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ORDINANCE NO. 43

AN ORDINANCE OF THE BOARD OF DIRECTORS OF MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, RELATING TO THE USE OF BINS BY BUSINESS, INDUSTRIAL OR OTHER COMMERCIAL ENTERPRISES, AND SETTING FEES FOR THE USE OF BINS, REPEALING ORDINANCE NOS. 33, 35, 37 AND 42, AND ALL OTHER ORDINANCES, RESOLUTIONS AND MOTIONS INCONSISTENT THEREWITH

The Board of Directors of the Midway City Sanitary District of Orange County, California, does ORDAIN as follows:

Section 1: Every business enterprise, industrial or commercial, which utilizes the District's refuse collection service, shall utilize the refuse bins provided by the District.

Section 2: Notwithstanding Section 1 of this Ordinance, upon written application by a person or entity affected by the Ordinance, and upon findings that the enterprise in question generates a volume of refuse comparable with an average single family residence within the District and that the District is able to conveniently provide curbside pick-up, the District's General Manager may authorize curbside service for such enterprise. The District shall maintain a roll containing the name and address of each such enterprise authorized to receive curbside service, which roll shall be reviewed from time to time by the General Manager for the purpose of determining whether the continuation of curbside service for the enterprises listed is still appropriate.

Section 3: Decisions of the General Manager with respect to the method of service set forth herein shall be final unless written application for review by the Board of Directors is filed with the District within fifteen (15) days of the date of the

1 General Manager's decision. Pending review by the Board of
2 Directors, the following rules shall apply:

3 A. Enterprises not utilizing curbside service at the
4 time of the General Manager's decision shall utilize the
5 District's bin service until review by the Board of Directors;

6 B. Enterprises utilizing curbside service at the time
7 of the General Manager's decision may continue to utilize such
8 service until review by the Board of Directors.

9 Section 4: The Board of Directors shall consider an
10 application for review no later than thirty (30) days following its
11 filing with the District. The Board, in its discretion, may
12 consider such application on the date of a regular or special
13 meeting of the Board of Directors. The applicant shall be informed
14 not less than five (5) days in advance of the date and time on
15 which the Board shall consider the application.

16 Section 5: The Board's decision with respect to an
17 application for review filed pursuant to this Ordinance shall be
18 effective immediately upon rendition, and shall be final and
19 unappealable.

20 Section 6: For all properties in the District requiring
21 bin service for trash and garbage collection, a collection fee
22 shall be established as follows, effective August 1, 1991:

23 A. For pick-up one (1) time per week, the charge shall
24 be \$55.00 per bin per month. The determination of whether a
25 user will have once per week or twice per week collection
26 shall be at the discretion of the Orange County Health
27 Department or the Midway City Sanitary District;

28 B. For pick-up two (2) times per week, the charge shall

1 be \$75.00 per bin per month;

2 C. For pick-up three (3) times per week, the charge
3 shall be \$105.00 per bin per month;

4 D. For pick-up four (4) times per week, the charge
5 shall be \$135.00 per bin per month.

6 E. For pick-up five (5) times per week, the charge
7 shall be \$165.00 per bin per month.

8 F. Charges for residential bins for ten (10) days shall
9 be \$45.00.

10 G. A surcharge of \$35.00 per pick-up shall be added for
11 each pick-up in excess of the maximums set forth above.

12 H. The charges set forth in subparagraphs A-G,
13 inclusive, above, are for standard service based upon
14 reasonable, usual and ordinary access and the ability of
15 District equipment and personnel to provide the service to the
16 customer. The General Manager is authorized to establish a
17 collection fee in an amount greater or less than for standard
18 service when, in his determination, factors such as access to
19 the customer's bins by District vehicles or a quantity of bins
20 are all served in the same proximate area resulting in a level
21 of service other than standard.

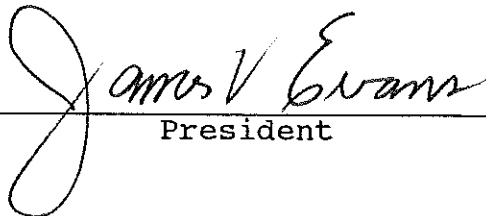
22 **Section 7:** The District may enter into lease agreements
23 with the users of its bin service covering periods in excess of one
24 (1) month. Fees under such Lease Agreements shall be the same as
25 those set forth in Section 6 of this Ordinance. However, users who
26 pay six (6) months' rental fee in advance shall receive a five
27 percent (5%) discount and users paying one (1) year's rental fee in
28 advance shall receive a ten percent (10%) discount.

1 **Section 8:** The bin rental fees set forth in a lease
2 agreement shall be effective for a maximum of one (1) year from the
3 date of execution of the Lease Agreement, or throughout the term of
4 the Lease Agreement if the term is less than one (1) year,
5 notwithstanding any subsequent amendment to the District's bin fee
6 schedules.

7 **Section 9:** Ordinance Nos. 33, 35, 37 and 42 and all other
8 Resolutions and Ordinances, and parts thereof, which are
9 inconsistent with this Ordinance No. 43, are hereby repealed to the
10 extent of such inconsistency and no further.


11 **Section 10:** The Secretary of the District is hereby
12 authorized and directed to cause a certified copy of this Ordinance
13 to be published in a newspaper of general circulation and to be
14 posted in three (3) public places within the District.

15 **ADOPTED, SIGNED AND APPROVED** at a regular meeting of the Board
16 of Directors of the Midway City Sanitary District held this 2nd
17 day of July, 1991.

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President

21 **ATTEST:**

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Secretary

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25 06/26/91

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CERTIFICATION

I, Margie L. Rice, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 43 was duly adopted at a regular meeting of the Board of Directors of said District, held on the ___ day of July, 1991, by the following vote of the members of the Board:

- AYES: Directors Kirkpatrick, Rice, Evans
- NOES: Directors Nelson, Siefen
- ABSENT: Directors None

and I further certify that James Evans, as President, and Margie L. Rice, as Secretary, signed and approved said Ordinance on the 2nd day of July, 1991.

Margie L. Rice
Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Margie L. Rice, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 43, passed and adopted by the Board of Directors of said District at a regular meeting thereof held on the 2nd day of July, 1991.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 2nd day of July, 1991.

Margie L. Rice
Secretary

(District Seal)