

ORDINANCE NO. 1117

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BEAUMONT, CALIFORNIA, AMENDING SECTION
8.12.240 OF THE BEAUMONT MUNICIPAL CODE
REGARDING THE COLLECTION OF DELINQUENT SOLID
WASTE HANDLING SERVICE FEES AND CHARGES ON
THE TAX ROLL**

WHEREAS, on May 7, 2019, the City Council of the City of Beaumont ("City") unanimously approved a Collection Services Agreement for the Provision of Residential and Commercial Garbage, Recyclable Materials and Organic Waste Collection Services between the City and USA Waste of California, Inc., d.b.a. Waste Management of the Inland Empire; and

WHEREAS, on July 1, 2019, the City's new solid waste management ordinance (Chapter 8.12 – "Solid Waste Management") went into effect; and

WHEREAS, presently, the City's Solid Waste Management ordinance permits the City to collect delinquent fees or charges for single family residential Solid Waste Handling Services on the property tax roll, but does not permit the City to collect such delinquent fees or charges for commercial or multifamily residential premises; and,

WHEREAS, Health & Safety Code Section 5470 et seq. permits municipalities to collect delinquent fees or charges for commercial or multifamily residential Solid Waste Handling Services on the property tax roll in accordance with state law; and

WHEREAS, in order for the City to collect delinquent fees or charges for commercial or multifamily residential Solid Waste Handling Services on the property tax roll, the City must amend its Solid Waste Management ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: RECITALS AND FINDINGS.

The City Council of the City of Beaumont finds the recitals set forth herein to be true and correct, and incorporates the recitals as findings of the City Council.

SECTION 2: AMENDMENT AND RESTATEMENT OF SECTION 8.12.240 ("LIABILITY FOR SOLID WASTE COLLECTION FEES") OF THE BEAUMONT MUNICIPAL CODE.

Section 8.12.240 of the Beaumont Municipal Code is hereby amended and restated in its entirety, as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 3: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion 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 this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE.


This Ordinance shall take effect thirty (30) days from its passage by the City Council of the City of Beaumont.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 19th day of November 2019, by the following roll call vote:

AYES: White, Lara, Carroll, Santos, Martinez
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 3rd day of December 2019.

AYES: White, Lara, Carroll, Santos, Martinez
NOES:
ABSENT:
ABSTAIN:



Julio Martinez, Mayor

Attest: 

Steven Mehlman, City Clerk

Approved as to form:



John O. Pinkney, City Attorney