

# STAFF REPORT



ITEM NO. **30**  
CITY OF OCEANSIDE

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DATE: June 27, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Water Utilities Department

SUBJECT: **ORDINANCE AMENDING CHAPTER 13 OF THE OCEANSIDE CITY CODE BY THE AMENDMENT OF SECTIONS 13.1, 13.16, 13.18, 13.19, 13.25, 13.28, 13.29 AND 13.33 TO MODIFY MANDATORY SOLID WASTE DISPOSAL REQUIREMENTS AND TO UPDATE PROVISIONS TO CONFORM TO EXISTING PRACTICES AND SERVICES PROVIDED UNDER THE CURRENT SOLID WASTE CONTRACT**

## **SYNOPSIS**

Staff recommends that the City Council adopt an ordinance amending Chapter 13 of the Oceanside City Code to modify mandatory solid waste disposal requirements and to update provisions to conform to existing practices and services provided under the current solid waste contract (Exhibit A).

## **BACKGROUND**

Chapter 13 of the Oceanside City Code governs the handling and disposal of solid waste in the City of Oceanside and was last amended by Ordinance No. 98-03, adopted on January 7, 1998. Certain provisions of Chapter 13 have now become outdated due to changes and refinements in industry practices and should be updated to further reflect current solid waste services provided under the contract with Waste Management.

The City's agreement with Waste Management, which was approved by Council on October 20, 2010, provided for the addition of several new services including curbside automated collection, which requires different updated standards for collection in the City Code, initiating the current need to amend Chapter 13. In addition to these new services, industry standards and State mandates have emphasized the diversion of recyclables out of the solid waste stream, providing further impetus to update the City Code language.

## **ANALYSIS**

As a result of these changes in industry practices and services, staff is proposing specific modifications to several sections of the City Code, Chapter 13. The following is a summary of those changes:

- Section 13.1 (Definitions)
  - “Community services director” is defined to include any employee so designated by the City Manager.
  - Minor changes to the “Solid Waste” definition to include recycling.
  - Addition of a “self hauler” definition.
- Section 13.16 (Mandatory Solid Waste Disposal)
  - A provision was added to this section, to allow for a self-hauler option that would result in a rebate of a portion of fees, if the self-hauler meets the requirements of a program to be developed by staff and approved by the Integrated Waste Commission. This program will be designed and administered so as to deter any public nuisance or illegal disposal issues.
- Section 13.18 (Payment for Services)
  - This section was amended to add a sentence clarifying that if an authorized collector is providing solid waste services and the contract provides for the City to administer the billing for said services, then the City regulates the maximum rates that may be charged by the hauler.
- Section 13.19 (Amount of Charge)
  - This section was amended to clarify that the charges for solid waste services can not exceed the City’s cost to provide those services.
- Section 13.25 (Containers; Duty to Provide)
  - This section was amended to ensure that all occupants keep within their property suitable collection containers for both solid waste and recycling.
- Section 13.28 (Placement for Collection)
  - This section was amended to require that all collection containers are properly placed with their lids closed, to help deter public nuisances and/or potential health and sanitation issues.
  - This section was also updated to conform to the standards for new automated curbside collection service: On collection day only, containers may be placed on the street, as long as the containers do not impede the travel way.
- Section 13.29 (Placement of waste in containers; separation of recyclable materials)
  - This section was amended to allow for the curbside collection of certain materials if an authorized hauler provides that service. For example, Waste Management currently provides curbside pickup of “wet cell batteries,” but the Code prohibits placement of wet cell batteries for collection at the curb. The proposed amendment resolves that discrepancy.
- Section 13.33 (Alternative methods of disposal)
  - This section was deleted, in accordance with the new standards set forth by our new automated curbside service. Materials may now only be collected in containers provided by the authorized collector. Alternative methods of disposal (bundles, boxes, etc.) are not permitted under the proposed amendments.

**FISCAL IMPACT**

The purpose of the proposed amendments is to update the City Code to current operating standards as it relates to solid waste services. The only anticipated increase in administrative costs may result from the administration of the new "self-hauler" program. However, these costs can be recouped through minimal application fees for administrative approval. No major fiscal impact is expected from the proposed amendments to Chapter 13 of the City Code.

**COMMISSION OR COMMITTEE REPORT**

The proposed Code amendments were presented to the Integrated Waste Commission at its meeting on June 26, 2012.

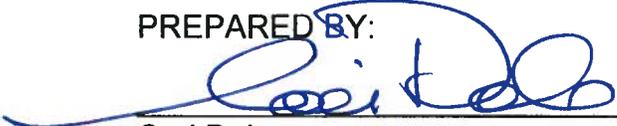
**CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

**RECOMMENDATIONS**

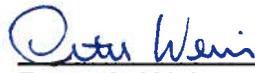
Staff recommends that the City Council adopt an ordinance amending Chapter 13 of the Oceanside City Code by the amendment of sections 13.1, 13.16, 13.18, 13.19, 13.25, 13.28, 13.29 and 13.33 to modify mandatory solid waste disposal requirements and to update provisions to conform to existing practices and services provided under the current solid waste contract.

