

**ORDINANCE NO. 1011
COUNCIL BILL NO. 2009-22**

**AN ORDINANCE OF THE CITY OF COACHELLA,
CALIFORNIA, AMENDING SECTIONS 8.44.030
AND 8.44.040 OF AND ADDING SECTION 8.44.035
TO, THE COACHELLA MUNICIPAL CODE,
REGARDING SOLID WASTE RATES AND
CHARGES.**

WHEREAS, Health and Safety Code section 5473 authorizes the City of Coachella (“City”) to adopt an ordinance by a two-thirds vote of the City Council to collect solid waste rates in the same manner and at the same time as general taxes; and

WHEREAS, Government Code sections 25831 and 38790.1 authorize the City to collect delinquent solid waste rates that are not placed on the property rolls through a lien on the property receiving service; and

WHEREAS, Coachella Municipal Code section 8.44.040 currently authorizes the City to collect delinquent solid waste rates through a lien on the property receiving service; and

WHEREAS, the City Council wishes to amend the Coachella Municipal Code to authorize it to collect specified solid waste rates in the same manner and at the same time as general taxes.

NOW, THEREFORE, the City Council of the City of Coachella, California, does hereby ordain as follows:

SECTION 1. Section 8.44.030 of the Coachella Municipal Code is amended to read in full as follows:

8.44.030 Rates and charges to be established by resolution or ordinance.

The rates to be charged for collection of garbage or rubbish shall be established by resolution or ordinance of the city council. Owners, occupants or persons, firms or entities residing in or using residences, dwellings, apartments, hotels, motels, trailer parks, businesses or commercial or industrial establishments shall pay for collection services at the rate and in the manner set by resolution or ordinance from time to time adopted by the city council. In the event the city council wishes to collect charges pursuant to section 8.44.035(B), it shall prepare an annual written report, provide notice and a public hearing of such charges and comply with all applicable procedures as required by Health and Safety Code section 5470 et seq. and other law.

SECTION 2. Section 8.44.035 of the Coachella Municipal Code is added to read in full as follows:

8.44.035 Collection of charges.

The city may collect charges for the collection of garbage or rubbish by either of the following:

(A) The city or its agent may bill and collect such charges directly from the occupant or owner of the premises receiving collection service.

(B) The city may collect such charges on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separate from, the city's general taxes. In the event the city wishes to collect charges pursuant to this subsection, it shall prepare an annual written report, provide notice and a public hearing of such charges and comply with all applicable procedures as required by Health and Safety Code section 5470 et seq. and other law.

SECTION 3. Section 8.44.040 of the Coachella Municipal Code is amended to read in full as follows:

8.44.040 Charges declared lien.

The service of collection of garbage and rubbish shall be presumed to be for the benefit of the premises from which it is removed, and the occupant of the premises shall be presumed to be the agent of the owner thereof and acting for and on the behalf of the owner in receiving such service, and the charges for such service, if unpaid, shall become a lien on the premises served. Every person receiving garbage and rubbish collection under this chapter shall be personally liable to the city or to the contractor for payment of the rates established pursuant to this chapter, any resolution or ordinance setting rates, or any agreement for collection adopted pursuant to this chapter. Delinquent charges for services rendered to the premises under this chapter may be collected, at the option of the city council or the contractor, by a personal action against the occupant receiving such service, or by an action for foreclosure of the lien on the premises served.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Coachella hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 5. PUBLICATION/EFFECTIVE DATE. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage at least once, in a newspaper of general circulation, published and circulated in the City of Coachella, California. This Ordinance of the City of Coachella shall be effective thirty (30) days after the date of its passage.

PASSED, APPROVED and ADOPTED this 8th day of July, 2009, by the City Council of the City of Coachella, California by the following two-thirds vote, to wit:

AYES: Councilmember Martinez, Councilmember Ramirez, Councilmember Villarreal, Mayor Pro Tem Hernandez, Mayor Garcia

NOES: None

ABSENT: None

ABSTAIN: None