



APPROVED
BY THE CITY COUNCIL

NOV 19 1991

2.9
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OFFICE OF THE
CITY CLERK

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 207
915 I STREET
SACRAMENTO, CA
95814-2673

OFFICE OF THE DIRECTOR

November 12, 1991

916-449-5283

ADMINISTRATION
916-449-8747

City Council
Sacramento, California

PASSED FOR
PUBLICATION
& CONTINUED
TO 11-19-91

FAX 916-449-5573

Honorable Members in Session:

SUBJECT: ORDINANCE ADDING ARTICLE V AND RENUMBERING EXISTING V AS ARTICLE VI OF CHAPTER 19 OF THE CITY CODE TO ESTABLISH SPECIAL REQUIREMENTS FOR DOWNTOWN ALLEY GARDEN AND REFUSE COLLECTION SERVICES

LOCATION

The proposed ordinance applies to the **Downtown Collection Area**. This area consists of 11 separate blocks located between I and L Streets beginning at 7th Street and ending at 13th Street (see attached map). The **Downtown Collection Area** is located in Council District #1.

SUMMARY

This item is presented at this time for approval of publication of title pursuant to the City Charter, Section 32.

COMMITTEE ACTION

None.

STAFF RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to November 19, 1991.

BACKGROUND INFORMATION

Chapter 19 of the City Code was adopted to allow the City to impose certain requirements and to assess a service fee on property owners in the City of Sacramento for garbage pick up. The proposed amendment will designate a specific area as the **Downtown Collection Area**. This area will be subject to the following special conditions:

1. All garbage containers within the **Downtown Collection Area** shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected.
2. All garbage containers within the **Downtown Collection Area** shall be equipped with an identification card stating the name, address, and telephone number of the owner and tenant.
3. No garbage container within the **Downtown Collection Area** shall be placed or located in such a manner that blocks passage through the alley or through any doorway of any building adjoining the alley.

FINANCIAL CONSIDERATIONS

The subject ordinance contains specific provisions to authorize penalties in the event of violations. The ordinance would impose similar restrictions on owners receiving service from the City as well as private collectors. In brief, a written notice is sent to the owner and tenant for the first two violations, stating the date and type of violation. For the third violation, the owner or tenant is assessed a garbage collection fee equivalent to three times the normal monthly rate for a period of three months. For the fourth violation, the owner or tenant is permanently assessed a rate equivalent to three times the normal monthly rate. All penalties may be appealed to the **Downtown Collection Area Appeals Board**. There is no financial impact to the City as a result of this amendment.

POLICY CONSIDERATIONS

The proposed ordinance will establish special requirements for garbage collection service provided in the **Downtown Collection Area** for the purposes of protecting and maintaining the health, safety, and welfare of the public.

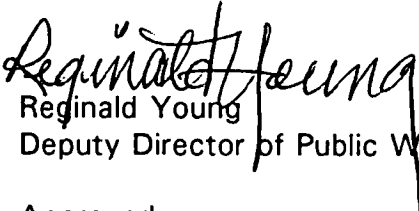
The **Downtown Collection Area** is identical to the proposed Downtown Alley Maintenance District, which was initiated by City Council on October 22. This maintenance district will provide for the special cleaning of the alleys located on each block.

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MBE/WBE

Not applicable as related to this item.

Respectfully submitted,


Reginald Young
Deputy Director of Public Works

Approved:


Melvin H. Johnson
Director of Public Works

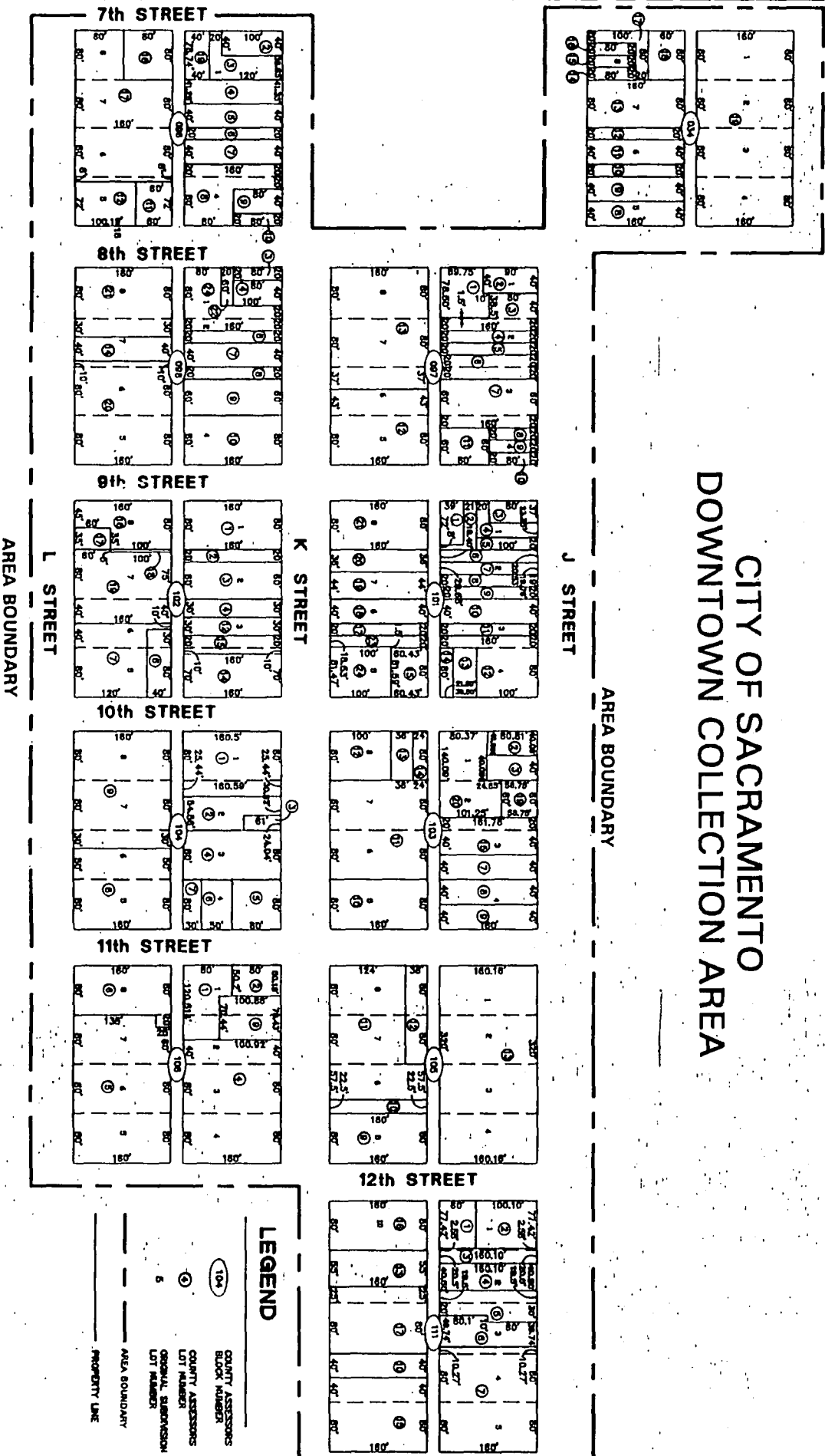
Recommendation Approved:


Walter J. Slipe
City Manager

Contact for More Information:
Joe Robinson, Deputy City Attorney
449-5346






FOR COUNCIL MEETING OF:
November 12, 1991

CITY OF SACRAMENTO DOWNTOWN COLLECTION AREA



PARCEL REFERENCE
BOOK SIX OF ASSESSORS MAPS

LEGEND

-  COUNTY ASSESSORS BLOCK NUMBER
-  COUNTY ASSESSORS LOT NUMBER
-  ORIGINAL SUBDIVISION LOT NUMBER
-  AREA BOUNDARY
-  PROPERTY LINE

