

**Item # 5E**

**ORDINANCE NO. 2006-05  
AN ORDINANCE OF THE LEMOORE CITY COUNCIL AMENDING  
PORTIONS OF CHAPTER 1 OF TITLE 4 OF THE LEMOORE  
MUNICIPAL CODE REGULATING GARBAGE AND REFUSE**

The City Council of the City of Lemoore does ordain as follows:

Section 1. Additional definitions are hereby added to Section 4-1-2 of the Lemoore Municipal Code as follows:

“Public Works Director: Person employed in the position of Director of Public Works for the City of Lemoore, or his designee in matters relating to this Chapter of the Lemoore Municipal Code”

“Recyclables: Aluminum cans, tin cans, glass bottles, plastic bottles, empty food household good containers made entirely of glass, plastic, aluminum, or tin; fiber products such as newspaper, magazines, books, catalogs, telephone books, school or business papers, paper grocery bags, and empty cardboard boxes.”

Section 2. Section 4-1-4-E of Chapter 1 of Title 4 of the Lemoore Municipal Code is hereby amended to read as follows:

“E. Solid Waste Separation:

1. All customers within the City shall separate all recyclables from all other solid waste produced at their premises and dispose of it only in accordance with the standards established by the Director of Public Works.
2. The regulations shall generally include the following areas of solid waste control:
  - a. Require source separation of solid waste by all customers.
  - b. Require placement of “refuse”, “greenwaste” and “recyclables,” as defined in Section 4-1-2, into separate containers so as to facilitate segregation of materials at the recovery facility.
  - c. Require delivery of all refuse, greenwaste and recyclables to one or more locations designated by the Public Works Director.”

Section 3. Section 4-1-6-D of Chapter 1 of Title 4 of the Lemoore Municipal Code is hereby amended to read as follows:

“D. Vacant Premises; Refunds: Whenever the premises for which collection and disposal service is provided is vacant or unused for a period of thirty (30) days or more, the person to whom the collection charge is made may secure a rebate of his refuse collection service charges for said period of vacancy by presenting to the Director of Public Works an affidavit setting forth all the facts of the vacancy under penalty of perjury. If satisfied with the truth of the statements of vacancy, the Director of Public Works shall approve said claim and the Finance Department shall make the appropriate refund of such charges. No charge shall be made for newly constructed premises until the same is occupied; provided, however, that a person shall be conclusively presumed to be using refuse collection and disposal service when the premises is connected to the City water or sewer system.”

Section 4. Section 4-1-7-C is hereby added to Chapter 1 of Title 4 of the Lemoore Municipal Code:

“C. Recyclable Collection Prohibited: It shall be unlawful for any person other than authorized agents or employees of the City to haul, remove or dispose of recyclables placed in recyclable containers; provided, however, that nothing contained herein shall prevent persons from disposing of recyclables produced at their own premises in accordance with standards established by the Public Works Director.”

Section 5. Section 4-1-8-B of Chapter 1 of Title 4 of the Lemoore Municipal Code is hereby amended to read as follows:

“B. Burning Solid Waste: It shall be unlawful for any person to dispose of any solid waste by burning the same.”

Section 6. Section 4-1-10 of Chapter 1 of Title 4 of the Lemoore Municipal Code is hereby amended to read as follows:

“To enforce this Chapter, any member of the Police Department or of the Fire Department, City code enforcement personnel, and any employee of the Health Department representing the City, may enter any restaurant, hotel or public place or yard and the yard of any private residence for the purpose of ascertaining the sanitary condition thereof and removing the unlawful accumulation of refuse therein, and it is made the duty of each of said officers to enforce this Chapter. Any person who shall obstruct or prevent the entry or inspection of any premises in the City by an authorized office shall be guilty of an infraction.”

Section 7: The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation published and circulated in the City of Lemoore, within 15 days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted and again after the meeting at which

the ordinance is adopted. The summary shall be approved by the City Attorney. This ordinance shall become effective 30 days after its adoption.

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The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lemoore held on June 20, 2006, and was passed and adopted at a regular meeting of the City Council held on July 18, 2006, by the following roll vote:

Ayes:

Noes:

Abstain:

Absent:

APPROVED:

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Thomas E. Buford, Mayor

ATTEST:

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Nanci C. O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF KINGS

CITY OF LEMOORE

I, Nanci C. O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 20<sup>th</sup> day of June, 2006 and passed and adopted at a Regular Meeting of the City Council held on the 18th day of July, 2006.

DATED: July 19, 2006

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Nanci C. O. Lima, City Clerk