

ORDINANCE NO. 21
(as amended March 15, 1994)

AN ORDINANCE DECLARING IT UNLAWFUL TO DEPOSIT DIRT, DEBRIS OR TRASH UPON THE STREETS OF THE GOLETA WEST SANITARY DISTRICT AND REQUIRING A TRUST DEPOSIT REQUIREMENT FOR THE OWNERS OF ALL PROPERTY WITHIN THE GOLETA WEST SANITARY DISTRICT WHO ARE ABOUT TO UNDERTAKE NEW CONSTRUCTION ON THEIR PROPERTY AND AUTHORIZING THE USE THEREOF BY THE DISTRICT UNDER CERTAIN CONDITIONS.

The Sanitary Board of the GOLETA WEST SANITARY DISTRICT, Santa Barbara County, California, does hereby ordain as follows:

I

ORDINANCE NO. 21 AS ORIGINALLY ADOPTED IN 1968 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS ABOVE TITLED AND AS FOLLOWS:

II

Section 1 NAME

The name of this Ordinance No. 21, and the same may hereafter be referred to as, the Clean Streets Deposit Ordinance.

Section 2 POSTING

Upon adoption, this Ordinance shall be entered into the Minutes of the Board and shall be posted for one week in three public places within the GOLETA WEST SANITARY DISTRICT, there being no newspaper of general circulation published in the said District, and shall thereafter take effect upon the expiration of the said one week's posting.

Section 3 UNLAWFULNESS

It is hereby declared to be unlawful for any person, firm, corporation, entity or otherwise to place, drop, deposit or discharge any dirt, debris or trash of any nature whatsoever upon any street included within the boundaries of the Goleta West Sanitary District.

Section 4 MISDEMEANOR

Any breach of the foregoing provision is hereby declared to be a misdemeanor punishable by a term of imprisonment in the County Jail of the County of Santa Barbara for a term not to exceed thirty days and by a fine of not to exceed \$500.00 or by both such fine and imprisonment.

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Section 5 STREET CLEANING DEPOSIT

Each owner of any real property within the GOLETA WEST SANITARY DISTRICT, and each and every agent of such owner, who is about to, or already has, commenced construction of any new building upon such real property shall, as a condition of obtaining a permit to connect any sanitary sewage facilities to the facilities of the District, deposit with the District a sum of money to be determined in the following manner:

- A. \$ 75.00 for each single family residence.
- B. \$150.00 for each apartment or multiple unit building containing not more than ten living units.
- C. \$200.00 for each apartment or multiple unit building containing between ten and twenty-five such living units.
- D. \$300.00 for each apartment or multiple unit building containing more than twenty-five living units.

E. \$200.00 for each commercial building containing less than 5,000 square feet.

F. \$300.00 for each commercial building including more than 5,000 square feet.

G. \$ 75.00 per unit in subdivisions but not more than \$1,000.00 per subdivision.

Section 6 TIME OF DEPOSIT

The deposit required by Section 5 above shall be made either, (1) immediately prior to the issuance of a connection permit by the District, or (2) at such time as the Manager of the District, prior to connection permit issuance, shall determine is appropriate in view of the imminent commencement of construction upon such real property.

Section 7 FAILURE TO DEPOSIT UPON DEMAND

In the event, prior to the issuance of a connection permit, the Manager of the GOLETA WEST SANITARY DISTRICT shall have demanded of the owner or his agent who is about to or has commenced construction as hereinabove mentioned, shall have demanded of the

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said owner or his agent the deposit of the above set forth fee and the same shall not have been paid within forty-eight hours thereafter, then, the said owner or his agent shall not be entitled to a permit to connect to the facilities of the District until all costs expended by the District in cleaning any street contiguous to or in the neighborhood of the said new construction have been paid and the further amount of deposit hereinafter set forth also paid.

Section 8 NOTICE OF BREACH OF ORDINANCE

At such time as the GOLETA WEST SANITARY DISTRICT, or any of the employees or agents thereof, shall determine that any person, his agents or employees, or any entity whatsoever, its agents or employees, shall have breached the provisions of Section 5 of the within Ordinance by allowing dirt, debris or trash to be deposited or placed upon the streets of the GOLETA WEST SANITARY DISTRICT during the construction of new buildings on real property within the said District, the employees of the District shall immediately thereafter give "forty-eight hour" notice to the owner or agents of the property upon which said construction is taking place by posting a copy of said notice upon the "construction pole" or any other reasonably accessible place upon the premises together with a copy of this Ordinance and by mailing said notice together with a copy of this Ordinance to the owner of said property, or, his general contractor, if known, or other duly authorized agent of such owner.

