

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2817

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
READOPTING AND ESTABLISHING SOLID WASTE SYSTEM USER FEES
AND CHARGES

WHEREAS, the City Council has adopted Chapter 19 of the Code of the City of Oxnard to regulate solid waste collection and disposal of the City's solid waste; and

WHEREAS, the Solid Waste Fund (Environmental Resources Division) is a self-supporting enterprise fund that depends on the revenues derived from services rendered for solid waste collection, processing, disposal and street sweeping; and

WHEREAS, on September 18, 2007, the City Council approved Ordinance No. 2749, establishing solid waste system user fees and charges; and

WHEREAS, the Public Works Department prepared an Environmental Resources Division Budget for fiscal years 2009-2010 through 2010-2011, dated July 7, 2009 (Budget) on file with the City Clerk, which establishes the basis for new and increased fees and charges set forth herein; and

WHEREAS, the City's Public Works Department – Environmental Resources Division has developed a computerized cost and revenue allocation model (Rate Model). The Rate Model is based upon the Budget and the proportional cost of providing solid waste system service to the City's various customer classes. The Rate Model provides a further basis for the rates and charges set forth herein; and

WHEREAS, the City's Public Works Department – Environmental Resources Division has updated its cost of service analysis and this ordinance reflects updated supplemental fees and charges for certain special collection services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on changes in certain third party costs. The proposed rates displayed as effective beginning July 1, 2010, show the pre-authorized percentage rate increase applicable at the beginning of fiscal year 2010-2011. However, the actual rates effective July 1, 2010 may vary based on the implementation of any automatic rate adjustment resulting from changes in third party costs; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby find as follows:

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of solid waste disposal, and Public Works Department – Environmental Resources Section employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of solid waste system service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain solid waste system service within the City service area, including repair and replacement of aging facilities, equipment and trucks, and retrofitting trucks with diesel exhaust particulate filters to meet increased regulatory emissions requirements, none of which expand the solid waste system.
2. The basis for the foregoing claim of exemption is found in the Budget and the Rate Model.

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

Part 1. Monthly Rates

The fees, charges and rates set forth below shall be charged and collected for the use of and for the privileges and services relating to the Solid Waste System of the City of Oxnard.

A. Residential dwellings

Weekly residential service in dwellings not using mechanical front-end loaded containers:

Customer	Effective December 3, 2009	Effective July 1, 2010
Single family variable service (individually billed single and multiple unit dwellings that generate lesser amounts of waste, recyclables, and green waste or have medical disabilities that limit ability to maneuver larger containers (65 gallon refuse, 65 gallon recycle and 65 gallon green waste containers))	\$22.80	\$23.60
Single family standard service (individually billed single and multiple unit dwellings (65 or 95 gallon refuse, 95 gallon recycle, and 95 gallon green waste containers))	\$28.50	\$29.50
Jointly billed multiple-unit dwellings (such as apartments, duplexes, triplexes, boarding houses, mobile home parks, hotels or motels):		
First Unit	\$28.50	\$29.50
Second Unit	\$25.65	\$26.55
Third Unit	\$24.23	\$25.08
Each Unit in excess of three	\$22.80	\$23.60

B. Commercial and Industrial Users; Not Using Mechanical Front-End Loaded Containers

- Weekly collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective December 3, 2009	Effective July 1, 2010
One 95-gallon refuse container	\$40.00	\$41.40
Two 95-gallon refuse containers	\$70.00	\$72.45
Three 95-gallon refuse containers	\$90.00	\$93.15
Four 95-gallon refuse containers	\$110.00	\$113.85
Five 95-gallon refuse containers	\$130.00	\$134.55
Five 95-gallon refuse containers (2 collections per week)	\$227.50	\$235.46

2. Weekly recyclables and green waste collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective December 3 , 2009	Effective July 1, 2010
One 95-gallon refuse container	\$20.00	\$20.70

3. Weekly and daily refuse collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Effective December 3, 2009 Container Size	Rates / Collections Per Week					
	1	2	3	4	5	6
2-cubic yard	\$119.00	\$208.25	\$267.75	\$327.25	\$386.75	\$446.25
2-cubic yard shared	\$59.50	\$104.13	\$133.88	\$163.63	\$193.38	\$223.13
2-cubic yard compactor	\$255.00	\$446.25	\$573.75	\$701.25	\$828.75	\$956.25
4-cubic yard	\$207.00	\$362.25	\$465.75	\$569.25	\$672.75	\$776.25
4-cubic yard shared	\$103.50	\$181.13	\$232.88	\$284.63	\$336.38	\$388.13
4-cubic yard compactor	\$417.00	\$729.75	\$938.25	\$1,146.75	\$1,355.25	\$1,563.75

Effective July 1, 2010 Container Size	Rates / Collections Per Week					
	1	2	3	4	5	6
2-cubic yard	\$123.17	\$215.54	\$277.12	\$338.70	\$400.29	\$461.87
2-cubic yard shared	\$61.58	\$107.77	\$138.57	\$169.36	\$200.15	\$230.94
2-cubic yard compactor	\$263.93	\$461.87	\$593.83	\$725.79	\$857.76	\$989.72
4-cubic yard	\$214.25	\$374.93	\$482.05	\$589.17	\$696.30	\$803.42
4-cubic yard shared	\$107.12	\$187.47	\$241.03	\$294.59	\$348.15	\$401.71
4-cubic yard compactor	\$431.60	\$755.29	\$971.09	\$1,186.89	\$1,402.68	\$1,618.48

Each container in excess of the regular service level on an established account	Solid Waste	Recyclables or Green Waste
	2-cubic yard	\$52.00
4-cubic yard	\$96.00	\$48.00

4. Weekly and daily recyclables and green waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Effective December 3, 2009

Container Size	Rates / Collections Per Week					
	1	2	3	4	5	6
2-cubic yard	\$59.50	\$104.13	\$133.88	\$163.63	\$193.38	\$223.13
2-cubic yard shared	\$29.75	\$52.06	\$66.94	\$81.81	\$96.69	\$111.56
2-cubic yard compactor	\$127.50	\$223.13	\$286.88	\$350.63	\$414.38	\$478.13
4-cubic yard	\$103.50	\$181.13	\$232.88	\$284.63	\$336.38	\$388.13
4-cubic yard shared	\$51.75	\$90.56	\$116.44	\$142.31	\$168.19	\$194.06
4-cubic yard compactor	\$208.50	\$364.88	\$469.13	\$573.38	\$677.63	\$781.88

Effective July 1, 2010

Container Size	Rates / Collections Per Week					
	1	2	3	4	5	6
2-cubic yard	\$61.58	\$107.77	\$138.57	\$169.36	\$200.15	\$230.94
2-cubic yard shared	\$30.79	\$53.88	\$69.28	\$84.67	\$100.07	\$115.46
2-cubic yard compactor	\$131.96	\$230.94	\$296.92	\$362.90	\$428.88	\$494.86
4-cubic yard	\$107.12	\$187.47	\$241.03	\$294.59	\$348.15	\$401.71
4-cubic yard shared	\$53.56	\$93.73	\$120.52	\$147.29	\$174.08	\$200.85
4-cubic yard compactor	\$215.80	\$377.65	\$485.55	\$593.45	\$701.35	\$809.25

5. Per pickup charge for businesses regularly using roll-off containers. In addition to the fees for use of the container(s) presented below, the user shall pay all disposal fees. Minimum pickup is twice per month. If use is for less than one month, user shall pay a container rental fee of \$12.40 per day, plus all disposal fees:

Effective December 3, 2009

Container Size	Charge per Refuse Pickup	Charge per Recyclables Or Green Waste Pickup
10-cubic yard	\$145.00	\$72.50
13.4-cubic yard	\$145.00	\$72.50
30-cubic yard	\$190.00	\$95.00
30-cubic yard compactor	\$215.00	\$107.50
(2) 30-cubic yard single pickup	\$365.00	\$182.50
40-cubic yard compactor	\$265.00	\$132.50

Effective July 1, 2010

Container Size	Charge per Refuse Pickup	Charge per Recyclables Or Green Waste Pickup
10-cubic yard	\$150.08	\$75.04
13.4-cubic yard	\$150.08	\$75.04
30-cubic yard	\$196.65	\$98.33
30-cubic yard compactor	\$222.53	\$111.26
(2) 30-cubic yard single pickup	\$377.78	\$188.89
40-cubic yard compactor	\$274.28	\$137.14

6. **Monthly Security and Contamination Fee:** In addition to any other applicable charges, each customer shall pay a monthly security and contamination prevention fee, per container in use, as follows:

Service	Effective December 3, 2009	Effective July 1, 2010
Security and Contamination Fee	\$0.00	\$0.12

7. **Walking Floor Transfer Trailer.** Each customer making use of a walking floor transfer trailer shall pay the following per pickup fee, along with all disposal charges:

Container Size	Effective December 3, 2009	Effective July 1, 2010
Walking Floor Transfer Trailer	\$365.00	\$377.78

Part 2. Special Collection Services and Fees

Special collection services are available for each class of user or type of service upon request and dependent upon the availability of containers for service.

A. Special Collection Services

The minimum charge for special collection is \$31.50. If the special collection service requires more than fifteen minutes for the operation crew to clean up debris, the user will be charged a fee of \$2.10 per minute. For example, the fee for a special collection taking 20 minutes would be \$42.00. Special collection debris includes refrigerators, sofas, washing machines, water heaters, furniture, accumulated materials, and other bulky items except for large commercial-type items.

B. Mechanical Loading Special Services

1. Commercial Size Special Service (2 and 4 cubic yards)

Commercial containers are available for special collection service. A delivery fee of \$13.00 shall be charged per container. Commercial container special services shall be provided at the following rates, not including the disposal fee, for a maximum of fourteen days, for an established account.

Container Size	Charge Per Refuse Pickup
2-cubic yard	\$50.00
4-cubic yard	\$75.00

2. Industrial Size Special Service (10 - 40 Yards)

Industrial-type containers are available for special collection service. A delivery fee of \$13.00 shall be charged per container. Industrial container special services shall be provided at the following rates for a maximum of seven days, for an established account. In addition, the user shall pay all disposal fees.

Container Size	Per Pickup Charge
10-yard	\$102.30
13.4-yard	\$102.30
30-yard	\$137.88
40-yard	\$172.35
(2) 30-yard	\$275.76

C. Freon Extraction Fee

Service	Per Unit
Residential Type Size (refrigerators and air conditioners)	\$20.00
Commercial Type Large Size	\$35.00

D. Lost or Damaged (Burned) Container

Service	Per Unit
Residential 95-gallon container	\$51.25
Residential 65-gallon container	\$47.35
Commercial 2-cubic yard	\$445.12
Commercial 4-cubic yard	\$542.80
Industrial 1-cubic yard	\$585.00
Industrial 13.4 cubic yard	\$635.00
Industrial 30-cubic yard	\$700.00
Industrial 4-cubic yard	\$750.00

E. Tire Collection – Size

Service	Per Unit Tire Charge
36-inches and under	\$5.00
36 to 60 inches	\$30.00
Over 60 inches	\$200.00

F. Commercial Container Cleaning

At the user’s request, the City will steam clean commercial containers of 2-cubic yard and 4-cubic yard sizes. The City will also steam clean commercial compactors. The City will pick up the container or compactor, steam clean the container or compactor at the City Yard, and return the container or compactor to the user location. The charge shall be:

Container Type & Size	Per Unit
Commercial 2-cubic yard	\$36.25
Commercial 4-cubic yard	\$46.50
Commercial Compactor	\$103.50

G. Commercial Container Security-Locking Device

At the user’s request, the City will provide a security locking device for 2-cubic yard and 4-cubic yard containers. The fee shall be \$57.00 for each locking device per container, covering materials and installation.

H. Commercial Container Casters

A fee of \$18.75 per caster shall be charged to the user for a damaged caster on a 2-cubic yard container or a 4-cubic yard container.

I. Industrial Container Casters

A fee of \$28.25 per caster shall be charged to the user for a damaged caster on a 13.4-cubic yard container or a 30-cubic yard container.

J. Change of Service Level

A fee of \$5.00 shall be charged to the user for each request of a change of service level.

K. Overweight Container

A surcharge of 40% to the user's regular service shall be charged to the user for an overweight container in excess of the posted rate on the container.

L. Return Truck Trip

A fee of \$20.75 shall be charged to the user for each return trip due to a commercial or industrial container relocation, blocked access to the container, improper filling, contamination, or other causes that prevent the safe pickup of the container due to customer error or misuse.

Part 3. Service Levels for Residential Automated Collections

A. Basic Levels

Single-family dwelling units with individual curbside refuse pickup shall each receive a 95-gallon automated refuse container, a 95-gallon automated recycle container, and a 95-gallon automated green waste container that will be serviced weekly. Minimum service level shall be one 65-gallon automated refuse container, a 65-gallon automated recycle container, and a 65-gallon automated green waste container once per week.

B. Service Above Basic Levels

1. Single-family and multifamily dwelling units with weekly individual curbside service may obtain and use an additional 95-gallon automated container at a cost of \$10.85 per month, in addition to the basic service charge.
2. A special service collection fee of \$10.85 shall be charged for collection when requested by a resident for reasons not the fault of the collection personnel, including but not limited to: late set-out of container, overfilling of container, refuse in recycle container, refuse or recycled in green waste container, green waste in recycle container, or blocked access or other causes that prevent safe pickup.

Part 4A. Del Norte Regional Recycling and Transfer Charges for Regular Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the Del Norte Regional Recycling and Transfer Station (DNRRTS) to process regular materials.

A. By Weight

Material	Per Ton Charge
Refuse	\$42.00 to \$52.00
Green waste	\$42.00 to \$52.00
Mixed recyclables	\$0.00 to \$30.00
Construction and demolition debris	\$49.00 to \$57.00

B. By Load - Self-Haul Vehicle

Material	Per Ton Charge
Refuse	\$22.00 to \$26.00 up to 1/2 ton
Refuse	Percentage of \$42.00 to \$52.00 per 1/2 ton or more

Part 4B. DNRRTS Charges for Special Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the DNRRTS to process special materials.

Material	Charge
Hard to handle or bulky items	\$100.00 per ton
Special handling	\$65.00 per ton
Special pull-offs	\$75.00 each plus disposal fee
Uncovered loads capable of producing litter	\$5.00/ton surcharge in addition to applicable charge for material disposal
Tires: less than 36-inches	\$5.00 each or \$100.00/ton
Tires: 36 inches to 60 inches	\$30.00 each
Tires: over 60 inches	\$200.00 each
Freon extraction (refrigerators and air conditioners)	\$20.00 each, plus disposal fee
Appliances	\$15.00 each

Part 4C. DNRRTS Charges for Other Special Materials

The actual cost shall be charged and collected for the use of and for the privileges and services relating to the use of the DNRRTS to process other special materials not listed in Part 4B. Except as otherwise provided by the City Council, such actual cost shall be based on the rate of \$60.00 per hour.

Part 4D. In addition to charges for regular materials in subsection A and B of Part 4A, the DNRRTS shall charge a host fee of \$2.00 per ton of solid waste collected outside Oxnard city limits and delivered to DNRRTS.

Part 4E. Administration Regulations

The City Manager or designee may adopt administrative regulations to implement this ordinance.

Part 5. Billing Procedure for Monthly Service Charge for Use of City Solid Waste System.

Bills for solid waste services shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 6. Automatic Inflation Adjustment. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust for inflation in the cost of operating the City's Solid Waste System. The inflation adjustment shall be the same percentage as the percentage change in the rates that the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System, as those rates are applied in the Rate Model. Such adjustments shall be effective concurrent with the date of any adjustments in rates the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System.

Part 7. The provisions of this ordinance shall be applicable to all solid waste services provided or charges incurred on and after December 3, 2009. Ordinance No. 2749 is repealed by this ordinance, effective December 3, 2009.

Part 8. If any term, condition or provision of this ordinance is held to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Part 9. If for any reason this ordinance is held invalid or unable to be implemented according to its terms, the City Council intends that Ordinance No. 2749, which would have been repealed by this ordinance, shall remain in effect as if this ordinance had not been adopted.

Part 10. This ordinance shall be uncodified.

Part 11. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated within the city. Ordinance No. _____ was first read on October 27, 2009, and finally adopted on November 3, 2009, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED on this 3rd day of November, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney