity who contracts for landscaping or gardening work performed for the customer and incidental to such services removes and Recycles or disposes of Green Waste, provided that such removal and Recycling or disposal are performed by the person removing and Recycling or disposing of such Green Waste, and not by a subcontractor or other third-party; or

(2) A person or entity who has been given an exemption by the District from any mandatory collection ordinance that the District may adopt in the future; or

(3) A licensed contractor that generates Construction and Demolition Debris in the course of his/its business activities and such contractor, or his/its full-time employees and not a subcontractor or other third-party, self-haul such Construction and Demolition Debris (but excluding all other Solid Waste or Recyclables) to an authorized and permitted (as may be required by federal, state or local regulatory agencies with jurisdiction over such activities) processing facility for purposes of Material Recovery. A licensed contractor shall not use any subcontractor or other third party other than Contractor to

haul Construction and Demolition Debris to an authorized and permitted Processing facility.

B. Any person claiming an exemption pursuant to this section shall file a statement under oath or under penalty of perjury with the franchisee stating the facts upon which exemption is claimed and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the solid waste collection fees required by this article.

C. The franchisee, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein.

Section 8. Complaint Procedures. The General Manager, or designee, shall adopt an administrative complaint procedure whereby customers may file complaints regarding service or any other matter arising out of the services provided under this article. Appeals from any determinations made pursuant to this administrative procedure may be made to the board of directors.

Section 9. This ordinance shall take effect and become effective thirty (30) days after the adoption hereof.

Passed and adopted by the Board of Directors of the Cameron Park Community Services District at a regular meeting of said Board, held on the 20th day of February 2008.

AYES: 4

NOES: 0

ABSENT: *Sensen*

ATTEST:

Dwight Johnson
Board of Directors, President

Sammy Mufford
Board Secretary