

TOWN OF SAN ANSELMO

ORDINANCE NO. #950

ADOPT ORDINANCE AMENDING GARBAGE COLLECTION BY REVISING
CHAPTER 3 OF TITLE 5 OF THE MUNICIPAL CODE

1. General Changes.
 - a. Change "City" to "Town" throughout document.
 - b. Change "Chief Administrative Officer" to "Town Administrator or his/her designee" throughout document.
 - c. Change "contract" to "agreement" or "franchise agreement" throughout document.

2. Revise Section 5-3.02. Garbage disposal regulated.

(a) It shall be unlawful for any person to keep, deposit, bury, or dispose of any garbage, refuse, rubbish, and other waste, except as provided in this chapter, in or upon any private property, public street, alley, sidewalk, gutter, park, or other public place whatsoever or to throw the same in the bed or upon the banks of any stream or creek in the Town or in or upon any of the waters thereof. Every person in the Town having the obligation to dispose of garbage, refuse, rubbish, and other waste shall dispose of the same only in the manner provided in this chapter through the Official Garbage Collector of the Town; provided, however any person him/herself may dispose of accumulations of dry waste by personally hauling such dry waste to legal disposal facilities. Every tenant, lessee, or occupant of any private dwelling house or premises or furnished flat or apartment house, and the keeper or manager of every hotel, restaurant, eating house, boardinghouse, or other place where meals are furnished, and the owner or proprietor of every business or store shall have garbage collection service by the Official Garbage Collector once each week, or oftener if ordered by the Health Officer, and shall pay the Official Garbage Collector the monthly rates provided for in the franchise agreement, unless otherwise specified by in this chapter.

Add new section (d):

(d) A tenant, lessee, or occupant of any private dwelling house or premises or furnished flat or apartment house, or the owner or proprietor of a business or store, may request less frequent garbage collection service, and shall pay the Official Garbage Collector the monthly rates provided for in the franchise agreement, upon meeting the following conditions:

(1) A residential customer over age 65, bearing proof of age and residency, may, by written application to the Official Garbage Collector, request "Lifeline" garbage collection service;

(2) A residential or business customer, may, by written application to the Town Administrator, request "Intensive Recycling" garbage collection service.

3. Revise Section 5-3.04. Removal of garbage from receptacles.

(a) All garbage and other waste shall be removed from the cans or receptacles once each week, unless otherwise specified by this chapter or by the franchise agreement, and as often in each week as may be necessary to fully comply with the provisions of this chapter, and shall be so removed only by the official garbage collector and upon the terms and conditions specified in this chapter or shall be otherwise disposed of only as in this chapter or in the franchise agreement provided. The Health Officer shall be the exclusive judge of the sufficiency of the cans or receptacles, and of the least number of times each month garbage shall be removed from any premises, and of the sufficiency of disposition in compliance with this chapter otherwise than by collection by the official garbage collector.

4. Revise Section 5-3.09. Contract for removal of garbage authorized.

The Council, after inviting bids therefore, may enter into a contract with any responsible person for the collection, removal, and disposal of garbage collected and accumulated within the Town, and such contract shall operate for a term not to exceed ten (10) years, unless otherwise provided for in the franchise agreement.

5. Revise Section 5.3.10. Award of franchise agreement for removal of garbage.

Upon the order of the Council, the Town Clerk shall advertise for bids for the agreement authorized by Section 5-3.09 of this chapter, publishing notice of such call for bids once in a newspaper of general circulation published in the Town for at least ten (10) days prior to the time set for opening such bids or proposals. Such proposals shall offer to the Town a stated percentage amount based on monthly gross receipts to be paid on or before the twentieth (20) day of each succeeding calendar month for the exclusive right to collect and dispose of garbage collected in the Town for the period of the agreement. The Council shall have the power to refuse any and all bids and shall award the agreement to the person in its opinion best qualified and equipped for performing the contemplated agreement. Should the Council determine that such bids are too low or are not fair or just, it may, at its option after rejecting all of them, proceed with notice or publication to let an agreement to, or enter into an agreement with, such person upon such terms as shall appear to the Council to be for the best interest of the Town. The successful bidder or contractor shall, during the term of the agreement, be known as the "Official Garbage Collector" and shall collect garbage on the terms and conditions and at the rates for such collection fixed and established by the provisions of this chapter and shall dispose of all garbage at a site or sites mutually designated by the Town and the Official Garbage Collector.

6. Revise Section 5-3.11. Renewal of agreement.

When an agreement has been entered into between the Town and a contractor for the collection, removal and disposal of garbage and the contractor shall have satisfactorily performed such contract, the Council, without inviting bids or proposals therefor, and upon giving notice of its intention to do so, may either prior to or after the expiration of such agreement, extend or renew the same for terms not exceeding ten (10) years each upon the same conditions or such other conditions as the Council shall provide, unless otherwise specified in the franchise agreement.

7. Revise Section 5-3.14. Audit by Collector.

The Official Garbage Collector may be required to furnish the Town, at his/her own expense, an audit of his/her garbage collection business and

operations, which audit shall include a statement of financial condition and profit and loss statement to be made and prepared by a certified public accountant approved by the Council.

Passed and adopted by the Town Council at a regularly scheduled meeting on July 27, 1993, by the following vote:

AYES: BREEN, KANIS, YARISH, ZAHAROFF, CHIGNELL

NOES: (None)

ABSENT: (None)



Paul Chignell, Mayor

ATTEST: Caroline Foster

Caroline Foster, Town Clerk