PREPARED BY:



Cari Dale  
Director of Water Utilities

SUBMITTED BY:



Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Teri Ferro, Financial Services Director



Exhibit A: Ordinance to Amend Chapter 13 of the City Code



1           “*Solid waste* has the meaning established by California Public Resources Code Section  
2 40191. In addition, solid waste includes any material that may be recycled.”

3           SECTION 2. Section 13.16 (Mandatory solid waste disposal) is hereby amended by  
4 adding a new subsection (i), as follows:

5           “(i) If approved by the community services director, a self-hauler may be considered an  
6 authorized collector (with respect to solid waste generated at the self-hauler’s premises) for  
7 purposes of Section 13.16(b) and may obtain a rebate of a portion of the solid waste fees paid  
8 under this chapter, pursuant to a program established in accordance with Section 13.40 of this  
9 chapter.”

10          SECTION 3. Section 13.18 (Payment for services) is hereby amended by adding the  
11 following sentence to the end of said section:

12          “If an authorized collector’s franchise, contract or permit provides for the city to  
13 administer the billing for solid waste services provided by the authorized collector, then the city  
14 shall, by resolution, establish maximum rates that may be charged by the hauler for said  
15 services.”

16          SECTION 4. Section 13.19 (Amount of charge) is hereby amended by adding the word  
17 “city’s” to read as follows:

18          “The charges for the various types of solid waste services shall not exceed the city’s  
19 reasonable cost of providing the service, but shall be sufficient to fully recover the full cost of  
20 providing the solid waste services under this chapter, including but not limited to solid waste  
21 disposal, recycling and street sweeping.”

22          SECTION 5. Section 13.25 (Containers; duty to provide) is hereby amended by adding  
23 the words “including recycling” to the first sentence, to read as follows:

24          “As a requirement of the use or occupancy of property in the city, it shall be the duty of  
25 every owner or occupant of any residential dwelling of fewer than four (4) units, the owner,  
26 proprietor or manager of any multifamily residential (four (4) or more units), commercial or  
27 industrial use and of every other person generating solid waste as a result of the use of property  
28 to provide and keep within the property suitable and sufficient containers for the accumulation

1 of refuse, including recycling, during the interval between pickups without causing public or  
2 private property to become littered.”

3 SECTION 6. The first sentence of Section 13.28 (Placement for collection) is hereby  
4 amended to read as follows:

5 “On collection days all containers shall be properly closed and placed adjacent to the  
6 roadway in a manner that does not block any travel way.”

7 SECTION 7. Subsections (d) and (g) of Section 13.29 (Placement of waste in  
8 containers; separation of recyclable materials) are hereby amended by deleting the second  
9 sentence of subsection (d), and by adding prefatory language to subsection (g), to read as  
10 follows:

11 “Unless otherwise provided pursuant to the provisions of the franchise contract or permit  
12 with an authorized collector, tires, wet cell batteries, motor vehicles or parts thereof, large  
13 machinery or parts thereof, and similar items shall not be placed for collection through the solid  
14 waste service, but rather shall be disposed of in a lawful manner through service providers  
15 licensed for disposal of such items.”

16 SECTION 8. Section 13.33 (Alternative methods of disposal) is hereby deleted in its  
17 entirety.

18 SECTION 9. Severability. If any section, sentence, clause or phrase of this ordinance is  
19 for any reason held to be invalid or unconstitutional by a decision of any court of competent  
20 jurisdiction, such decision shall not affect the validity of the remaining portions of this  
21 ordinance. The City Council hereby declares that it would have passed and adopted this  
22 ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any  
23 one or more sections, subsections, sentences, clauses or phrases be declared invalid or  
24 unconstitutional.

25 SECTION 10. The City Clerk of the City of Oceanside is hereby directed to publish this  
26 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
27 days after its passage in the North County Times, a newspaper of general circulation published  
28 in the City of Oceanside.

1 SECTION 11. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
2 from and after its final passage.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
4 California, held on the \_\_\_ day of \_\_\_\_\_, 2012 and, thereafter,

5 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
6 Oceanside, California, held on the \_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

- 7 AYES:
- 8 NAYS:
- 9 ABSENT:
- 10 ABSTAIN:

11 MAYOR OF THE CITY OF OCEANSIDE

12  
13 ATTEST:

APPROVED AS TO FORM:

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15 \_\_\_\_\_  
16 CITY CLERK

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*Barbara Samuelson, A.S.T.*  
CITY ATTORNEY