

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE ESTABLISHING
THE REQUIREMENT TO OBTAIN A PERMIT FORM THE CITY TO
PLACE A MOBILE STORAGE CONTAINER OR LARGE REFUSE
CONTAINING ON ANY CITY STREET, ROADWAY OR ALLEY**

WHEREAS, the placement of large Refuse Containers and/or Mobile Storage Containers by private parties on City streets, roadways or alleys, has generated complaints from citizens regarding safety, parking and esthetic value; and

WHEREAS, the current Municipal Code does not address the regulation of large Refuse Containers or Mobile Storage Containers placed on City streets, roadways or alleys; and

WHEREAS, absent a provision in the Municipal Code addressing the regulation of said containers on City streets, roadways or alleys, by City government is not practical;

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The text set forth is the proposed ordinance Chapter 15.40, Section 15.40.010 through Section 15.40.050 of the Pacific Grove Municipal Code, entitled "Refuse and Storage Containers On City Streets" shall be as follows:

Chapter 15.40 Refuse and Storage Containers On City Streets

15.40.010 Definitions:

For the purpose of this ordinance the following terms shall apply:

(a) "Large Refuse Containers" shall mean a Refuse Container in excess of one hundred gallon capacity used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on any City streets, roadway or alley.

(b) "Storage Containers" shall mean any container, storage unit, shed-like container, "Portable on-demand storage structures (PODS)," or other portable structure that can be or is used for the storage of personal property of any kind and is placed on any public street, roadway or alley.

(c) "City" shall mean the City of Pacific Grove.

15.40.020 Permit Required For Storage Container Or Refuse Container On City Street.

(a) No person shall cause or allow a Large Refuse Container or Storage Container to be placed on any city street, roadway or alley without first obtaining a permit from the City.

(b) Before placing a Large Refuse Container or Storage Container on any city street, roadway or alley a person must submit an application and receive a permit from the Police Department. An insurance certificate providing liability insurance in the amount of \$100,000 provided by the company supplying the Refuse Container or Storage Container must accompany the permit application. The fee for such permit shall be set forth by the City Council.

15.40.030 Permits For Storage Containers

(a) Storage Container permits will be granted for a period of 7 (seven) days. At the expiration of the seven-day period applicants may seek a one-time extension of their permits for an additional seven days by submitting an extension application for cause to the Police Department. Permit fees and any fee for extension thereof will be set forth by Resolution of the City Council. No applicant shall be granted more than two (2) Storage Container permits within any twelve (12) month period. An extension of a permit shall be deemed to be a second permit. Only one Refuse Container or Storage Container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension.

15.40.040 Permits For Large Refuse Containers

(a) Large Refuse Container permits will be granted for a period of 7 (seven) days. At the expiration of the seven-day period, applicants may seek a one-time extension of their permit for an additional seven days by submitting an extension application for cause to the Police Department. Permit fees and any fee for extension thereof will be set forth by Resolution of the City Council. No applicant shall be granted more than two (2) Refuse Container permits within any twelve (12) month period. An extension of a permit shall be deemed to be a second permit. Only one Refuse Container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension.

15.40.050 Permitted Use With A Valid Building Permit

(a) The provisions of this ordinance shall not apply to the use or placement of construction Refuse Containers or Storage Containers pursuant to a valid building permit.

(b) Persons obtaining a building permit from the City must receive approval from the Police Department and the Community Development Department for the location and duration of the placement of the Refuse Container and/or Storage Container prior to the issuance of said building permit. There shall be no fees

associated with the approved placement of the construction Refuse Container or the Storage Container with a valid building permit if said container is placed on private property.

The text set forth is proposed to be added to Section 9.14.040 Pacific Grove Municipal Code 9.14.040

(d) Every person allowing or causing a Large Refuse Container or Storage Container to be placed on any City street, roadway or alley shall comply with the provisions of Chapter 15.40 of this Code.

SECTION 3. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become effective on the thirtieth day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE the ____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

CHARLENE WISEMAN, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney