

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ADDING CHAPTER 6.45 ENTITLED "CITY OF NORCO MANURE MANAGEMENT AND DISPOSAL" TO THE NORCO MUNICIPAL CODE ESTABLISHING BEST MANAGEMENT PRACTICES FOR MANURE HANDLING, COLLECTION AND STORAGE AND PARTICIPATION IN THE CITY'S MANURE COLLECTION PROGRAM. CODE CHANGE 2008-02

WHEREAS, the City of Norco finds it necessary to implement best management practices for manure handling, collection and storage in order to protect air and water quality and comply with state and federal environmental regulations; and

WHEREAS, best management practices will not be fully effective without participation in the City's manure collection program by those residents and businesses who keep livestock.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Chapter 6.45 "City of Norco Manure Management and Disposal" of the Norco Municipal Code is hereby established to read as follows:

Sections:

6.45.010	Intent and Purpose
6.45.020	Definitions
6.45.030	Applicability
6.45.040	Best Management Practices for Manure Storage and Disposal
6.45.050	Requirement to Participate in the City's Manure Collection Service
6.45.060	Charges, Billing and Collection
6.45.070	Appeal
6.45.080	Self Haul Permit
6.45.090	Payment of Bills
6.45.100	Penalty
6.45.110	Collection of Manure Collection Service Charges

6.45.010 Intent and Purpose. It is the intent of this Chapter to outline Best Management Practices and to establish regulations for the proper handling, temporary storage, collection, and disposal of manure in the City of Norco. These practices are designed to prevent the discharge of pollutants into storm water run-off which enters the Municipal Separate Storm Sewer System (MS4), prevent leaching of nutrients into the groundwater and to minimize fly breeding and wind induced pollutants from stored manure. This Chapter also requires all persons in the City of Norco who keep livestock to participate in the City's manure collection program and pay the associated service fees. This is in pursuance of and in conjunction with existing environmental and water quality laws and regulations including the City of Norco Municipal Code (Sec. 15.80),

the Municipal Separate Storm Sewer System Permit (MS4 Permit), the National Pollutant Discharge Elimination System (NPDES), and the Federal Clean Water Act (33 U.S.C. Sec. 1342).

6.45.020 Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

(a) Animal livestock: Any type of farm animal kept or raised for use or pleasure, including, but not limited to, horses, cows, sheep, pigs, goats, llamas, zebras, emus, ostriches, buffalo, camels, alpacas, rabbits, chickens, and birds kept in aviaries. Dogs and cats are specifically excluded.

(b) Person: Any Property owner, resident, occupant, firm, partnership, association, corporation, company or organization of any kind.

(c) Best Management Practices (BMP): A practice, method, approach, or combination of practices, based on research, field-testing, and expert review to be the most effective and practicable means of storing, handling, removing, and disposing of livestock manure.

(d) Composting: The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.

(e) Animal Livestock Keeping: Owning and/or caring for horses or other animal livestock on privately owned, commercial or public property within the City of Norco.

(f) Manure: A solid waste composed of excreta of animals and residual material that have been used for bedding, sanitary, or feeding purposes for such animals.

(g) Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including streets, catch basins, curbs, gutters, natural or man-made channels, or storm drains) owned or operated by a public body having jurisdiction over disposal of storm water or other wastes.

6.45.030 Applicability. The standards, regulations, and best management practices established in this Chapter shall apply to all persons within the city limits of the City of Norco. Such persons who keep livestock shall participate in the City's manure collection program and pay the attendant fees, Persons who do not keep livestock shall not be required to participate in the manure collection program.

6.45.040 Best Management Practices for Manure Storage and Disposal. It shall be unlawful for any person to store or dispose of manure except by best management practices. Best management practices for the proper storage and disposal of manure

must eliminate or minimize the potential of run-off containing pollutants and leaching of nutrients into groundwater or surface waters from areas where manure accumulates or is temporarily stored, and are as follows:

A. Manure Storage on Private Property

1. Manure shall be removed from stalls, paddocks, arenas, corrals and other livestock keeping areas on a regular basis, i.e., daily is best but at a minimum weekly is required.

2. Manure shall be stored in containers which are approved by the City or in a designated manure waste storage area constructed in conformance with the minimum guidelines established in this Chapter.

3. Manure storage whether in a cart, dumpster bin, roll-off box or constructed structure shall be stored at least 35 feet from the nearest neighboring dwelling unit.

4. Approved containers are those supplied by the City's franchise hauler and include carts, two-yard bins and roll-off boxes or otherwise approved by the Director of Public Works. All such containers shall be equipped with working lids to minimize water accumulating within the container.

5. Manure storage areas shall be constructed in such a manner as to minimize potential run-off. No manure storage structure or container shall be placed within ten (10) feet of a flood control channel or open storm drain. Storage areas shall be constructed with a three-walled, fire proof structure on a concrete base with a roof or tarp per standards established by the Public Works Director.

