

(O-98-153)

ORDINANCE NUMBER O- **18545** (NEW SERIES)

ADOPTED ON JUL 20 1998

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 66.0102 AND 66.0129; AND BY ADDING NEW SECTIONS 66.0134 AND 66.0135 RELATING TO THE ESTABLISHMENT OF A RECYCLING FEE KNOWN ALSO KNOWN AS AN AB 939 FEE.

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

Section 1. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending section 66.0102, by adding a new definition "Integrated Waste Management Plan" and "Recycling Fee" to read as follows and to be inserted in alphabetical order:

SEC. 66.0102 DEFINITIONS

"Integrated Waste Management Plan" shall mean all of the planning documents such as the Source Reduction and Recycling Element, Household Hazardous Waste Element, and Non-disposal Facility Element, or any other plan, as required under Division 30 of the California Public Resources Code.

"Recycling Fee" means that fee authorized by California Public Resources Code section 41901.

Section 2. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending section 66.0129, to read as follows:

Sec. 66.0129 Fee for Use of Refuse Disposal Facilities

(a) No change in text in this subsection.

(b) No change in text in this subsection.

(c) Assessment of Fees. Disposal fees shall be required at City refuse disposal facilities from all persons seeking to dispose of garbage, rubbish or other refuse or waste materials except as provided in Sections 66.0127 and 66.0129. Disposal fees shall be developed with the intent of recovering the full and complete costs associated with providing and operating refuse disposal facilities, including any and all surcharges imposed by other governmental agencies on the receipt or disposal of refuse or other waste materials.

All revenues collected pursuant to Section 66.0129 shall be used exclusively for the acquisition, development, construction, operation, closure or administration of City waste management facilities and systems.

(d) No change in text in this subsection.

(e) No change in text in this subsection.

Section 3. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding new sections 66.0134 and 66.0135, to read as follows:

Sec. 66.0134 Recycling Fee (AB 939)

(a) Intent and Purpose. The intent and purpose of the Council in the enactment of this section is to establish a Recycling Fee used to pay the costs incurred by the City in preparing, adopting and implementing the Integrated Waste Management Plan required under Division 30 of the California Public Resources Code.

(b) Recycling Fee. The Manager shall periodically establish a Recycling Fee on all solid waste generated, processed, or disposed of in the City in an amount to recover the full and complete costs associated with the preparation, adoption, and implementation of the City's Integrated Waste Management Plan which shall be ratified by resolution of the Council.

(c) Assessment of Fees.

(1) In addition to scheduled refuse collection franchise payments, the Manager may assess a Recycling Fee on Franchisees based on weight of solid waste they collect. The Manager may determine when franchise fees and Recycling Fees will be collected.

(2) The Manager may assess a Recycling Fee on non-Franchisees based on the weight of solid waste they collect in the City and deliver for disposal or processing to a City operated solid waste facility.

(3) Subject to the approval of the Council acting by resolution, the

Manager may assess a Recycling Fee on non-Franchisees who collect City solid waste and deliver it to other solid waste facilities located in the City. This fee may be imposed only if no alternative fee is assessed on such solid waste.

(4) Subject to the approval of the Council acting by resolution, the Manager may assess a Recycling Fee on an operator of any facility located in the City that accepts solid waste collected from outside the City. This fee may be imposed only if no alternative fee is assessed on such solid waste.

Sec. 66.0135 Recycling Fund

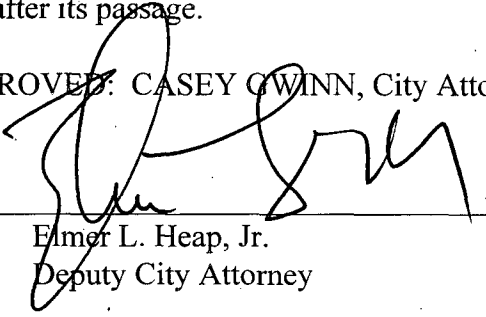
(a) There is hereby created a recycling fund. All revenues derived from Recycling Fees assessed under Section 66.0134 and all revenues derived from waste diversion activities and sale of recyclable commodities shall be paid into the recycling fund.

(b) The recycling fund shall be used to cover the costs associated with preparing, adopting and implementing the Integrated Waste Management Plan.

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

APPROVED: CASEY GWINN, City Attorney

By


Elmer L. Heap, Jr.
Deputy City Attorney

ELH:smf
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