

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE 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

WHEREAS, 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 January 7, 1998;

WHEREAS, on October 20, 2010, pursuant to Chapter 13 of the City Code, the City entered a contract with Waste Management of California, Inc. ("Waste Management") for the provision of solid waste services in Oceanside;

WHEREAS, certain provisions in Chapter 13 of the City Code have become outdated due to changes and refinements in industry practices and should be updated to reflect current practices and solid waste services provided under the contract with Waste Management; and

WHEREAS, the City Council desires to update Chapter 13 of the City Code to conform to current industry practices and services provided under the contract with Waste Management.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows with respect to Chapter 13 of the Oceanside City Code:

SECTION 1. Section 13.1 (Definitions) is hereby amended by modifying the definitions of "community services director" and "solid waste" and by adding "self-hauler" as a new defined term, as follows:

"Community services director includes any employee of the city to whom the city manager has delegated authority to administer all or a portion of this chapter."

"Self-hauler means a person disposing of solid waste generated by that person or occupants of the person's property when such solid waste is transported in compliance with all applicable laws and deposited at licensed landfill sites, recycling or composting facilities."

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 (30th) 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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29 CITY ATTORNEY