



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: OCTOBER 4, 2005

ITEM NUMBER:

**SUBJECT:** ORDINANCE 05-12 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

**DATE:** SEPTEMBER 22, 2005

**FROM:** DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

**PRESENTATION BY:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT (714) 754-5604

## **RECOMMENDATION:**

Give second reading to Ordinance 05-12, which amends the Property Maintenance Code (Title 20), to require lids on all existing trash dumpsters/bins and the screening of trash dumpsters/bins from public view.

## **BACKGROUND:**

On September 20, 2005, City Council gave first reading to the attached ordinance. Staff has no further information on this item.

KIMBERLY BRANDT, AICP  
Principal Planner

DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

**DISTRIBUTION:** City Manager  
Assistant City Manager  
City Attorney  
Deputy City Manager – Dev. Svs. Director.  
Public Services Director  
Chief of Code Enforcement  
City Clerk (2)  
Staff (4)  
File (2)

**ATTACHMENTS:** 1 Ordinance 05-12

# **ATTACHMENT 1**

## **ORDINANCE**

## ORDINANCE NO. 05-12

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 20 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 20-7(j) as follows:

**“(j) Trash bins.** Trash bins or dumpsters shall be kept within a trash enclosure, or screened from public view to the maximum extent feasible.

*Exception:* All existing trash dumpsters shall be affixed with a lid and screened from public view by a trash enclosure or other acceptable manner under the direction of the Planning Division. The provision of a trash enclosure or screen may result in the loss of required parking spaces, landscaping, and/or open space without approval of a variance from development standards in Title 13, PLANNING, ZONING AND DEVELOPMENT. The Zoning Administrator may waive this requirement, if he/she determines that the loss of onsite parking shall create a hardship for the site, subject to review pursuant to Chapter IX of Title 2. The location of any trash enclosure or screen on the site as required by this section shall be approved by the Planning Division.

Overflowing trash bins or dumpsters due to inadequate number of bins and/or request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses in the R-1 zone is prohibited, except for the purpose of removing construction and demolition materials pursuant to Section 20-6(a) Construction Activities.”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the

remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE) ss  
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa