

ORDINANCE NO. 4-2019

**AN ORDINANCE OF THE ALPINE SPRINGS COUNTY
WATER DISTRICT ADOPTING BEAR BOX
REQUIREMENTS FOR SOLID WASTE COLLECTION**

WHEREAS, the Alpine Springs County Water District (“District”) provides garbage, waste, and trash service to inhabitants; and

WHEREAS, the District is a special district organized and existing under the County Water District Law pursuant to Water Code section 30000 et seq.; and

WHEREAS, a water district may adopt ordinances related to the provision of sanitation services and the regulation of those services pursuant to Water Code section 31141; and

WHEREAS, the excess accumulation of garbage at long-term rentals and vacation home rentals have attracted bears and other animals, become an increasing problem, and present unique challenges for solid waste collection within the District; and

WHEREAS, the use of bear boxes at rental properties will likely result in less bears and other animals entering neighborhoods; and

WHEREAS, the District desires that bear boxes be installed on long-term rental and vacation home rental properties to promote the public health, safety and welfare of District residents; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Alpine Springs County Water District as follows:

Article I. Adoption of Recitals.

The District hereby adopts the recitals of this Ordinance as true and correct, and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

Article II. Definitions.

Section 1. DEFINITIONS. For the purposes of this Ordinance, the terms and words set forth below are defined as follows:

1.1 Bear Box – a metal or other similar durable material structure or container used to house one (1) or more garbage cans and designed to prevent bears and other wildlife from accessing the enclosed garbage can or cans.

1.2 Combustible rubbish – includes paper, rags, discarded household bedding, excelsior or other packing materials, cartons, boxes and containers of wood or fiber, sawdust or shavings from lumberyards, mills, factories or ships, lumber scraps, wood or

wooden articles, grass, trees, plants, vines and the prunings thereof, but shall not include dirt, sweepings, plaster or other building materials, whether combustible or noncombustible, resulting from the repairing or demolishing of old buildings or resulting from new construction.

1.3 Cooking waste – fats, oil, grease, and other substances generated by restaurants and other establishments and used in the preparation of food, which cannot be disposed of with other garbage and must be collected separately from other garbage.

1.4 Garbage – all animal and vegetables refuse from kitchens of households, restaurants, stores, markets, warehouses and delivery vehicles, all household waste which has been prepared for or used for food, or has resulted from the accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fruits or vegetables, and shall include all garbage which shall have resulted from the sorting or the commercial preparation or processing of food products by any food manufacturer or distributor.

1.5 Garbage can – a watertight, durable metal or plastic container with a tight-fitting lid designed to temporarily store garbage, waste or rubbish.

1.6 Long-term rentals – means one (1) or more dwelling units, including either a single-family home, duplex, or single condominium unit rented for the purpose of overnight lodging for a period exceeding thirty (30) days, including an ongoing month-to-month tenancy, granted to the same renter for the same unit.

1.7 Noncombustible rubbish – includes, among other things, ashes weighing not over seventy pounds with containers, bottles, broken glass, crockery, earthenware, tin cans, tinware, wire, wire netting, and other articles of discarded metal or stone of less than twenty pounds in weight each, automobile tires and tubes, batteries, metal kegs, barrels, or casks, but shall not include dirt sweepings, rocks or stones as such, or bricks, plaster, mortar or other building materials, whether combustible or noncombustible, resulting from the repairing or demolishing of old buildings or resulting from new construction.

1.8 Recyclables – includes glass, metal, paper, cardboard, plastic or other materials which have been segregated from garbage and rubbish for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to recycling facilities.

1.9 Vacation home rentals – means one (1) or more dwelling units, including either a single-family home, duplex, or single condominium unit rented for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days, other than ongoing month-to-month tenancy granted to the same renter for the same unit.

Article III. Bear box to be provided.

Section 1. Every owner, lessee, resident, or person, including businesses, exercising physical control of any long-term rental or vacation home rental where garbage, recyclables or

cooking waste are created in the District, shall provide or contract for upon such premises, in a suitable place, garbage cans located inside a bear box, for receiving and holding garbage, recyclables, and cooking waste created upon such premises between the time of collection and removal when subscribing to collection service.

