

**ORDINANCE NUMBER 1404**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,  
AMENDING SECTION 7.16.080 OF THE PERRIS MUNICIPAL  
CODE TO AUTHORIZE THE RIVERSIDE COUNTY TAX  
COLLECTOR TO PLACE DELINQUENT RESIDENTIAL  
REFUSE COLLECTION FEES ON THE PROPERTY TAX  
ROLLS**

**WHEREAS**, pursuant to Chapter 7.16 of the City of Perris (“City”) Municipal Code, the City contracts for the collection and disposal of solid municipal waste; and

**WHEREAS**, pursuant to Section 7.16.080 of the Municipal Code, charges for residential refuse collection are currently added to utility bills; and

**WHEREAS**, California Government Code sections 38790.1 and 25831 and Health & Safety Code Section 5473(a) provide that the City may choose to collect delinquent garbage fees or charges by placing them on the County property tax roll in the same manner as its general taxes; and

**WHEREAS**, the City Council now desires to amend the Perris Municipal Code to authorize placing delinquent residential refuse collection charges on the County property tax rolls pursuant to California Government Code sections 38790.1 and 25831 and Health & Safety Code Section 5473(a).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.**     **Recitals.** The Recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2.**     **Charges.** Section 7.16.080 of the Perris Municipal Code is amended to read in its entirety as follows:

“Sec. 7.16.080. - Charges.

A.     **Joint and Several Liability.** The property owner of any premises receiving solid waste collection, recycling and/or disposal service pursuant to this Chapter and the account holder for such premises (if a tenant or otherwise different from the property owner) are jointly and severally liable for all fees and charges for such service provided to the premises.

B.     **Delinquencies – Residential Customers.** An account holder for a residential service who has not remitted required payment for solid waste collection, recycling and/or disposal service within ninety (90) calendar days after the date of billing shall be notified by the city or the city’s contractor servicing the premises on forms that contain a statement that if payment is not received

within fifteen (15) calendar days from the date of the notice, a 10% penalty, 1.5% monthly interest and administrative charges will begin to accrue. If a contractor of the city is providing the statement, it shall inform the city of the delinquency in an annual report. The contractor will deliver a report of all delinquencies by June 1 of each year with a request that the city place the delinquencies on the property tax roll.

Pursuant to Sections 38790.1 and 25831 of the Government Code and Health & Safety Code Section 5473(a), the city shall collect delinquent fees or charges for residential solid waste collection, recycling and/or disposal services on the property tax roll for the premises. The city shall adhere to the following procedures:

1. City will fix a time, date, and place for a public hearing to consider the annual report of delinquencies. The city, or its contractor, shall mail notice of the hearing to the property owner of every premises listed on the annual report not less than ten (10) calendar days prior to the date of the public hearing. At the public hearing, the City Council shall hear any objections or protests of property owners liable to be assessed for delinquent fees or charges. The City Council may make revisions or corrections to the annual report as it deems just, after which, by Council resolution, the annual report may be confirmed.

2. The delinquent fees and charges set forth in the confirmed annual report shall constitute special assessments against the premises listed in the annual report and are a lien on the premises for the amount of the delinquent fees and charges. A certified copy of the confirmed annual report shall be filed with the Riverside County Auditor for the amounts of the respective assessments against the respective premises as they appear on the current assessment roll. The lien created attaches upon recordation of a certified copy of the resolution of confirmation in the office of the Riverside County Recorder. The assessment may be collected at the same time and in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes.

3. If city is using a contractor to provide solid waste collection, recycling and/or disposal services, city shall remit to its contractor any amounts collected pursuant to this process within fifteen (15) calendar days of receipt from the Riverside County Assessor along with a paid parcel list report. The contractor shall notify city in the event any delinquency on the confirmed annual report for which a lien has been created is paid or otherwise resolved along with a paid parcel list report.

C. Delinquencies – Non-Residential Customers. City, or its contractor, may discontinue solid waste collection, recycling and/or disposal service to commercial and bin service customers, if the account holder of said premises has not remitted required payment of applicable fees and charges within thirty (30) calendar days after the date of billing. If city, or its contractor, terminates service to any non-paying premises, city, or its contractor, may require as a condition precedent to re-establishment of such service, that the property owner of the premises and the account holder must comply fully with all of the billing policies and practices of city, or its contractor; including, but not limited to, requirement of payment by cash or cash equivalent, prepayment of one full billing cycle, a security deposit, payment of all costs of collection of monies owed to city, or its contractor, and payment of a reinstatement fee. Delinquent accounts for commercial establishments, industrial operations, or any other non-residential premises shall be charged a 1.5% monthly late

fee on the delinquent balance. If city is using a contractor, and the contractor discontinues service for non-payment, the contractor shall, upon written city request, give written notice to the City Manager of any discontinuance of service for nonpayment, giving the name and address of the account holders.

**Section 3. Severability.** If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

**Section 4. Effective Date.** This Ordinance shall take effect 30 days after its adoption.

**Section 5. Certification.** The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

***ADOPTED, SIGNED and APPROVED*** this 27<sup>th</sup> day of July, 2021.

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Mayor, Michael M. Vargas

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    )       §  
CITY OF PERRIS        )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1404 was duly introduced by the City Council of the City of Perris at a regular meeting held the 8<sup>th</sup> day of July, 2021 and adopted by the City Council of the City of Perris at a regular meeting held the 27<sup>th</sup> day of July, 2021, by the following called vote:

AYES: CORONA, RABB, ROGERS, NAVA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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City Clerk, Nancy Salazar