

ORDINANCE NO. 2970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WHITTIER, CALIFORNIA, ESTABLISHING FEES FOR
SOLID WASTE COLLECTION SERVICES PROVIDED BY
THE CITY FOR FISCAL YEAR 2011-2012

WHEREAS, Proposition 218 requires the City to conduct a public hearing not less than forty-five (45) days after mailing a notice of proposed property-related fee increases to record property owners of each identified parcel upon which the fees will be imposed;

WHEREAS, a duly noticed public hearing regarding the proposed increases to fees for sewer service was conducted on June 14, 2011, at 6:30 p.m. in the City Council Chambers;

WHEREAS, Proposition 218 requires that the City shall not impose the proposed fee if written protests against the proposed fee are presented by a majority of record owners (51%) of the identified parcels;

WHEREAS, twelve (12) written protests and seven (7) verbal protests to the proposed fee increase were presented by the conclusion of said public hearing by affected property owners; and

WHEREAS, the City Municipal Code, section 8.12.040 requires charges for the collection and removal of refuse be set by Ordinance.

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

SECTION 1. Rates: That the rates/fees listed in Schedules A, B, C, D, E and F attached herewith shall be charged to residential and commercial accounts by the City for the purpose of collecting and disposing refuse and recycling material.

Each parcel shall be charged for street sweeping services provided by the City as set forth in Schedule A. This service fee shall include a disposal cost for debris collected along public streets.

Residential developments having four or more units on a lot will be charged for the use of a City-provided container as set forth in Schedule B. Single-family residential customers and multiple-family dwelling accounts having less than four units total on a lot will not be charged for the initial container.

Roll-off container service may be obtained from the franchised hauler or the City, depending on the zone. Roll-off containers are available in sizes of 10, 20, 25, 30 and

40 cubic yards. Roll-off rental rates are listed in Schedules D and E. The rental rate for temporary roll-offs includes charges for container delivery, rental, collection, and disposal charges, and must be paid for in advance.

If a roll-off container is ordered by a resident or contractor from other than the City's Solid Waste Division or a franchised hauler, and is found placed within the City limits, it will be impounded and a fee, as set forth in Schedules D and E, will be charged for its release in addition to disposal costs.

The rental rate for containers in permanent service includes delivery, rental, collection, disposal charges, and return. These containers must be emptied and returned no less than once per month. As set forth in Schedule E, a charge applies for each request for cleaning of roll-off/compactors. These containers will be billed at the end of each month.

For residential customers (defined as any residential account consisting of less than four (4) units), special collection and disposal of bulky items is offered by the City's Solid Waste Division up to four (4) collections per year, for up to two items at each collection. Such items include, but are not limited to, furniture and appliances (refrigerator doors must be removed). Such service shall be available free of charge, provided that collection is requested in advance and scheduled on a regular collection day. For residential and commercial accounts, rates for special services and special collection and disposal of large or unusual jobs are based on the time and material(s) involved. Designated Solid Waste personnel shall determine the appropriate charge.

SECTION 2. That all Resolutions inconsistent with the provisions hereof, including, but not limited to Resolution WUA No. 10-04 are hereby repealed and rescinded.

SECTION 3. Resident Disposal Permit: Any occupant of a single-family residence in the City may obtain a permit for six (6) entries into Savage Canyon Landfill for the exclusive purpose of disposing household garbage, trash and rubbish. Each entry shall be transported on a vehicle no larger than a 3/4-ton pick-up truck or equivalent trailer. Such permit may be obtained from the City's Public Works Department for a fee as set forth in Schedule F. Only one permit will be issued to a single-family residence per year. The use of the permit shall be restricted to the disposal of refuse generated at the qualifying address as shown on the permit. The permit shall not be used by any holder thereof for the purpose of disposing refuse that is generated at a location or locations other than that of the qualifying address or in connection with any commercial establishment or enterprise such as gardening, landscaping, construction or trash collection. Any person using such permit shall be required to show additional proof of residency, such as a valid driver's license, upon entrance at Savage Canyon Landfill's gatehouse.

SECTION 4. Resident Special Saturday Discount: Any occupant of a single-family residence in the City may dispose of one load (transported on a vehicle no larger than a 3/4 ton pick-up truck or equivalent trailer) of household refuse per Saturday. Such discount may be obtained from Savage Canyon Landfill for an amount set forth in Schedule F with the limitation of one (1) load per Saturday. The use of the discount

shall be restricted to the disposal of refuse generated at the qualifying address. The discount shall not be used by any holder thereof for the purpose of disposing refuse which is generated at a location or locations other than that of the qualifying address or in connection with any commercial establishment or enterprise such as gardening, landscaping, construction or trash collection, nor shall the discount be used to dispose refuse acquired from two or more apartment units. Any person requesting such discount shall be required to show proof of residency, such as a valid driver's license, upon entrance at Savage Canyon Landfill's gatehouse.