6. Manure run-off which discharges onto adjacent property, onto City streets, horse trails, or into flood control channels is prohibited, and allowing such to occur, intentionally or negligently, shall be in violation of this Chapter.

B. Manure Collection Services

1. Persons who keep livestock shall regularly dispose of accumulated and stored manure. Manure shall be removed from properties on a weekly basis unless an approved hauler scheduling allows for a variation.

2. All persons who keep livestock shall participate in the City manure collection program. The collection and transportation of manure from commercial and private properties within City boundaries shall be done utilizing the City designated franchise manure disposal contractor. However, persons who have been issued a valid self-haul permit may privately haul their manure to an approved designated disposal facility in lieu of the City's manure collection

contractor. In order to do so, such persons must be issued a self-haul permit from the City's Public Works Director. Such permits shall be reviewed annually.

C. Manure Spreading and Composting

1. Manure spreading over arenas, pastures, corrals or other livestock areas as an alternative means of disposal is prohibited and shall be in violation of this Chapter.

2. Manure composting is prohibited without receiving a composting permit from the Public Works Director.

6.45.050 Requirement to Participate in the City's Manure Program. Every person or owner of residential, commercial or public property in the City of Norco that keeps livestock shall adhere to all manure management practices. Failure to participate in the City's manure collection program shall subject the violator to the general penalties set forth in Chapter 1.04 and to administrative citations pursuant to Chapter 1.05 of the Norco Municipal Code.

6.45.060 Charges, Billing and Collection. Every person or owner of residential, commercial or public property or premises in the City of Norco that keep livestock shall be billed for manure collection services pursuant to approved City billing practices. In accordance with the refuse service agreement, the City may handle contractor's billings, collections and payments due contractor from persons served.

6.45.070 Appeal. Any occupant or owner of residential property or premises in the City who has been billed for manure collection services and who desires to contest the extent, degree or reasonableness of the charges, shall make payment of such charges under protest with the City Manager or his duly authorized representative. Within thirty days after the date of filing, the City Manager or his duly authorized representative shall notify the protestant of his/her findings and adjudication and adjustment in the matter. Within fifteen days after such a notice of the decision of the City Manager or his duly authorized representative, the protestant may appeal in writing to the City Council, and shall have the right to appear and have a hearing at a regular meeting. The decision of the City Council shall be final.

6.45.080 Self Haul Permit. Notwithstanding anything to the contrary in this Chapter, one may provide his/her own service for the removal or disposal of manure created from his/her own residence upon making application for and receipt of the necessary permit from the Director of Public Works. The Director of Public Works shall issue a permit upon determination that the applicant is able to dispose of the manure by transporting the manure to a County approved sanitary fill or approved facility in a safe and sanitary manner in accordance with the provisions of a Self Haul permit. Such permit shall expire on the 31st of December each year, and may be renewed by the permittee for periods of one year upon written application to the Director of Public Works made prior to the expiration of the initial permit or any prior renewal thereof. A

denial of an application for a permit or renewal thereof may be appealed to the City Council by the applicant filing with the City Clerk a notice of appeal within ten days after receipt of the Director of Public Works written notice of denial. The decision of the City Council shall be final. No permit issued hereunder shall be transferred to any subsequent occupant of the same property.

6.45.090 **Payment of Bills.** Manure collection charges billed by the City are due and payable upon receipt.

6.45.100 **Penalty.** Any manure collection service billing which is unpaid in whole or in part on the date due is declared delinquent. A penalty in the amount of ten percent of the unpaid balance of such bill, including any charges stated therein shall be imposed. The City Manager or Director of Fiscal and Support Services shall have the authority to waive or remove penalty charges for reasonable causes.

6.45.110 **Collection of Manure Collection Service Charges.** Should the owner or occupant of any property in the City fail, refuse or neglect to pay in accordance with the provisions in this Chapter, the manure collection service charge assessed, then all costs incurred by the City shall be recoverable by the City and charged against the real property pursuant to Norco Municipal Code Section 6.42.109, Section 6.42.110 and Section 6.42.120.

SECTION 2: SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance 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 portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective July 1, 2008.

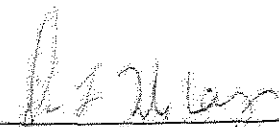
SECTION 4: POSTING. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 7, 2008.



Mayor of the City of Norco, California

ATTEST:




Debra L. McNay, City Clerk
City of Norco, California

I, Debra L. McNay, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on April 16, 2008 and thereafter at a regular meeting of said City Council duly held on May 7, 2008, it was duly passed and adopted by the following vote of the City Council:

AYES: HALL, AZEVEDO, MILLER, HANNA
NOES: CLARK
ABSENT: NONE
ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on May 7, 2008.



Debra L. McNay, City Clerk
City of Norco, California