



Tamalpais Community Services District

305 Bell Lane, Mill Valley, CA 94941 • 415 388-6393 • Fax: 415 388-4168
info@tcsd.us • www.tcsd.us

ORDINANCE NO. 93

AN ORDINANCE OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT AMENDING DISTRICT ORDINANCE NO. 92, AN ORDINANCE ESTABLISHING SOLID WASTE, FOOD WASTE, GREEN WASTE, AND RECYCLABLE MATERIAL STORAGE AND REMOVAL STANDARDS AND ASSOCIATED FEES

RECITALS

WHEREAS, the District Board of Directors adopted District Ordinance No. 78, an Ordinance Establishing Solid Waste, Green Waste, and Recyclable Material Storage and Removal Standards and Associated Fees, on May 10, 2006; and

WHEREAS, the District Board of Directors adopted District Ordinance No. 84, an Ordinance Amending and Adding Enforcement Methods to District Ordinance No. 78 on May 9, 2007; and

WHEREAS, the District Board of Directors adopted District Ordinance No. 92, amending and restating Ordinance No. 84, on August 10, 2011; and

WHEREAS, the District wishes to amend Ordinance No. 92 to clarify proper usage of containers, to add provisions regarding summary abatement, and to clarify the District's ability to recover attorneys' fees in abatement actions;

IT IS ORDAINED by the Board of Directors of the District as follows:

Article III, Section 1 of District Ordinance No. 92 is hereby amended to read as follows, with additions in double underline format and deletions in strikeout format:

TCSD shall provide owners/residents with containers. Property owners and occupants shall deposit all solid waste, food waste, green waste or recyclable material in containers, which are non-absorbent, water tight, vector-resistant, durable, easily cleanable and designed for safe handling of such waste or material. Containers shall be of an adequate size and in sufficient numbers to contain without overflowing all the waste or material that a household or other establishment generates within the designated removal period. No owner or occupant shall fill any container with solid waste, food waste, green waste or recyclable material above the top of the container so as to hinder the closure of the container. Containers when filled shall not exceed



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reasonable lifting weights for an average physically fit individual, except where mechanical loading systems are used. Containers shall be maintained in a clean, sound condition free from putrescible residue. Property owners and occupants shall separate food waste, green waste, and recyclable materials from other solid waste and shall place each type of materials in the proper container. If the food waste, green waste or recyclable material containers are commingled with other solid waste to such a degree that the container contents are contaminated, TCSD may refuse to collect the container, in which case TCSD shall leave a can hanger or other notification with the property owner or occupant explaining the reasons for non-pick up. Alternatively, the contaminated material may be disposed of as solid waste. In either case, TCSD may issue an administrative citation to the responsible party in accordance with TCSD's administrative citation ordinance. These remedies are not exclusive, and TCSD may take any other enforcement actions permitted by this ordinance or by any other applicable law.

Article VIII, Section 3.D. of District Ordinance No. 92 is hereby amended to read as follows, with additions in double underline and deletions in strikethrough format:

D. Costs of Abatement. The prevailing party in any civil action, administrative proceeding or special procedure to abate a public nuisance may recover its reasonable attorneys' fees in those individual actions or proceedings wherein the District elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to any prevailing party exceed the amount of reasonable attorneys' fees incurred by the District in the action or proceeding.

Article VIII, Section 5 of District Ordinance No. 92 is hereby added to read as follows, with additions in double underline format:

Section 5. Summary abatement procedure.

Notwithstanding any other provision of this Ordinance, whenever, in the reasonable judgment of the enforcement officer, the existence or continuance of any violation of this ordinance or any nuisance condition poses an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, an enforcement officer may act immediately and without prior notice or hearing to abate such violation or condition. The expense or cost resulting from such summary abatement shall be enforceable as a personal obligation of the responsible party and may be recovered by adding the cost of collection to the sewer service charge.



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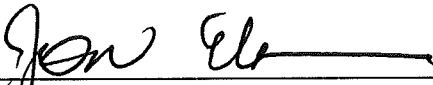
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Upon adoption, this Ordinance shall be entered in the minutes of the District Board, a summary shall be published once in a newspaper of general circulation published in the District within 15 days from and after its adoption, and shall take effect and be enforced 30 days after its adoption.

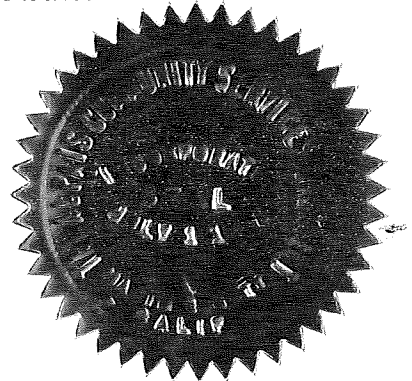


Jeff Brown
President, Board of Directors
Tamalpais Community Services District

ATTEST:



Recording Secretary




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Passed and adopted at a regular meeting of the Board of Directors of the Tamalpais Community Services District, Mill Valley, California, duly held on the 10th day of July, 2013, by the following vote:

JEFF BROWN, STEFFEN BARTSCHAT, LINDA JOHNSON,
AYES, and in favor thereof, Directors: GRETCHEN STAGG, JIM JACOBS

NOES, Directors: Ø

ABSENT, Directors: Ø



Recording Secretary