ORDINANCE NO. 91-086

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL

NOV 19 1991

OFFICE OF THE
CITY CLERK

AN ORDINANCE ADDING ARTICLE V AND RENUMBERING EXISTING ARTICLE V AS ARTICLE VI OF CHAPTER 19 OF THE SACRAMENTO CITY CODE TO ESTABLISH SPECIAL REQUIREMENTS FOR DOWNTOWN ALLEY GARBAGE AND REFUSE COLLECTION SERVICES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article V is added to Chapter 19 of the Sacramento City Code, and existing Article V is renumbered as Article VI, to read as follows:

Article V. Downtown Collection Area

§ 19.501 Purpose and Findings.

The purpose of this article is to protect and maintain the health, safety and welfare of the downtown area by establishing special requirements and procedures applicable to garbage and refuse collection service received or provided in the area defined herein as the "Downtown Collection Area." The Council finds and determines:

- (a) That excessive litter, debris, garbage and refuse consistently accumulates in the alleys where collection service is received or provided in the Downtown Collection Area. Such excessive accumulation of litter, debris, garbage and refuse does not occur in other areas of the City where collection service is received or provided.
- (b) That the excessive accumulation of litter, debris, garbage and refuse in the Downtown Collection Area alleys adversely affects the health, safety and welfare of the downtown area by creating an unclean and malodorous condition.

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

- (c) That this unclean and malodorous condition is caused, in part, when persons who do not subscribe to collection service in accordance with this chapter deposit excessive amounts of garbage and refuse in containers located in the Downtown Collection Area alleys. This unclean and malodorous condition also results when garbage and refuse is removed from said containers and deposited in the alleys by persons looking for food, recyclable materials or other such items.
- (d) That although the activities described in the preceding paragraph are prohibited and deemed to be infractions under this chapter, the excessive accumulation of litter, debris, garbage and refuse in the Downtown Collection Area alleys continues, so that additional methods of preventing such accumulation are needed.
- (e) That establishing special requirements and procedures to prevent the excessive accumulation of litter, debris, garbage and refuse in the Downtown Collection Area alleys will more effectively protect and maintain the health, safety and welfare of the downtown area.

§ 19.502 Definitions.

The following words and phrases when used in this article shall have the meanings ascribed to them by this section:

- (a) **Downtown Collection Area:** "Downtown Collection Area" means that area located in the City of Sacramento and consisting of the area bounded by I Street on the north, 7th Street on the west, J Street on the south, and 8th Street on the east; J Street on the north, 8th Street on the west, K Street on the south and 13th Street on the east; and the area bounded by K Street on the north, 7th Street on the west, L Street on the south, and 12th Street on the east.
- (b) **Owner:** "owner" shall mean the owner of property in the Downtown Collection Area receiving collection service in accordance with this chapter.
- (c) **Tenant:** "tenant" shall mean the occupant, where different than the owner, of any property receiving collection service in the Downtown Collection Area in accordance with this chapter.

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- (d) **Collection Service:** "collection service" shall mean garbage or refuse collection service to any owner or tenant in the Downtown Collection Area, provided either by the City or by a private refuse collector in accordance with the provisions of this chapter.
- (e) **Private Refuse Collector:** "private refuse collector" shall mean a person or entity, other than the City, authorized to collect refuse in accordance with the provisions of this chapter.
- (f) **Container:** "container" means automatic lift containers and bins, as those terms are defined in section 19.101 of this chapter, where garbage or refuse is deposited in the Downtown Collection Area.

All other terms used in this article shall have the same meaning as provided elsewhere in this chapter.

§ 19.503 Special Requirements.

In addition to any and all requirements which apply to the collection of garbage and refuse throughout the City under this chapter, collection service received or provided in the Downtown Collection Area shall be subject to the following additional special requirements:

- (a) All containers within the Downtown Collection Area shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected in accordance with the provisions of this chapter.
- (b) All containers within the Downtown Collection Area shall be equipped with a jacket containing an identification card stating the name, address and telephone number of the owner and tenant.
- (c) No container within the Downtown Collection Area shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above requirements shall be the sole responsibility of the owner and tenant. Guidelines to implement and enforce the above requirements shall be adopted by the City Department of Public Works and approved by the City Manager.