SECTION 5. All solid waste collection and disposal rate changes shall take effect beginning August 1, 2011.

SECTION 6. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 7. If any section, subsection, 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 of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 8. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this June 28th day of June 2011.

CATHY WARNER, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer

CITY OF WHITTIER REFUSE COLLECTION FEES FY 11-12					
SCHEDULE A					
(I) RESIDENTIAL REFUSE COLLECTION					
Once-A-Week Collection					
	FY 10-11	FY 11-12	MONTHLY FEES		
			Recycling Fee	Sweeping Fee	Total
Single Family/Multiple Units (one 64 gal. refuse container & up to five 96 gal. greenwaste/recycling containers)	\$ 17.60	\$ 17.99	\$ 1.55	\$ 1.66	\$ 21.20
Lots 1/3 acre or larger	\$ 19.30	\$ 19.73	\$ 1.55	\$ 1.66	\$ 22.94
Each additional 64 gal. refuse or 96 gal. greenwaste/recycling container (Must keep container for four (4) billing cycles)	\$ 6.09	\$ 6.22			
Multiple Units --First Three Units (each) (each unit receives one 64 gal. refuse container & up to five 96 gal. greenwaste/recycling containers)	\$ 17.60	\$ 17.99	\$ 1.55	\$ 1.66	\$ 21.20
--Each Additional Unit (4 plus units add additional container rental fee listed in Schedule B, complex will receive large container for units to share)	\$ 7.78	\$ 7.95	\$ 1.55	\$ 1.66	\$ 11.16
Additional Fees					
Special collection & disposal of large/unusual items	\$ 35.00 (minimum)	\$ 35.00 (minimum)			
Overflow tags	\$ 2.00 (each)	\$ 2.00 (per bag; each bag must weigh 30 lbs. or less)			
Stencilling service address on container	\$ 5.00 (each set of three)	\$ 5.00 (per container)			
Back-Yard Service	\$ 25.00	\$ 25.00			
Return trip due to setting containers out late or for returning containers removed due to an ongoing contamination or unauthorized usage after providing 3 warnings	\$ 50.00	\$ 50.00			
Scheduled return trip per container	n/a	\$ 35.00			

(II) COMMERCIAL REFUSE COLLECTION (add to Container Rental Fee, Schedule B) (Except Rolloff Service)			
	FY 10-11	FY 11-12	Fee
Licensed Commercial/Retail Business Refuse Collection (once-a-week collection)	\$ 36.27	\$ 37.07	\$ 1.66
For each additional collection per week (in addition to charge for additional cubic yardage)	\$ 12.51	\$ 12.79	
Refuse Disposal (per yard)	\$ 72.54	\$ 74.14	
Additional Fees			
Container lock & key	\$ 62.00	\$ 62.00	
Replacement key for container lock	\$ 10.00 (each)	\$ 10.00 (each)	
Stencilling service address	\$ 5.00 (each set)	\$ 5.00 (each container)	
Return trip due to setting containers out late or for returning containers removed due to an ongoing contamination or unauthorized usage after providing 3 warnings	\$ 50.00	\$ 50.00	
Scheduled return trip per container	\$ 35.00	\$ 35.00	

PERMANENT CONTAINER RENTAL FEES**SCHEDULE B****(II) COMMERCIAL & MULTI-FAMILY DWELLINGS (4+ UNITS)**

(add to Commercial Refuse Collection Fee, Schedule A)

Monthly Fees

	<u>FY 10-11</u>	<u>FY 11-12</u>
100 gal container	\$ 5.82	\$ 5.95
300 gal container	\$ 17.67	\$ 18.06
1 yd container	\$ 13.13	\$ 13.42
2 yd container	\$ 21.83	\$ 22.31
3 yd container	\$ 28.37	\$ 28.99

TEMPORARY REFUSE CONTAINER SERVICE**SCHEDULE C****(Rental period is a maximum of four pick-ups within a 30-day period)****BASE RATE**

(Includes 2-week rental and 2 dumps)

EACH ADDITIONAL DUMP

(Up to 2 additional dumps max.)

