

RESOLUTION NO. 2010-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE SETTING FEES AND ADOPTING POLICY ASSOCIATED WITH TITLE 3, CHAPTER 3.70 AND TITLE 30, CHAPTER 30.20 OF THE ELK GROVE MUNICIPAL CODE ENTITLED UTILITY SERVICES BILLING AND SOLID WASTE MANAGEMENT, EFFECTIVE JULY 1, 2010

WHEREAS, Elk Grove Municipal Code (EGMC) Section 3.20.020 allows residents to apply for a Garbage Collection Exemption for one of two reasons: 1) secondary structure on a parcel that is tenant- occupied and utilizes the primary dwelling's trash services, or 2) self-haul; and

WHEREAS, Garbage Collection Exemption applicants must complete a Request for Garbage Collection Exemption Form (Exhibit E) in order to be considered; and

WHEREAS, the City Manager will approve or deny the Garbage Collection Exemption request in accordance with an approved Garbage Collection Exemption Policy; and

WHEREAS, EGMC Section 30.20.020 allows the City to collect a Self Haul Security Deposit; and

WHEREAS, twenty-six garbage collection exemptions (Exhibit C) were approved prior to July 1, 2010, which was allowed under authority of the EGMC prior to adoption of Title 30; and

WHEREAS, all residents, including those with approved garbage exemptions, have access to the City of and County of Sacramento's Household Hazardous Waste facilities; and

WHEREAS, EGMC Section 3.70.070 allows the City to adopt a regulatory fee to cover the costs associated with providing the services of the Household Hazardous Waste Facilities for those residents that do not pay for solid waste services; and

WHEREAS, EGMC Section 3.70.080 allows the City to adopt a Service Interruption Policy to allow residents to apply for and receive a temporary suspension of solid waste services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove does hereby adopt the following regulatory fees, deposits and associated policies to become effective July 1, 2010:

- 1) Garbage Collection Exemption Policy (Exhibit D) and Request for Garbage Collection Exemption Form (Exhibit E) - This policy and associated form set forth the review and approval process for obtaining a Garbage Collection Exemption in the City of Elk Grove.

- 2) Service Interruption Policy (Exhibit A) and Request for Service Interruption Form (Exhibit B) - This policy and associated form set forth the staff review and approval process for obtaining a residential Service Interruption in the City of Elk Grove.
- 3) Grandfathered Garbage Collection Exemption Approvals. The properties identified in Exhibit C to this Resolution shall be "grandfathered" into the new EGMC Title 30 conditions for a garbage exemption.
- 4) Self Haul Security Deposit: The City will charge a cash security deposit in an amount of Sixty dollars (\$60.00) for those residents approved for a garbage collection exemption by reason of self haul provisions.
- 5) Household Hazardous Waste Fee: The City will charge a monthly Five dollar (\$5.00) regulatory fee to all residents approved for a garbage exemption or service interruptions. This fee covers the City's cost associated to the resident's use of the household hazardous waste facilities.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of June 2010.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, INTERIM CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

City of Elk Grove
Service Interruption Policy and Procedures

TITLE: SERVICE INTERRUPTION POLICY AND PROCEDURES

EFFECTIVE DATE: JULY 1, 2010

PURPOSE:

To provide guidelines that set forth the application and staff review for obtaining residential Service Interruption in the City of Elk Grove as described in the Elk Grove Municipal Code, Title 3, Section 3.70.080 and in Resolution No. 2010-117. Service Interruptions are intended to accommodate the following situations: (1) Property Vacancy; (2) Foreclosure or Short Sale; (3) Distressed Property; (4) Unusual Circumstances.

Approved Service Interruptions are valid for one year and are subject to renewal each year. An approved Service Interruption is only valid for the current owner of a parcel and is not transferable.

An approved exemption only applies to residential solid waste charges. It does not exempt a property from storm drainage or Household Hazardous Waste Availability Fees.

APPLICATION PROCESS:

A resident wishing to apply for a Service Interruption must complete the form entitled "Request for Service Interruption", which may be obtained from the Utility Billing Department, and submit the completed form with all required attachments, to the Utility Billing Manager, 8401 Laguna Palms Way, Elk Grove, CA 95758.

DISCLAIMER:

If the City of Elk Grove Community Enhancement Division determines that a Code violation has occurred because a specific property's trash or yard debris is creating a nuisance or threatening public health, any approved Service Interruption request will be immediately rescinded, trash carts will be delivered, and billing will commence in accordance with the terms prior to the Service Interruption approval.

The City of Elk Grove will continue to bill for this service until such time as a Request for Service Interruption has been approved. Once all required documentation is received, the City reserves the right to have 30 days to review all requests.

A Service Interruption approval requires removal of refuse, recycling and green waste carts. Should cart(s) be placed on curb for servicing after a service interruption has been approved, billing of services will commence.

The City may turn off Solid Waste services to any property that it identifies as vacant and is delinquent in paying its Solid Waste fees. The City of Elk Grove reserves the right to periodically drive by approved residences to verify vacancy.

