

ORDINANCE NO. 296

AN ORDINANCE PROVIDING THAT THE CITY OF LODI, THROUGH INDEPENDENT CONTRACTOR OR CONTRACTORS OR OTHERWISE, SHALL HAVE THE EXCLUSIVE RIGHT TO GATHER AND COLLECT GARBAGE IN SAID CITY, DEFINING "GARBAGE", PROVIDING FEES FOR THE COLLECTION THEREOF AND THE MANNER OF COLLECTING SAID FEES TOGETHER WITH REGULATIONS FOR THE MANNER AND TIMES OF COLLECTING AND DISPOSING OF GARBAGE.

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

Section 1. The word "garbage" as used in this ordinance means kitchen refuse and offal, swill, every accumulation of animal, vegetable and other matter that attends the preparation, consumption or dealing in meats, fish, fowl, fruits or vegetables and all other waste matter and rubbish such as, but not limited to, leaves, cans, glass, ashes, discarded boxes, paper, the cuttings from trees, lawns and gardens, ordinarily collecting on any occupied premises, excepting dead animals and excepting automobile and truck bodies, frames and tops, and waste materials from building construction and repair or factory wastes and refuse from industrial plants, all of which excepted materials must be properly removed by the owner or occupant of the premises where accumulated or by his agent.

"City Dump Ground" as used in this ordinance shall mean and refer to that certain parcel of land situate in the South one-half of Section 36, Township 4 North, Range 6 East, M. D. B. & M. acquired by the City of Lodi by deed dated April 29, 1927 and recorded May 9, 1927 in Volume 189 of Official Records at page 121 thereof, San Joaquin County Records.

Section 2. All garbage collected at any private dwelling house or residence shall, be collected by the City of Lodi, acting through independent contractor or contractors or

otherwise, at regular intervals of at least once each week, and from every business place and other places not private residences, at least once each week, except that from restaurants, grocery stores and other places with offensive garbage or such garbage as may become offensive, it shall be collected at such intervals as necessary for proper sanitation.

Section 3. It shall be the duty of each householder or tenant or lessee of any dwelling place, apartment or flat, or the landlord thereof, who by reason of contract or lease is obliged to care for such garbage, to provide and at all times to keep within said dwelling place, apartment or flat, or on the lot on which the dwelling place is situated, and easily accessible for garbage collections, a suitable and sufficient watertight can, cans or receptacles with handles and tight fitting covers conforming with the provisions of Ordinance No. 120 of the City of Lodi and sufficient in size to hold at least one weeks accumulation of garbage.

Section 4. The monthly rates to be charged for garbage collection service at any private dwelling house or residence shall be fifty cents for one garbage collection weekly of thirty gallons or less, and for larger quantities or more frequent collections, such amount as may be mutually agreed upon by the customer and the City Garbage Collector, or determined by the City Council as hereinafter provided. All owners of flats, apartments, business houses and places not a private dwelling or the tenants or lessees thereof shall pay such an amount monthly as may be determined by them and the City Garbage Collector, or, if they cannot agree, by the City Council. In the event that a satisfactory fee cannot, in any case, otherwise be arranged, the matter shall be submitted in writing by the city clerk to the City Council, which shall fix the collection fee, by resolution,

and its decision shall be final. None of the rates referred to herein and agreed upon with the customer (and not ordered by the Council) shall be effective until the garbage collector shall have filed with the City Clerk a statement of the amount to be charged, if in excess of fifty cents per month.

Section 5. Every owner of garbage shall have the right to remove the same but it shall be unlawful for any person to remove garbage from more than one place and no person, other than the regular garbage collector of the City of Lodi shall move any garbage over any of the streets of the city without obtaining a permit so to do. Such permits shall be issued by the City Clerk on application and on the payment of the sum of Five Dollars (\$5.00) covering one calendar year beginning January 1st. Permits issued after January 1st of any year will be issued for a pro-rata charge covering the unexpired part of the year.

Section 6. For every load of garbage removed to the City Dump Ground, the City Garbage Collector shall charge and collect the sum of twenty-five cents for each load of one cubic yard or less and at the rate of fifteen cents for each additional cubic yard or fraction thereof in excess of one cubic yard on the same load. For such service, said collector shall collect and retain the fees in this paragraph provided for his work in carrying for the City Dumping Ground.

Section 7. It shall be unlawful for any person to burn or bury, within the city limits of the City of Lodi, any garbage except weeds, leaves, grass or ashes, or to place or deposit upon any street, alley, place or vacant lot, any of the materials included in the definition of the word garbage herein, or to remove to said city Dumping Ground any material which the City Council may hereafter by resolution, or ordinance exclude therefrom.