	<u>FY 10-11</u>	<u>FY 11-12</u>	<u>FY 10-11</u>	<u>FY 11-12</u>
1 yd Container	\$ 42.44	\$ 43.37	\$ 13.70	\$ 14.00
2 yd Container	\$ 56.12	\$ 57.35	\$ 20.54	\$ 20.99
3 yd Container	\$ 67.08	\$ 68.56	\$ 27.36	\$ 27.96

TEMPORARY ROLL-OFF CONTAINER SERVICE			
SCHEDULE D			
(Includes rental of roll-off for 7 calendar days and 1 dump)			
	<u>FY 10-11</u>	<u>FY 11-12</u>	
10 cu. yd. (concrete & asphalt)	\$448.96	\$458.84	
20 cu. yd. (mixed use)	\$309.33	\$316.14	
25 cu. yd. (mixed use)	\$350.40	\$358.11	
30 cu. yd. (mixed use)	\$402.40	\$411.25	
40 cu. yd. (mixed use)	\$436.62	\$446.23	
Additional daily fee after initial 7 calendar days	\$ 19.71	\$ 20.14	
Impound Fee (plus landfilled tonnage cost)	\$ 190.67	\$ 194.87	
Compactor/Roll Off box turn-around fee per dump	\$ 51.26	\$ 52.39	

PERMANENT REFUSE COMPACTOR/ROLL-OFF SERVICE			
SCHEDULE E			
(Fees per load)			
	<u>FY 10-11</u>	<u>FY 11-12</u>	
10 cu. yd. (concrete & asphalt)	\$556.71	\$568.96	
15 cu. yd. (mixed use)	\$351.77	\$359.51	
20 cu. yd. (mixed use)	\$383.24	\$391.67	
25 cu. yd. (mixed use)	\$405.15	\$414.06	
30 cu. yd. (mixed use)	\$429.79	\$439.25	
35 cu. yd. (mixed use)	\$451.70	\$461.64	
40 cu. yd. (mixed use)	\$485.92	\$496.61	
Compactor/roll-off cleaning	\$ 35.88	\$ 36.67	
Compactor replacement key	\$ 10.25	\$ 10.48	
Compactor replacement fob	\$ 20.50	\$ 20.95	
Compactor pressure wash for wet waste spills	\$ 2.56 per month	\$ 2.62 per month	
Impound Fee (plus landfilled tonnage cost)	\$ 190.67	\$ 194.87	
Compactor/Roll Off box turn-around fee	\$ 51.26 per dump	\$ 52.39 per dump	

LANDFILL DISPOSAL FEES	
SCHEDULE F	
(Includes all surcharges)	
	<u>FEES PER TON</u>
Refuse	\$ 38.26
Solid Inert material (Concrete, asphalt, rock, dirt, etc.)	\$ 43.85
Bulky Items	\$ 53.90
Minimum Charge for Disposal (Except for Single Family Residential Saturday Permit)	\$ 38.26
Foreign Trash (by contract only)	
Residential Disposal Permit	\$ 42.00
Residential Special Saturday Discount	\$20.00/load/Sat.

<u>Tonnage Rates Converted to Yards</u>	
Should technical difficulties prevent the weighing of loads at the landfill, the City shall have the right to resort to the following cubic yard-based disposal fees.	
	<u>Fees Per Cubic Yard*</u>
Refuse	\$ 13.30
Solid Inert material (concrete, asphalt, rock, dirt, etc.)	\$ 43.85
Bulky Items	\$ 18.87
Minimum Charge for Disposal (except for Single Family Saturday Permit)	\$ 13.30
*In addition to the above rates, the following surcharge fees will be levied per cubic yard:	
Closure/postclosure	\$ 0.70
State AB939	\$ 0.47
L.A. County AB939 Fee	\$ 0.30
L.A. County LEA Fee	\$ 0.05
L.A. Regional Water Quality Control Board Fee	\$ -
Whittier Liability Insurance	\$ -
Whittier Back Canyon Development	\$ 3.92
Surcharge Total:	\$ 5.44

CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 14th day of June 2011, and adopted at a regular meeting of the City Council of the City of Whittier on the 28th day of June 2011 by the following roll call vote:

AYES: J.G. Nordbak R.L. Henderson

 O. Newcomer C. Warner

NOES: None

ABSENT: J.A. Vinatieri

WITNESS my hand and the official seal of the City of Whittier, California, this

_____ day of _____ 2011.

KATHRYN A. MARSHALL
City Clerk-Treasurer

Published as required by law: July 12, 2011