I. PROPERTY VACANCY POLICY

The Director of Finance may adjust billing or allow refunds when a structure is vacant or resident is absent for a stated period greater than four months. Credit will be issued on the day a Service Interruption form is approved.

REQUIREMENTS:

A customer may have no more than one vacancy period per year.

Applicants seeking approval for properties that are for sale or rent will not be approved for a Service Interruption.

Customer shall give the City written notice within one month after the earlier of re-occupation of residential parcel or re-connection with water, sewer, electrical or gas utilities.

Should the property generate green waste materials, the property owner must provide certification from a licensed gardener that the greenwaste material is being removed from the property.

II. FORECLOSURE POLICY

The Director of Finance may adjust billing or allow refunds when a property is in foreclosure or short sale. Credit will be issued on the day that the Service Interruption form is approved.

Documentation from a lending institution stating that a property is in foreclosure or short sale is required in order to qualify for a Service Interruption.

III. DISTRESSED PROPERTY POLICY

A structure may be deemed uninhabitable in instances of fire, water, infestation, vandalism or other types of damage that may cause health or safety issues.

Once a property has been deemed inhabitable, trash service must be reinstated by notifying the Elk Grove Utility Billing Department. Documentation proving that the structure is inhabitable must be presented to the City of Elk Grove Building Department.

IV. UNUSUAL CIRCUMSTANCES

The City Manager or Director of Finance may decide on a case-by-case basis whether a customer's specific circumstances warrant a temporary Service Interruption. If approved, length of Service Interruption will be determined, but may not to exceed one year. If an Unusual Circumstance Service Interruption is approved by the City Manager, the Director of Finance may adjust billing or allow refunds.



EXHIBIT B

Request for Service Interruption

Property Vacancy, Foreclosure and Distressed Properties

Account Information:

Customer's Name: _____

Service Address: _____

Daytime Phone: _____

Mailing Address: _____

A resident may apply for one of the following Service Interruptions pursuant to the Elk Grove Municipal Code, Title 3, Section 3.70.080.

Please check the box for the requested Service Interruption and provide **all** of the required documents listed under the category checked. If all items are not provided, the request will be considered as incomplete and will not be granted.

PLEASE SELECT ONE:

I. PROPERTY VACANCY

Please provide the following:

1. Letter stating reason and dates of vacancy (must be a period of at least four months).
2. Letter written and signed by gardener, on business letterhead, stating yards will be maintained and yard debris will be removed from the property.
3. In the event of a long-term absence, proof utilities have been turned off.

II. FORECLOSURE OR SHORT SALE

Please provide the following:

1. Letter stating reason and date property was vacated.
2. Official foreclosure notification or short-sale document from financial institution.

III. DISTRESSED PROPERTY

Structure deemed uninhabitable, i.e. fire, water, mold, infestation, vandalism damage.

Please provide the following:

1. Copy of fire, Police or other official documentation from Elk Grove Fire Department, Police Department or other health-related government entity.
2. Copy of Notice and Order from the Elk Grove Development Services division stating that the structure is uninhabitable and listing reasons why.

IV. UNUSUAL CIRCUMSTANCES

A customer who does not qualify for either of the above Service Interruptions may seek review by the City Manager, who will decide on a case-by-case basis whether the customer's specific circumstances warrant a temporary Service Interruption, and will specify a limited period of duration for a temporary Service Interruption, not to exceed one year.

PLEASE SIGN AND RETURN FORM AND ATTACHMENTS TO

City of Elk Grove
Attn: Integrated Waste Department
8401 Laguna Palms Way, Elk Grove, CA 95758
Fax: 916-691-3173

By signing this form and requesting a Service Interruption from weekly trash collection service, I, _____, certify that I understand the required provisions of the Service Interruption Policy and Section 3.70.080 of the Elk Grove Municipal Code and am within compliance. I agree to a periodic inspection of my property by City Staff to determine compliance with this application.

I declare, under penalty of perjury, under the laws of the State of California, that all information submitted to the City of Elk Grove is accurate to the best of my knowledge.