Section 2. Bear boxes shall:

2.1 Be consistent with garbage can enclosure requirements pursuant to Section 8.16.266 of the Placer County Code.

2.2 Located a minimum of fifteen (15) feet from the edge of pavement of the county-maintained road, in order to preserve required site distance for vehicles existing a driveway. If the minimum of fifteen (15) feet setback requirement is met, and the bear box would still be located in the County public right-of-way, the property owner must obtain an Encroachment Permit from the Placer County Department of Public Works prior to installing the bear box in the right-of-way pursuant to Section 8.16.266 of the Placer County Code.

Article IV. Receptacle use.

Section 1. All accumulations of garbage, recyclables, cooking waste, and/or rubbish shall be placed in the receptacles required by Article III; provided, however, that persons living in the same apartment house, duplex, flat or multiple dwelling may use a single bear box.

Section 2. Bear boxes shall be consistent with the use and maintenance requirements of garbage can enclosures pursuant to Section 8.16.268 of the Placer County Code, which requires that bear boxes:

2.1 Be maintained in a manner to minimize odor and/or nuisance.

2.2 Remain closed except when they are opened to place garbage cans inside or to remove garbage cans from the bear box.

2.3 Shall not be overloaded to the extent that the bear box cannot be securely closed.

Article V. Rental Requirements.

Section 1. All new and existing full-time rentals and vacation home rentals shall meet the following minimum bear box capacity requirements:

1.1 Residential units less than 2,500 square feet shall install and maintain a minimum of (1) bear box capable of holding two (2) thirty-two (32) gallon plastic or metal garbage cans.

1.2 Residential units 2,500 to 3,500 square feet shall install and maintain a minimum of one (1) bear box capable of holding three (3) thirty-two (32) gallon plastic or metal garbage cans.

1.3 Residential units greater than 3,500 square feet shall install and maintain a minimum of one (1) bear box capable of holding four (4) thirty-two (32) gallon plastic or metal garbage cans.

Article VI. Violations.

Section 1. All violations of any portion of this Ordinance are declared to be misdemeanors pursuant to Water Code section 31142. Water Code section 31142 provides that a violation of this Ordinance is punishable by imprisonment in the county jail up to 30 days, or a fine up to six hundred dollars (\$600), or by both fine and punishment. A violation of this Ordinance includes, but not limited to, the failure to install a bear box, the improper use of a bear box, or the improper storage of garbage.

Section 2. Pursuant to Government Code section 53069.4, the District may issue an administrative fine for a violation of this Ordinance. Violations of this Ordinance shall be subject to a progressive warning and fine structure as follows:

2.1 For a first offense within a two-year period, the owner, resident, person, or business will receive a written warning notifying them of these requirements and explaining that future misdemeanors will lead to monetary fines.

2.2 For a second offense within a two-year period, the owner, resident, person, or business will receive a written notice of these requirements and a monetary fine not to exceed two hundred dollars (\$200) per violation.

2.3 For a third offense within a two-year period, the owner, resident, person, or business will receive a written notice of these requirements and a monetary fine not to exceed four hundred dollars (\$400) per violation.

2.4 For any subsequent offenses within a two-year period, the owner, resident, person, or business will receive a written notice of these requirements and a monetary fine not to exceed six hundred dollars (\$600) for each subsequent offense.

Article VII. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, subsections, sentences, clauses, phrases or portions of this Ordinance shall nonetheless remain in full force and effect. The Board hereby declares that it would have adopted each section, subsection, sentence, clause, phrase or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions of this Ordinance be declared invalid or unenforceable.

Article VIII. Effective Date.

The requirements set forth herein shall take effect immediately upon adoption by the Board.

Article IX. Posting.

Copies of this Ordinance shall be kept on file at the District office and shall be published in accordance with Water Code section 31141.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Alpine Springs County Water District this 14th day of June 2019, by the following vote:

AYES: YORK, GRANT, SMELSER, SALKE, NORTHROP

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Janet S. Grant
Janet S. Grant, President
Board of Directors

ATTEST:

John M. Collins
John M. Collins, General Manager
Secretary to the Board of Directors