Section 8, The City Clerk of the City of Lodi is hereby designated as the collector of all garbage collection fees or charges (except Dump Ground charges provided in Section 6 hereof). Each month, after the effective date of this ordinance, he shall bill every person, firm or corporation producing; garbage removed by the City by adding the amount of such garbage collection fee or charge to such persons water or electric bill, or, if said person, firm or corporation has not incurred bills for water or electricity, by billing them for garbage collection alone. If said garbage collection fee or charge be not paid within the time provided by ordinance for the payment of water and electric bills, the water service and the electric service and garbage service to such delinquent customer shall be discontinued. The same penalties and the same rules relating to the payment of water and electric bills, the discontinuance and renewal of service shall apply to the collection of garbage fees and charges and those parts of ordinances of this City relating thereto are hereby made part hereof.

Section 9. For the purposes of this ordinance, each apartment or flat shall be considered as a separate dwelling and no two or more producers of garbage shall use the same garbage container.

Section 10. The City of Lodi has the exclusive right and duty to collect garbage in said city and the City Council shall, at such times and for such period as in its judgment is to the best interests of the City, contract with any person, firm or corporation for the collection of garbage, thereby contracting with it or them, as independent contractors, for such collection, fixing the sums of money or percentages to be paid to the garbage collector for such collection and the

term of such contract or contracts. Such contract shall specify that the remuneration to be paid to such independent contractor or contractors shall be equal to the total amount of the charges and fees collected by the City Clerk under Section 8 of this Ordinance less a percentage to be retained by the City as compensation for its services as collector of charges and fees, which percentage may be changed from time to time by agreement with garbage collector and by resolution of the City Council and the contract shall have therein a clause allowing such change. The City may also withhold from the amount collected, insurance premiums as hereinafter provided., unless the garbage collector shall, at all times, keep on file with the City Clerk satisfactory proof that all insurance features hereof' have been complied with by the garbage collector.

Section 11. The garbage collector, contracted with, in accordance with the preceding section of this ordinance, shall be considered as and shall be an independent contractor and shall be responsible to the City for the result of his work to be done, but shall act under his own directions as to time and manner of performing his work; and he shall keep himself and all and any of his employees insured against all liability under California Workmen's and Employee's insurance, compensation and safety laws and against public liability and property damage, (including all such liability for use or operation of motor vehicles used in the performance of work hereunder), and the actual cost of which insurance, the City may pay from the amounts collected by it from producers of garbage as provided in Section 10 hereof. Such public liability insurance shall be for annual maximum limits of \$20,000.00 total and \$10,000.00 for one accident or injury to one person and for at least \$5,000.00 for property damage.

Section 12. The City Council by resolutions adopted from time to time, may fix the amount of compensation to be allowed the City Clerk for his services in collecting and accounting for garbage collections fees and charges and, in the same manner, provide the city clerk with extra clerical assistance if required.

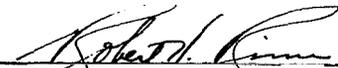
Section 13. If any word, phrase, clause or paragraph of this ordinance shall be declared unconstitutional or void for any reason, the same shall not affect any other part or parts hereof, it being the intention of the City Council to pass and adopt each word, phrase, clause or paragraph of this ordinance regardless of any other word, phrase, clause or paragraph hereof.

Section 14. For the purpose of enabling permittees to remove garbage to the City Dump Ground, as provided in Sections 5 and 6 hereof, the City Garbage Collector shall keep the said dump grounds open from nine o'clock in the morning until five o'clock in the afternoon (except during the noon hour) of each day except Sundays and holidays.

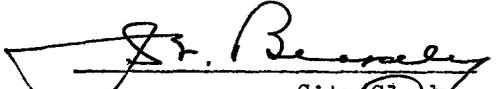
Section 15. Any person, firm or corporation who, or which shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and for each such violation shall be punished by a fine of not to exceed Three Hundred Dollars or by imprisonment in the city or county jail for not to exceed ninety days, or by both such fine and imprisonment.

Section 16. This ordinance shall be published once in the Lodi Times, a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and effect thirty days from and after its passage and adoption and such publication.

Approved this 15th day of December, 1943


MAYOR OF THE CITY OF LODI

ATTEST :


City Clerk

----- 0 -----

I, J. F. BLAKELY, City Clerk of the City of Lodi and ex-officio Clerk of the City Council of said City do hereby certify that the foregoing Ordinance No. 296 was regularly introduced in the said City Council in regular meeting on the 1st day of December, 1943 and thereafter, on the 15th day of December, 1943, regularly passed, adopted and ordered to print by the following vote:

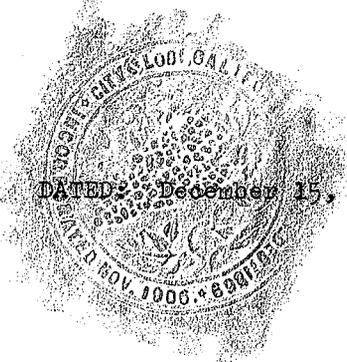
AYES : Councilmen, Spooner, Riggs, Coffield, Weihe and Rinn (Mayor)

NOES : Councilmen, None

ABSENT : Councilmen, None

I further certify that the Mayor approved and signed the said ordinance on the date of its adoption.


City Clerk of the City of Lodi



DATED: December 15, 1943