

## ORDINANCE NO. 20-01

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT ADOPTING SOLID WASTE SERVICE CHARGES

BE IT ENACTED by the Board of Directors of the Kirkwood Meadows Public Utility District as follows:

**SECTION 1. Findings.** The Board finds and determines as follows:

1. The District provides limited solid waste collection and disposal service to some residential areas in the District that, through their homeowners' association, have requested and made arrangements for service with the District.
2. The scope of District service shall be limited to the following: (1) manage and maintain a Collection Center at 40 Loop Road and the other collection centers at which the District maintains standard bins for discarding solid waste, for the benefit and use of the owners of property contained within the Service Area that request and receive solid waste collection and disposal service from the District; (2) contract with a solid waste collection services contractor to collect, remove from the Service area, and dispose of solid waste collected from the Service area; and (3) levy and collect service charges from the owners of property contained within the Service Area that request and receive solid waste collection and disposal service from the District. The District shall not provide any direct solid waste pick-up services to single family residences in the Service Area.
3. The regular and periodic collection of solid waste from all places in the District benefits all owners, occupants, residents, and businesses in the District by furthering and promoting the health, safety, welfare, and aesthetics of the District.
4. The ordinance adopts and effects increased solid waste service charges.

**SECTION 2. Regulation Amended.** Regulation 810.01 of the Kirkwood Meadows Public Utility District Policies and Regulations is hereby amended to read as follows:

#### REGULATION NO. 810.01 KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT SOLID WASTE COLLECTION AND DISPOSAL SERVICE AND RATES

##### A. PURPOSE AND AUTHORITY

The purpose of this regulation is to provide voluntary, District-wide solid waste collection services, adopt solid waste related rules and regulations, and levy rates and charge to pay the

costs of the District's solid waste collection and disposal service. This regulation is adopted pursuant to Public Utilities Code Section 16467, Government Code Sections 54344-54345, and other applicable law.

## B. DEFINITIONS

1. Collection Center shall mean the following centralized solid waste collection locations in the District: the standard bins maintained by the District and located in the parking area directly adjacent to the District's wastewater treatment plant at 33570 Loop Road, Kirkwood, California; and the other collection centers at which the District maintains standard bins for discarding solid waste.
2. Construction Waste shall mean waste and debris generated or emanating from a construction, demolition, remodeling, alteration, repair or improvement project (e.g. lumber, concrete, bricks, carpet and other floor coverings, roofing materials, siding materials, sheet rock, wallboard, concrete, dirt, pipe, wiring, and packaging materials).
3. Developed Property shall mean a real property parcel contained within the District that is developed with a building or structure that when used is likely to generate solid waste.
4. Service Area shall mean the boundaries of the District as defined in its formation documents and as amended thereafter.
5. Solid Waste shall mean all putrescible and non-putrescible solid, semisolid, and liquid waste, including garbage, household refuse, trash, refuse, paper, rubbish, ashes, and vegetable and animal solid and semisolid wastes. Solid waste for purposes of this regulation shall not include any special waste or construction waste.
6. Solid Waste Contract shall mean the solid waste collection services agreement between the District and a solid waste collection services contractor.
7. Special Waste shall mean industrial waste; abandoned vehicles and parts; discarded home and industrial appliances; sewage sludge; dead animals; discarded furniture; tree trunks, stumps, and major limbs; waste oil; hazardous or toxic waste or materials; highly flammable waste or substance; explosive waste or substance; radioactive waste or substance; paint; highly infectious or contagious materials; and batteries.
8. Standard Bin shall mean an approximate two to seven cubic yard sized dumpster or bin provided by the District's solid waste collection services contractor pursuant to the Solid Waste Contract.

## C. SOLID WASTE COLLECTION RULES

1. The District shall enter into a solid waste collection services agreement with a solid waste collection contractor to provide for the collection and disposal of Solid Waste

from the Collection Centers and related services. The District, in its discretion, may amend or change the Solid Waste Contract and/or contractor at any time.

2. All Solid Waste generated, created, or accumulated shall be discarded in a Standard Bin located at one of the Collection Centers in the District, or collected and hauled outside the District and disposed of in a legal manner. The Solid Waste collected at the Collection Centers shall be disposed of in accordance with the Solid Waste Contract.
3. Construction Waste shall be collected and disposed of by the contractor in accordance with the requirements of District Regulation No. 810.02.
4. District Solid Waste collection service does not include the collection or disposal of Special Waste. Any person generating, creating, producing, or accumulating Special Waste shall arrange for it to be discarded or disposed of pursuant to separate contract arrangements with the District's solid waste collection contractor or otherwise in some lawful manner.
5. No Solid Waste, Construction Waste, or Special Waste shall be burned, allowed to accumulate, buried, dumped, scattered, or placed on any property within the District, except as otherwise permitted by District regulation or State law. Nothing in this regulation shall prohibit composting if it is done in accordance with State standards.
6. The frequency of Solid Waste collection from the Collection Centers shall be determined in accordance with the Solid Waste Contract.

#### D. LEVY OF SOLID WASTE SERVICE CHARGE

The District hereby establishes and levies a solid waste service charge. The charge shall be levied against the owners of property contained within the Service Area that request and receive solid waste collection and disposal service from the District. The initial schedule of solid waste service charges is shown on Exhibit A, attached hereto and incorporated herein. The schedule of solid waste service charges may be amended from time to time by resolution of the District Board of Directors, subject to compliance with applicable notice and hearing requirements. Except as otherwise provided by this ordinance, the owner of each parcel of real property within the Service Area, shall pay to the District the service charge in the amount shown on the applicable schedule of charges.

#### E. BILLING AND COLLECTION

The solid waste service charges shall be billed and collected together with the charges for other District utility services, and all charges shall be billed upon the same bill and collected as one item. The provisions in the District's policies, regulations and procedures that apply to billing and collection of other utility charges shall apply equally to billing and collection

of solid waste service charges. In addition to any other remedy provided by law or District regulation or ordinance, if a property owner becomes delinquent in the payment of the solid waste service charge, then the District may terminate utility service to the subject premises in accordance with the procedures set forth in the Public Utilities Code.

**F. USE OF SOLID WASTE SERVICE CHARGE REVENUE**

All solid waste service charge revenue collected by the District shall be used by the District solely for the cost of providing solid waste collection and disposal services together with related indirect administration and overhead costs. The District shall keep and maintain a separate enterprise fund and accounting showing the revenues and expenses of the District's solid waste service.

**SECTION 3. Superseder.** This ordinance supersedes any prior inconsistent District ordinance, resolution, policy, regulation, or procedure.

**SECTION 4. Effective Date.** This ordinance shall take effect 28 days after its passage.

**SECTION 5. Posting.** Within 20 days from the date of passage of this ordinance, the District Clerk of the Board shall post a copy of the ordinance in three public places in the District.

PASSED AND ADOPTED by the Board of Directors of the Kirkwood Meadows Public Utility District on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

President

Secretary

**SOLID WASTE SERVICE CHARGES**  
**EXHIBIT A**

The Solid Waste base rate shall be increased over the next five years as follows (including an estimated 3% CPI increase per year):

	2019-20	2020-21	2021-22	2022-23	2023-24
Base Rate / Month	\$ 27.47	\$ 28.29	\$ 29.14	\$ 30.02	\$ 30.92