CUSTOMER'S SIGNATURE

DATE

EXHIBIT C
Garbage Exemptions to be Grandfathered

APN	Name	Address
12701200370000	Vern Newland	9415 Bradshaw Road
11517600030000	Kathy Wolfe	8613 Modena Way
12301904470000	Frank Freeno	8688 Grant Line Road
12102200210000	Tammy Meuser	9557 Sheldon Road
12010900190000	Javawn & Dalen Sargent	9453 Niemann Ave
13202900420000	Julia Hufstedler	8641 Poppy Ridge Road
12600100830000	David McClain	8962 Mooney Road
12102200220000	Leo Fassler	9529 Sheldon Road
12700800570000	Mark Wright	8950 Mackey Road
13218400060007	Cynthia Carroll	5432 Tares Circle
13214700760000	Kalvin Listiyo	5461 Tegan Road
12701200770000	Samantha Teutsch	9302 Grant Line Road
12101900160000	Lowell Hofer	9437 Niemann Avenue
12700800420000	Lillian Minge	10114 Justamere Lane
12102000020000	Ronald Marquez	9550 Niemann Ave
12301600020000	Gary Northrup	10579 Halfway Road
12603400120000	Zachary Taylor	10835 Sheldon Woods
12301600010000	Mergie VerHey	10535 Halfway Road
12202200150000	Wilbur & Sally Thibodeaux	10016 Calvine Road
12202400300000	Chuck Brown	8649 Bader Road
12102000100000	Ronald Dohlen	9556 Niemann Ave
12101900170000	Joe & Linda Mora	9405 Niemann Ave
12201800100000	Ben Ogilvie	8567 Bradshaw Road
12202200210000	Dave & Margeret Lunde	10010 Calvine Road
13210600610000	Frank Pires	4720 Blossom Ranch Drive
11607400440000	Vern Janssen	8957 Sedgewick Court

EXHIBIT D

TITLE: GARBAGE COLLECTION EXEMPTION POLICY AND PROCEDURES

EFFECTIVE DATE: JULY 1, 2010

PURPOSE:

To provide guidelines that set forth the application and staff review for obtaining a residential garbage collection exemption in the City of Elk Grove as described in the Elk Grove Municipal Code, Title 30, Section 30.20.020. Exemptions are intended to accommodate the following situations: (1) secondary structure on a primary parcel and; (2) self-hauling.

Approved exemptions are valid for one year and are subject to renewal each year. An approved exemption is only valid for the current owner of a parcel and is not transferable.

An approved exemption only applies to residential solid waste charges. It does not exempt a property from storm drainage or Household Hazardous Waste Availability Fees.

APPLICATION PROCESS:

A resident wishing to apply for a garbage collection exemption must complete the form entitled "Request for Garbage Collection Exemption" which can be obtained from the Utility Billing Department, and submit the completed form, with all required attachments, to the Utility Billing Manager, 8401 Laguna Palms Way, Elk Grove, CA 95758.

DISCLAIMER:

If the City of Elk Grove's Community Enhancement Division determines that a Code violation has occurred because a specific property's trash or yard debris is creating a nuisance or threatening public health, any approved Garbage Exemption request will be immediately rescinded, trash carts will be delivered, and billing will commence in accordance with the terms prior to the exemption approval.

EXHIBIT E



Request for Garbage Collection Exemption
Secondary Structure and Self-Hauls

Account Information:

Customer Name: _____
Service Address: _____
Daytime Phone: _____
Mailing Address: _____

A Secondary Structure or Self-Haul request may qualify for a Garbage Collection Exemption if the terms listed in the Garbage Collection Exemption Policy and Section 30.20.020 of the Elk Grove Municipal Code are satisfied.

Please check the box for the requested exemption and provide **all** required documents listed under the category checked. If all items are not provided, the request will be considered as incomplete and will not be granted.

PLEASE SELECT ONE:

I. SELF-HAUL EXEMPTION

Customers may qualify to self-haul refuse by means other than City-provided trash collection services.

Please check one:

- Solid Waste is taken to a solid-waste facility by the owner in their own vehicle.

Please provide the following:

1. A \$60 cash security deposit with the City.
2. Weekly receipts from a permitted solid waste disposal facility.

- Dumpster is located at residence and is being removed by a commercial trash hauler.

Please provide the following:

1. Brief letter stating reason for request.
2. Current invoice from commercial trash hauler, to include frequency of bin servicing, customer's name and residential address.

- Trash is taken to resident's workplace. (Business where trash and recyclables are being disposed of must be located in Elk Grove).

Please provide the following:

1. Brief letter signed by business owner on business letterhead, stating resident is authorized to use the business' trash receptacle.
2. A receipt from the trash hauler that services the business, which must contain the business name or be accompanied by a copy of the business license.

□ II. SECONDARY STRUCTURE

Customers of residential parcels with more than one residential structure may request an exemption of the secondary structure from City trash collection services.

Please provide the following:

- Letter stating circumstances of the request.

PLEASE SIGN AND RETURN FORM AND ATTACHMENTS TO

City of Elk Grove
Attn: Integrated Waste Department
8401 Laguna Palms Way, Elk Grove, CA 95758
Fax: 916-691-3173

By signing this form and requesting a Garbage Collection Exemption from weekly trash collection service, I, _____, certify that I understand the required provisions of the Garbage Collection Exemption Policy and Section 30.20.020 of the Elk Grove Municipal Code and am within compliance. I agree to a periodic inspection of my property by City Staff to determine compliance with this application.

I declare, under penalty of perjury, under the laws of the State of California, that all information submitted to the City of Elk Grove is accurate to the best of my knowledge.

CUSTOMER'S SIGNATURE

DATE

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-117**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, Interim City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 9, 2010 by the following vote:

AYES : COUNCILMEMBERS: *Scherman, Detrick, Cooper, Davis, Hume*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Jason Lindgren, Interim City Clerk
City of Elk Grove, California**