



STAFF REPORT

To: Planning Commission

Prepared by: William L. Dillard, Code Enforcement Inspector

GENERAL INFORMATION

Property Owner: Kenneth W. & Rachell DeVaney

Location: 50 Brodia Ct., Martinez, CA.

Proposal: Appeal hearing for Administrative Citation #131, re: M.M.C.
Section 15.04.035 - Garbage cart Container placement on non-collection days.

RECOMMENDATION

Uphold Staff's finding of non-compliance with M.M.C. Section 15.040.035 – regarding the proper placement and storage of garbage carts on non-collection days. In addition, uphold the issuance of Administrative Citation #131 in the amount of \$100.00 for failure to comply by not properly storing garbage carts on non-collection days.

CASE HISTORY

Attached is a photograph of the area at the end of Brodia Ct. (Exhibit "A"). This is a cul-de-sac at the end of the court, comprised of six residences. There has been an ongoing issue for over two years of the placement of garbage carts on collection and non-collection days. Garbage collection days for this neighborhood are Friday's.

On Monday, September 20, 2010, a complaint was received about garbage carts from 50 Brodia Ct. being left out on the street. A door hanger courtesy reminder notice with brochure (Exhibit "B") was left at the residence of 50 Brodia Ct. On September 27, 2010, an inspection of Brodia Ct. found the carts had been removed from the street.

On Wednesday, August 8, 2012, a complaint was received about the resident at 50 Brodia Ct. placing their garbage carts in front of neighbors' mail boxes and driveways. I left a door hanger courtesy reminder with brochure (Exhibit "C") at the residence.

On Monday, November 19, 2012, complaints received from two different neighbors of ongoing problem with the resident at 50 Brodia Ct., placing their garbage carts in the street and leaving them there on non-collection days. On Tuesday, November 20, 2012, an inspection was made at the end of Brodia Ct. and the garbage carts from 50 Brodia Ct. were found to be in the street. Three photographs taken (Exhibit "D"). An Administrative Citation was issued for non-compliance of M.M.C. Section 8.18.250. – Garbage Cart Container placement on non-collection days. (Exhibit "E")

Rachel DeVaney filed a letter of appeal with a deposit of \$100.00 for an appeal hearing (Exhibit "F"). A "Notice of Appeal Hearing" letter was mailed to Mr. & Mrs. DeVaney with a hearing date of January 22, 2013. (Exhibit "G").

Attached, copy of M.M.C. Section 8.18.250 – Garbage Cart placement. (Exhibit "H")



1" = 33'



CityGIS

EXHIBIT "A"

SORRY WE MISSED YOU!

OUR CITY CODE ENFORCEMENT INSPECTOR
STOPPED BY:

DATE: 9/20/2010 _____ AM _____ PM

Location: #50 BROMA

- To make an inspection
- To make a reinspection
- Please call to discuss violation
- Other _____

NOTES:

This is a courtesy reminder of the Martinez Municipal Code Requirements that regulate the storage of garbage carts. Enclosed is a brochure from Pleasant Hill Bayshore Disposal outlining the garbage collection program with the City of Martinez, and their residents.

Garbage carts left out in public view are subject to citation.

PLEASE DO NOT PUT CARTS OUT
UNTIL THURSDAY PM. FOR FRIDAY
PICK-UP & REMOVE BY SATURDAY AM

Phone # 372-3598

Inspector BILL DILLARD

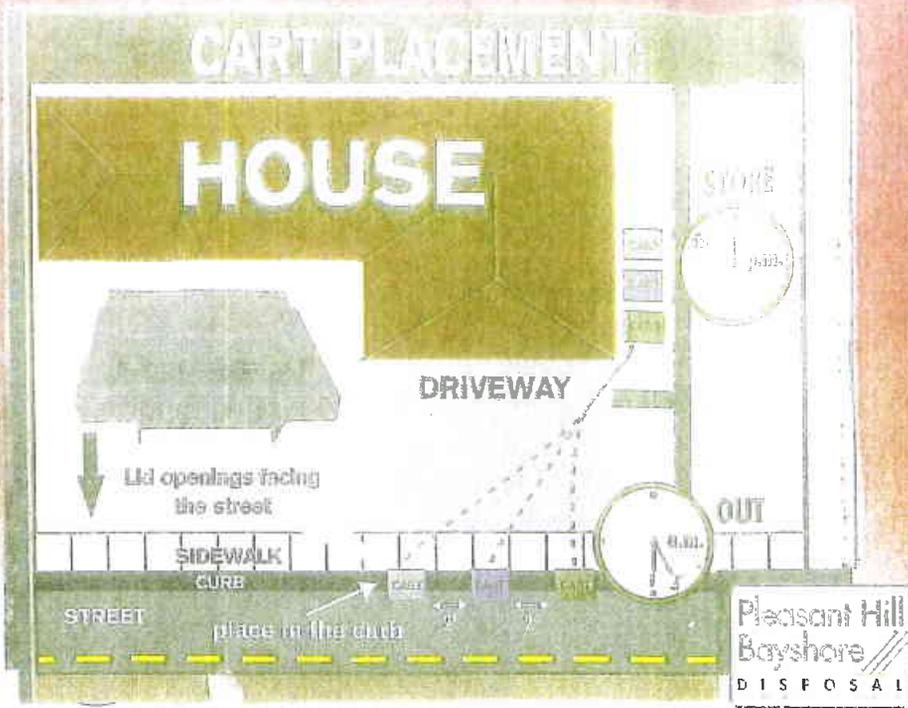
EXHIBIT "B"



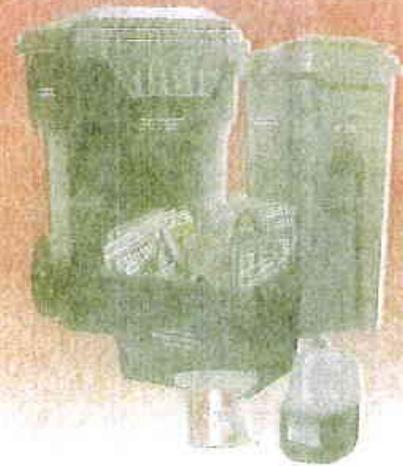
9/27/10
CARTS REMOVED
FROM STREET

City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394



Customer service representatives,
drivers, everyone -
we are here to help.
Call us at 925-685-4711 or 226-2717



8.18.250 Recycling Container Placement.

- A. No recycling container, other than one owned by the City, shall be placed or kept in or on any public street, sidewalk, footpath or any public place whatsoever, or remain in public view from any public right-of-way except as herein provided. No person shall place a container so that either the sidewalk or street gutter is obstructed.
- B. Approved recycling containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight hour period commencing at 12:00 Noon, on the day preceding the day of scheduled pick-up and terminating at 12:00 Noon, on the day following such pick-up.
- C. For curbside pick-up, the collection station shall be the street curb line adjacent to such premises, and approved recycling containers shall be placed in the location by the occupant of such premises for collection by the authorized recycler.
- D. The owners of multi-family residential complexes and other non-residential establishments which receive communal refuse and recycling services shall provide and maintain space within or adjacent to each trash enclosure, or adjacent to each dumpster or other trash container for placement of sufficient approved recycling containers
- E. Each person who has an approved recycling container shall keep the area where the container is located in a clean, safe and sanitary condition. Ord. 1898 & S. 1983.

EXHIBIT "B"

SORRY WE MISSED YOU!

OUR CITY CODE ENFORCEMENT INSPECTOR
STOPPED BY:

DATE: 8/8/2012 ___ AM ___ PM

Location: 50 BRODIA

- To make an inspection
- To make a reinspection
- Please call to discuss violation
- Other GARBAGE CARTS PUT OUT FOR COLLECTION

IN VIOLATION OF M/C SECTION 8.18.250(B)(C)

NOTES:

This is a courtesy reminder of the Martinez Municipal Code Requirements that regulate the storage of garbage carts. Enclosed is a brochure from Pleasant Hill Bayshore Disposal outlining the garbage collection program with the City of Martinez, and their residents.

Garbage carts left out in public view are subject to citation.