Section 9 CLEANING AT OWNER'S EXPENSE

In the event notice, as required by the foregoing Section, has been given, the same being effective upon posting thereof on the property and upon mailing thereof to the owner, and forty-eight hours having thereafter expired, and the dirt, debris or trash designated in such notice has not been removed from the streets of the District in accordance therewith, then, the District shall be at liberty to and shall proceed to remove such

dirt, debris or trash from the said streets and to charge the cost of such removal against the deposit of the owner or his agent.

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For the purpose of determining the amount of the charge for such removal, the District shall charge for the services of the men and equipment in making such removal the following amounts:

- A. \$ 40.00 per employee hour
- B. \$ 75.00 per street sweeper hour, (without operator)
- C. \$ 50.00 per tractor hour, (without operator)
- D. \$ 50.00 per truck hour, (without operator)
- E. \$ 65.00 per administrative hour
- \$100.00 per water tank truck, (without operator)

Section 10 DEDUCTION FROM DEPOSIT

Each, every, any and all charges incurred by the GOLETA WEST SANITARY DISTRICT in cleaning the street after the notice hereinabove provided, shall be deducted from the deposit required hereinabove and any balance thereof, after the completion of construction and the determination by the Manager or other employee of the District that the streets in the immediate neighborhood of the construction are clean, shall be returned to the person depositing the same.

Section 11 ADDITIONAL PAYMENT REQUIRED

In the event the cost of cleaning the street after the notice hereinabove specified shall exceed the amount of the deposit, the owner, or his agent, shall, as a condition of obtaining the connection permit to the facilities of the District, agree to pay the additional amount required by the District over and above the amount of the deposit and he shall pay same upon demand.

Section 12 FORM OF NOTICE

The notice to be given in accordance with Section 8 above shall be in substantially the following form:

Date

TO:

RE: Clean Streets Ordinance - Goleta West Sanitary District
Gentleperson:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE, that you are in breach of the terms and provisions of Ordinance No. 21 of the Goleta West Sanitary District in that you have permitted dirt, debris or trash from this construction site to be placed or deposited upon the streets of the Goleta West Sanitary District in the following places:

YOU ARE FURTHER HEREBY NOTIFIED that in the event the said debris shall not have been completely cleaned from the streets at said places within forty-eight hours from the date of the posting of this notice or the mailing thereof, the Goleta West Sanitary District will, at your expense, proceed to have the same cleaned and removed from such streets. Costs of such removal will be deducted from your deposit, or billed to you in the event they exceed such deposit.

Respectfully yours,

Manager of the Goleta West
Sanitary District

Enclosures: A copy of said Ordinance No. 21
is attached hereto

Section 13 SPECIAL PROVISION FOR SUB-DIVISION

For the purpose of Section 5, above, the Manager of the GOLETA WEST SANITARY DISTRICT is hereby authorized to require from the owner, general contractor or agent involved in the sub-division of lands either within the District or about to be annexed to the District to require the deposit hereinabove in this Ordinance set forth prior to his approval of either the sewer design or the specifications of sewer design for such sub-division. Upon refusal by the sub-divider or his agent to make such deposit, the Manager is hereby authorized to withhold his approval of any such sewer design or sewer specifications until the same has been received.

Section 14 DISAGREEMENT AS TO CAUSE OF DEBRIS

In the event the owner, his contractor, agent, employee or entity shall have received the notice hereinabove in Section 8 required and shall disagree with the person giving same as to whether or not the debris so deposited upon the streets of the District was caused by the said owner, his agents or employees, then, within the forty-eight hour period granted by said notice, the said owner, his contractor, agent or employees, shall notify the District in writing of their contention that said debris was not caused by them and the District shall not proceed to clean said streets until the matter has been determined by the Governing Board of the GOLETA WEST SANITARY DISTRICT at its next meeting following such notice. At such hearing, the decision of the Governing Board of the GOLETA WEST SANITARY DISTRICT shall be final.

I HEREBY CERTIFY that the forgoing Ordinance was adopted by the Governing Board of the GOLETA WEST SANITARY DISTRICT at a regular meeting thereof held on the _____ day of _____, 1994, by the following vote of the members thereof:

AYES:

NOES:

ABSENT:

Diane Powers, Secretary

APPROVED

Kenneth A. Hendrickson, President