FOR CITY CLERK USE ONLY

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**§ 19.504 Violations--Property Receiving Collection Service
from City; Property Receiving Collection Service
From Private Refuse Collector.**

In the event any owner or tenant of property receiving collection service from the City shall violate any of the requirements set forth in section 19.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (b) For the second violation, the owner and tenant shall be mailed a written notice stating the date and type of violation.
- (c) For the third violation, the owner and tenant shall be mailed a written notice stating the date and type of violation. For the third violation, the rate for receiving collection service at the property where the violations occurred shall be increased to three times the normal monthly rate for a period of three months.
- (d) For the fourth violation, the owner and tenant shall be issued a written notice stating the date and type of violation. For the fourth violation, the rate for receiving collection service at the property where the violations occurred will be permanently billed at three times the normal monthly rate, as long as the same owner is recorded on the property tax roll, or the same tenant occupies the property. In the event of a change in property ownership or occupancy, the subject collection service rate may revert to the regular monthly rate upon review and approval by the Downtown Collection Area Appeals Board.

The penalties described above shall be cumulative to any other penalties set forth or authorized in this chapter.

In the event any owner or tenant of property receiving garbage collection service from a private refuse collector shall violate any of the requirements set forth in section 19.503, the following procedures and penalties shall apply:

- (a) For the first violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violation.
- (b) For the second violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violation.

- (c) For the third violation, the owner, tenant and private refuse collector shall be mailed a written notice stating the date and type of violation, and declaring the property where the violations occurred ineligible to receive continued collection service from a private refuse collector. Thereafter, the property shall receive collection service from the City, and any and all provisions of this section, article and chapter which govern such service shall thereafter apply.

§ 19.505 Downtown Collection Area Appeals Board.

- (a) Any owner or tenant who is mailed a notice of violation pursuant to section 19.504 may appeal any determination made or action taken by the City to the Downtown Collection Area Appeals Board, by presenting the appeal, in writing, within 30 days of the date of the notice. Appeals shall be presented, and hearings shall be conducted, according to procedures adopted by the Department of Public Works and approved by the City Manager.
- (b) The Downtown Collection Area Appeals Board shall be composed of two members, one of whom shall be from the Department of Finance and one shall be from the Department of Public Works. The members of the Board shall be appointed by and shall serve at the pleasure of the City Manager. The Board shall process all appeals under this article. The Board's determinations shall be final and conclusive.

§ 19.506 Penalties Collected.

Any penalties collected by the City in accordance with this article shall be placed in the Downtown Alley Maintenance District fund, to be used to defray the costs of cleaning the alleys within said District in accordance with Chapter 55 of this code.

§ 19.507 Collection of Penalties; Penalties and Procedures for Delinquency.

Penalties imposed pursuant to section 19.504 shall be collected together with the fees for collection service, and shall be payable at the same time and place and in the same manner and shall be subject to the same delinquency penalties and procedures as set forth in section 19.111 of this chapter.

§ 19.508 Delinquent Charges Constitute Lien; Procedure.

If any charges imposed pursuant to section 19.507 remain unpaid for a period of 30 days, such charges shall become a lien on the real property to which the collection service was

rendered. The property owner shall be notified by the utility services supervisor of the City that the charges are unpaid and that subsequent proceedings will be undertaken to make the charges a special assessment on the real property to which such collection service was rendered. Such proceedings shall follow the procedure set forth in sections 19.114-1 through 19.120, inclusive, of this chapter.

Article ~~V~~ VI. Penalty for Violation

§ ~~19.501~~ 19.601 Violation of an Infraction.

Any person violating any provision of this chapter is guilty of an infraction.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

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Article VI. Penalty for Violation

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