

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 379, AMENDING CHAPTER 6.20 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO SOLID WASTE REGULATIONS BY ADDING SECTION 6.21 MANDATING PARTICIPATION IN THE TOWN'S SOLID WASTE HANDLING SERVICES PROGRAM AND AMENDING MUNICIPAL CODE SECTION 6.20.160 O MAKING A VIOLATION FOR SAID CHAPTER A MISDEMEANOR.

SUMMARY STATEMENT

At its March 25, 2008 meeting the Town Council reviewed and introduced Ordinance No. 379, to amend the Municipal Code Relating to Solid Waste Regulations.

As part of the requirements to adopt any new Ordinance, Ordinance No. 379 has been scheduled for adoption at the April 8, 2008, Town Council meeting.

Recommended Action:

Adopt Ordinance No. 379.

Proposed by: Municipal Services

Item Number _____

T. M. Approval: _____ Budgeted Item Yes No N/A

ORDINANCE No. 379

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 6.20 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO SOLID WASTE REGULATIONS BY ADDING THERETO SECTION 6.20.021 MANDATING PARTICIPATION IN THE TOWN'S SOLID WASTE HANDLING SERVICES PROGRAM AND AMENDING SECTION 6.20.160 0 MAKING A VIOLATION OF SAID CHAPTER A MISDEMEANOR

The Town Council of the Town of Apple Valley does ordain as follows:

Section 1. Recitals.

- (i) Whereas, Chapter 6.20 of the Town of Apple Valley Municipal Code provides for the comprehensive solid waste regulations; and
- (ii) It is appropriate to clarify that the Chapter is to clearly provide that all occupied residential households within the Town are mandated to participate in the comprehensive solid waste program including the collection and removal of waste from each such household and for the payment of the required fees; and
- (iii) Due to the seriousness of the public health and safety issues concerning the collection and proper disposal of solid waste in the Town and to achieve the goals and objectives of state law and of Chapter 6.20 of the Town's Municipal Code concerning solid waste regulations, it is appropriate to provide that violations of that Chapter are misdemeanors.

Section 2.

Section 6.20.021 is hereby added to Chapter 6.20 of the Town of Apple Valley Municipal Code to read as follows:

6.20.021 Mandatory Participation

Every person who owns or who has the occupancy charge or control of any occupied residential household within the Town limits of the Town of Apple Valley must participate in the Town's solid waste handling services program as provided in this Chapter. This mandatory participation in the Town's solid waste handling services program is subject to either of the following limited variations from the provisions of this Chapter:

- (a) Residential dwelling units during such period or periods in which they are continuously unoccupied for more than 60 consecutive days.
- (b) Applicants issued permits authorizing variations from the provisions of this Chapter pursuant to Section 6.20.170 of this Chapter to the extent authorized under said permits.

Section 3.

Section 6.20.160 Subdivision 0, is amended to read:

0. Violations and Penalties.

Any person who violates any provision or fails to comply with any of the requirements of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1.01.200 through Section 1.01.230 Chapter 1.01 of Title 1 of this Code.

Section 4. Effective Date

This section shall become effective thirty (30) days from and after the date of its adoption.

Section 5. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Notice of Adoption

The Town Clerk of the Town of Apple Valley shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the California Government Code.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 8th day of April, 2008.

Mayor

ATTEST:

Town Clerk

Approved as to Form:

Approved as to Content:

Town Attorney

Town Manager