Phone # 372-3598

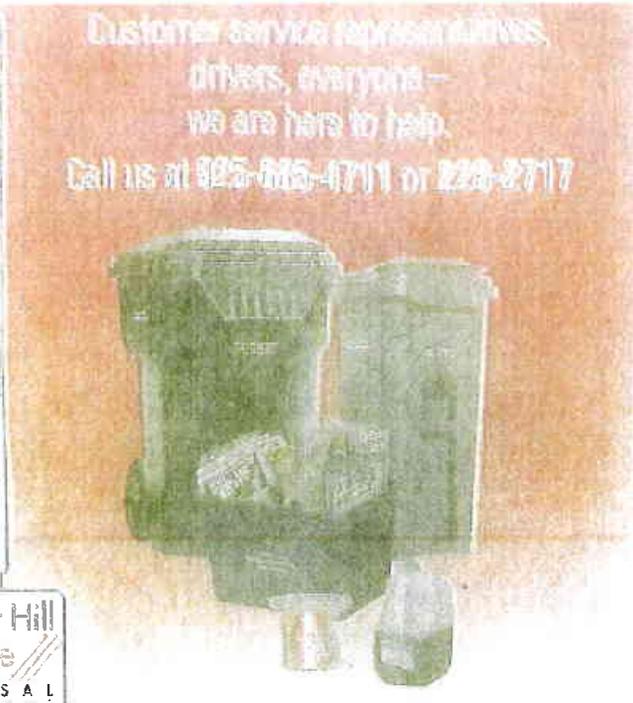
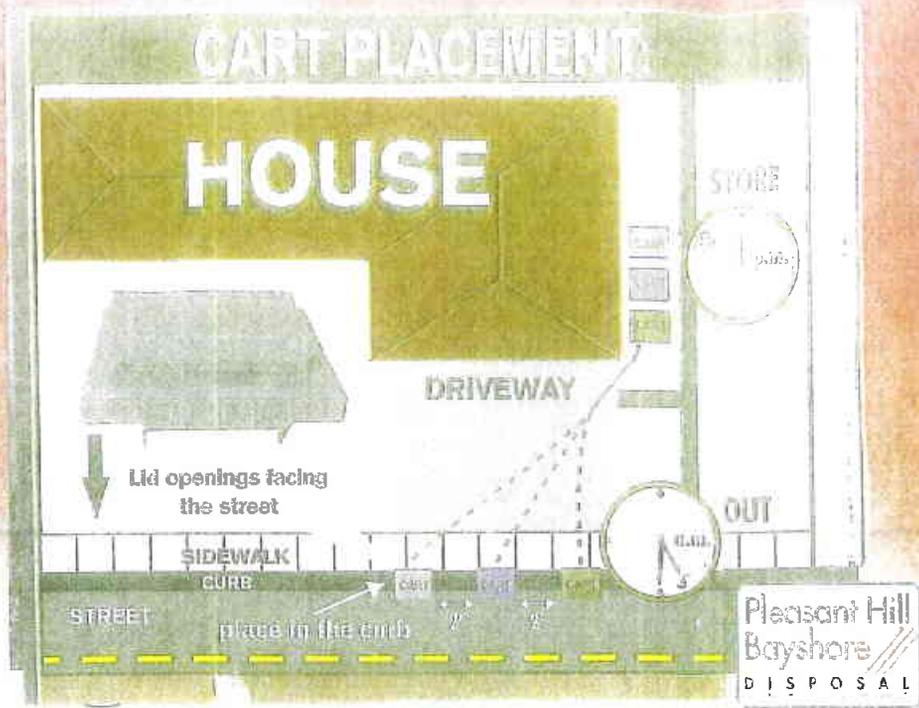
Inspector BILL DILLARD

EXHIBIT "C"
Pg 1 of 2



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394



8.18.250 Recycling Container Placement.

- A. No recycling container, other than one owned by the City, shall be placed or kept in or on any public street, sidewalk, footpath or any public place whatsoever, or remain in public view from any public right-of-way except as herein provided. No person shall place a container so that either the sidewalk or street gutter is obstructed.
- B. Approved recycling containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight hour period commencing at 12:00 Noon, on the day preceding the day of scheduled pick-up and terminating at 12:00 Noon, on the day following such pick-up.
- C. For curbside pick-up, the collection station shall be the street curb line adjacent to such premises, and approved recycling containers shall be placed in the location by the occupant of such premises for collection by the authorized recycler.
- D. The owners of multi-family residential complexes and other non-residential establishments which receive communal refuse and recycling services shall provide and maintain space within or adjacent to each trash enclosure, or adjacent to each dumpster or other trash container for placement of sufficient approved recycling containers.
- E. Each person who has an approved recycling container shall keep the area where the container is located in a clean, safe and sanitary condition.



11/20/2012



11/20/2012

EXHIBIT "D" Pg 2 of 13



11/20/2012

EXH18114 11/20/12 Pg 3 of 3



ADMINISTRATIVE CITATION Citation # 131
 City of Martinez Case No. 12-2030953
 Neighborhood Improvement Services

*FILE
 COPY
 POSTED
 11/16/12*

Date of Citation 11-20-2012	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week Tuesday
---------------------------------------	--	----------------------------

Violation Location/Address 50 Brodia Ct., Martinez, Ca. 94553

Citation Issued To (Owner or Business) Kenneth & Rachell Devaney
--

Address if different than violation
--

City	State	Z
-------------	--------------	----------

Driver's License No.

You are being issued an Administrative Citation for this violation in lieu of Criminal Prosecution. Additional violations may result in Criminal Prosecution and/or additional Administrative fines.

This violation(s) was originally brought to your attention on 8-08-2012 & 09-20-2012 (by notice left at residence) , and you have not corrected or resolved the violation(s).

<input type="checkbox"/> 1 st VIOLATION \$100.00	Refer to the back of this citation for information on paying the amount indicated.
<input type="checkbox"/> 2 nd VIOLATION \$200.00	
<input type="checkbox"/> 3 rd VIOLATION \$500.00	

Violation Code & Section	Description of Violation(s)	Fine Amount(s)
M.M.C. Section: 8.18.250 -	Garbage Cart Container placement on non-collection days.	\$100.00

FINE DUE BY: December 3, 2012	Total:	\$100.00
--------------------------------------	---------------	-----------------

In addition to the fine the following corrections must be made by:

Reference attached brochure on proper placement and storage of garbage carts . Compliance requested on an ongoing basis.

Issuing Officer W. L. Dillard, Code Enforcement Inspector	Date 11-20-2012
---	---------------------------

NOTE: TO AVOID ADDITIONAL CITATIONS, PLEASE COMPLY.

Questions regarding this citation, call Code Enforcement Department: 925-372-3598

EXHIBIT "E"

WAIVER OF CITATION – TRASH CANS

On November 20th of 2012 we received a citation at 50 Brodia Ct for trash cans being out after designated pick up service. We would like to waiver the fine due to the fact that they are not our trash cans.

On November 15th, the day before trash pickup, you can see on video our next door neighbor placing these trash cans in front of our house. We have video available if needed. The calls to our house for any potential code violations are a result of an ongoing (3 years) civil issue we have with our neighbors, and in the past they have tried to have us cited for other violations that have been proven false. A deposit of \$100 (check #4743) was given on 11-27-12 for an appeal hearing.

Date 11-27-12

Signed Rachel L. DeVaney

EXHIBIT "F"



CITY OF MARTINEZ

525 Henrietta Street, Martinez, CA 94553-2394

December 5, 2012

Kenneth & Rachel Devaney
50 Brodia Ct.
Martinez, Ca. 94553

SUBJECT: Notice of appeal hearing, Administrative Citation #131, Case No. 12-2030953.

Dear Mr. & Mrs. Devaney

The City of Martinez is in receipt of your letter dated November 27, 2012 and your check of \$100.00 as deposit.

Per Section 1.15.090 M.M.C. - An appeal of an administrative fine imposed by this chapter shall be heard by the Hearing Examiner on January 22, 2013. The hearing will be held at City Hall (Council Chambers) at 7:00 pm.

Failure to appear at the appeal hearing will constitute the forfeiture of the administrative fine and the fine shall become a final order or decision under this Chapter.

Per Section 1.15.090 (E) - At least (10) days prior to the hearing, the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the Citation Officer to the Hearing Examiner.

Sincerely,

Dave Scola
Director of Public Works
(925) 372-3628

EXHIBIT "G"

8.18.250 Recycling Container Placement.

- A. No recycling container, other than one owned by the City, shall be placed or kept in or on any public street, sidewalk, footpath or any public place whatsoever, or remain in public view from any public right-of-way except as herein provided. No person shall place a container so that either the sidewalk or street gutter is obstructed.

- B. Approved recycling containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up.

- C. For curbside pick-up, the collection station shall be the street curb line adjacent to such premises, and approved recycling containers shall be placed in the location by the occupant of such premises for collection by the authorized recycler.

- D. The owners of multi-family residential complexes and other non-residential establishments which receive communal refuse and recycling services shall provide and maintain space within or adjacent to each trash enclosure, or adjacent to each dumpster or other trash container for placement of sufficient approved recycling containers.

- E. Each person who has an approved recycling container shall keep the area where the container is located in a clean, safe and sanitary condition. (Ord. 1198 C.S., 1993.)

EXHIBIT "H"