RECOMMENDED ACTION AND JUSTIFICATION:
Adopt Ordinance amending Chapters 8.12 of the Mariposa County Code entitled “Landfills” and Sections 130, 160, 170 of Chapter 8.36 entitled “Solid Waste Disposal”. Amending these chapters will add the requirement that solid waste originating within the boundaries of the county will be handled at the facilities within the Mariposa County solid waste system and allow persons residing within the Lake Don Pedro subdivision to use such facilities for their solid waste and recyclables. This change will increase the revenue base for Mariposa County’s solid waste system providing additional resources for solid waste, recycling, and household hazardous waste programs developed by the Department of Public Works Solid Waste & Recycling Division.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Ordinance No. 409 was adopted by the Board of Supervisors in 1975 creating Chapter 8.12, outlining which entities may use the Mariposa County solid waste system as well as restrictions and associated penalties. Ordinance 493 was adopted by the Board of Supervisors in 1978 creating Section 130 and Ordinance 29 was adopted in 1992 creating Section 160. Since that time, the solid waste system has changed significantly including the types of solid waste, recycling and hazardous waste generated, types of programs offered, regulatory requirements, and associated operational costs.

As the population in Mariposa and adjoining counties continue to grow, demands on the solid waste system increase. In addition, communities developed that straddled county boundaries. To address these concerns, the Department of Public Works was directed by the Board of Supervisors to address waste disposal and recycling for the Lake Don Pedro subdivision residents. The proposed amendments to Chapter 8.12 address the needs of this subdivision and helps provide resources for solid waste, recycling, and household hazardous waste programs developed by the Department of Public Works Solid Waste & Recycling Division for area residents.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Financial Impact? ( ) Yes (x) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
List Attachments, number pages consecutively
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other
4/5’s vote
4/5’s vote
4/5’s vote

CLERK’S USE ONLY:
Res. No.: 854 and 1055
Vote – Ayes: Noes: Absent: 5
( ) Approved ( ) Minute Order Attached ( ) No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.
Date: 
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:

CAO: 

Revised Dec. 2002
TO: DANA HERTFELDER, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: B) Waive First Reading and Introduce Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled “Sanitary Landfills” and Sections 130, 160 and 170 of Chapter 8.36 Entitled “Solid Waste Disposal”

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 26, 2009

ACTION AND VOTE:

B) Waive First Reading and Introduce Ordinance Amending Chapter 8.12 of the Mariposa County Code Entitled “Sanitary Landfills” and Sections 130, 160 and 170 of Chapter 8.36 Entitled “Solid Waste Disposal”

BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director. Supervisor Bibby requested that information be provided on whether Tuolumne County allows our residents to use their landfill and relative to usage by their residents of our landfill; and she advised of typographical corrections. Supervisor Turpin commented on tracking the costs for the transfer stations. Supervisor Cann requested that information be provided on the number of developed lots in the Lake Don Pedro subdivision for Mariposa and for Tuolumne. Supervisor Turpin noted that Buck Meadows is in Mariposa County; however, service is provided by Tuolumne County. (M)Turpin, (S)Cann, the first reading was waived and the Ordinance was introduced, with the typographical corrections. The Clerk of the Board read the title of the Ordinance in to the record. Supervisor Bibby asked that Public Works bring back information if there is a sudden increase in the waste disposal. Ayes: Unanimous.

Cc: Steve Dahlem, County Counsel
File
MARIPOSA COUNTY ORDINANCE NO. 1055

AN ORDINANCE AMENDING
CHAPTER 8.12 OF THE MARIPOSA COUNTY CODE
ENTITLED “SANITARY LANDFILLS”

WHEREAS, the Board of Supervisors desire to amend Chapter 8.12 of the Mariposa County Code, and

WHEREAS, this amendment will allow persons residing within the Lake Don Pedro Subdivision to use facilities of the Mariposa County solid waste system for their solid waste and recyclables.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 8.12 of the Mariposa County Code is hereby amended to read as follows:

8.12.010 Persons required to use.
8.12.020 Articles prohibited from landfill sites.
8.12.030 Persons prohibited from sites.

8.12.010 Persons privileged to use.
A. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of Mariposa County shall be privileged to use the facilities of the Mariposa County solid waste system for the disposal of solid waste originating with the boundaries of Mariposa County.

B. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of the Lake Don Pedro Subdivision may use the facilities of the Mariposa County solid waste system for appropriately managing their solid waste and recyclables.

C. All persons, firms, corporations, and their agents whose residences or places of business are not within the boundaries of Mariposa County who have a waste stream that is of beneficial use to the Mariposa County solid waste system may use the facilities of the Mariposa County solid waste system, subject to the authorization of the Solid Waste and Recycling Manager.

D. No person, firm, corporation, or their agents, other than those designated in subsections A, B, and C, shall enter into or upon the lands of the Mariposa County solid waste system for any purpose whatsoever, unless authorized to do so by the Solid Waste and Recycling Manager.
8.12.020 Articles prohibited from solid waste system.
It is unlawful for any person, firm, or corporation or their agent having the right to use the Mariposa County solid waste system to deposit household hazardous waste, medical waste, asbestos-containing materials, explosives, radioactive material or other materials as determined by the Solid Waste & Recycling Manager. (Ord. 409 Sec. 2, 1975)

8.12.030 Persons prohibited from sites.
Persons under the age of twelve years are not allowed on the grounds of the various sanitary landfill sites in the County of Mariposa unless:
A. Accompanied by a parent or guardian; and
B. Remain within the vehicle during the use of the solid waste facilities.

Violations of this chapter shall be punishable by a fine not to exceed two hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 9th day of June 2009 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel