

(O-98-96)

ORDINANCE NUMBER O- 18497 (NEW SERIES)

ADOPTED ON APR 07 1998

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF ARTICLE 6; BY ADDING DIVISION 5; AND BY ADDING SECTIONS 66.0501, 66.0502, 66.0503, 66.0504 AND 66.0505, ALL PERTAINING TO FEES FOR THE SOLID WASTE LOCAL ENFORCEMENT AGENCY.

WHEREAS, the City of San Diego was designated its own solid waste Local Enforcement Agency [LEA] by the California Integrated Waste Management Board on November 19, 1997; and

WHEREAS, the LEA is charged with enforcement of State regulations as they relate to solid waste facilities; and

WHEREAS, the LEA has been performing its duties of enforcement of State regulations since November 19, 1997; and

WHEREAS, the LEA may, upon majority vote of its local governing body, prescribe, revise, and collect fees or other charges from each operator of a solid waste facility or from any person who conducts solid waste handling pursuant to Public Resources Code section 43213; and

WHEREAS, the fees or other charges collected by the LEA shall be based on the weight, volume or type of solid waste which is received or handled by any operator or person or on any other appropriate basis or any combination of the foregoing pursuant to Public Resources Code section 43213; and

WHEREAS, the fees or other charges collected by the LEA shall not exceed the actual cost of the solid waste enforcement pursuant to Public Resources Code section 43213; NOW,

THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by adding the title of the Article to read:

**COLLECTION, TRANSPORTATION AND  
DISPOSAL OF REFUSE AND SOLID WASTE**

Section 2. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by adding Division 5, to read:

**DIVISION 5**

**SOLID WASTE LOCAL ENFORCEMENT AGENCY FEES**

Section 3. That Chapter VI, Article 6, of the San Diego Municipal Code is hereby amended by adding Sections 66.0501, 66.0502, 66.0503, 66.0504 and 66.0505 to read as follows:

**Sec. 66.0501 Purpose and Intent.**

The City of San Diego LEA fees are developed with the intent of recovering the complete costs associated with the LEA's regulatory duties. All revenues collected pursuant to this division shall be used exclusively to compensate the LEA for the cost of the regulatory service.

**Sec. 66.0502 Definitions.**

For the purposes of this Division:

“LEA” means The City of San Diego Solid Waste Local Enforcement Agency designated by the California Integrated Waste Management Board.

“Operator” means the person to whom the approval to operate a disposal site, transfer or processing station, or collection system is granted.

“Solid waste facility” has the same meaning as the term in Municipal Code section 66.0102.

“Solid waste handling” means the collection, transportation, storage, transfer, or processing of solid wastes.

**Sec. 66.0503 Assessment of fees.**

(a) The LEA shall charge fees listed in Section 66.0503(a)(1)-(4) to be collected from each operator of a solid waste facility or from any person who conducts solid waste handling consistent with a schedule of fees published in the City’s Ratebook of Fees and Charges.

- (1) Annual permit fees
- (2) Annual regulatory fees
- (3) Tonnage rate fees
- (4) Any other fees determined to be necessary by a

majority vote of the City Council

(b) The fees shall be based on the weight, volume or type of solid waste which is received or handled by an operator or person or on any other appropriate basis or any combination of the foregoing.

(c) The fee schedule shall become effective pursuant to resolution adopted by a majority vote of the City Council. The fees shall be reviewed periodically and, if appropriate, revised by a majority vote of the City Council.

**Sec. 66.0504 Effective Date of Fees.**

The fees imposed under this division include those due the LEA to compensate for the cost of regulatory services performed by the LEA since November 19, 1997.

**Sec. 66.0505 Penalties.**

In any case where an annual permit fee or tonnage rate fee is thirty days past due, a penalty shall be added to and collected with the required fee. The penalty shall be assessed according to the schedule of fees published in the City's Ratebook of Fees and Charges. The imposition or payment of the penalty imposed by this section does not prohibit the imposition of civil penalties pursuant to Public Resources Code sections 45010-45024.

Section 4. This ordinance shall take effect and be in force on the thirtieth day after its passage.

APPROVED: CASEY GWINN, City Attorney

By Elisa Cusato  
Elisa Cusato  
Deputy City Attorney

EIC:mr  
03/05/98  
Or.Dept:LEA  
O-98-96  
Form=codeo.frm

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9801025  
 ORIGINATING DEPT. NO. 1300

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$150,000.00 Fund 41200

Purpose Authorizing an advance of funds from the Environmental Services Enterprise Fund to cover cash flow needs in the new LEA Fund.

Date March 9, 1998

By: *Walter K. Mendoza*

AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |       |      |      |         |           |                   |             |          |               |
|-----------------|-------|-------|------|------|---------|-----------|-------------------|-------------|----------|---------------|
| ACCTG. LINE     | CY PY | FUND  | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT        |
| 1               | 0     | 41200 | 752  | 3101 | 4881    | 011080    |                   |             |          | \$150,000.00  |
| TOTAL AMOUNT    |       |       |      |      |         |           |                   |             |          | \$150,000.00  |
|                 |       |       |      |      |         |           |                   |             |          | FUND OVERRIDE |

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$

Vendor

Purpose

Date

By:

AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |      |      |      |         |           |                   |             |          |               |
|-----------------|-------|------|------|------|---------|-----------|-------------------|-------------|----------|---------------|
| ACCTG. LINE     | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT        |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |             |          |               |
|                 |       |      |      |      |         |           |                   |             |          | FUND OVERRIDE |

*Original Aud. Cert with R-289870*

0-18497  
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