

MAY 19, 1997

(date)

**BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA**

ORDINANCE

NO. 2510

**AN ORDINANCE CLASSIFYING LAND AND ESTABLISHING  
A FEE SCHEDULE AND EXEMPTIONS FOR SOLID WASTE SYSTEMS  
IN CALAVERAS COUNTY**

The Board of Supervisors of the County of Calaveras hereby ordains as follows:

Section 1. The Board of Supervisors finds and declares that Section 25830 of the Government Code of the State of California provides that the County Board of Supervisors may establish a property-related fee schedule for the acquisition, operation, and maintenance of solid waste disposal systems and for financing of related solid waste collection, processing, reclamation, and disposal services; and,

The Board further finds and declares that solid waste services are vital to the preservation of public health and safety in Calaveras County and that it is necessary to provide for a predictable stream of revenue in order to effectively maintain and operate these solid waste services and to ensure compliance with associated State and Federal laws and regulatory requirements; and

The Board further declares that revenues derived from the solid waste fee shall not exceed the funding levels required to provide solid waste services to property owners within Calaveras County and such revenues derived from the solid waste fee shall not be used for any purposes other than that for which the fee is being imposed; and,

The Board further declares that the amount of the solid waste fee imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel based upon waste generation characteristics of the property and no solid waste fee shall be imposed on a parcel unless solid waste services are actually used by or immediately available to the parcel owner; and,

The Board further declares that solid waste services within Calaveras County are not available to the general public and such services are available only to owners of improved parcels within Calaveras County, including the City of Angels, and to property owners within designated areas of Alpine County pursuant to a Joint Powers Agreement between the Calaveras County and Alpine County Boards of Supervisors.

1997/05/30

Section 2. A property-related solid waste fee shall be imposed beginning with fiscal year 1997/98 and for each and every fiscal year thereafter upon Resolution or Ordinance of the Board of Supervisors in an amount set in compliance with Section 1 of this Ordinance and in accordance with the following:

- A. Establishment of Annual Fee for "Residential Equivalents". For the purposes of this Ordinance, the average amount of solid waste generated by a single family dwelling shall be referred to as a "residential equivalent". An annual solid waste parcel fee of \$150 is hereby established for FY 1997/98 for each such "residential equivalent" in accordance with the land use classifications set forth in the table below. The amount of this fee may be adjusted annually by Ordinance or by Resolution of the Board of Supervisors in accordance with Section 1 of this Ordinance. Revenues from any such fees shall be used for the acquisition, operation, and maintenance of County waste disposal sites and to finance solid waste collection systems including transfer station operations, solid waste processing and disposal, and to comply with State-mandated solid waste programs, fees, and other solid waste related requirements.
  
- B. Classification of Parcels. Land within the County has been classified in accordance with various uses to which the land is put and in accordance with the average volume of waste occurring from each of the designated land use classifications. Applicable solid waste generation rates (expressed as multipliers of the "residential equivalent" are hereby established for each land use classification in accordance with the following schedule:

Table of Residential Equivalents (Multipliers)

Apartment (per unit) . . . . .	1.00	Lumber Yard . . . . .	2.00
Auto Repair . . . . .	2.00	Mobile Home . . . . .	1.00
Bank . . . . .	1.00	Mobile Home Park (per sp) .	1.00
Bar . . . . .	2.00	Motel/Hotel (per unit) . . . .	0.20
Barber/Beauty Shop . . . . .	1.00	Part-time Guest Cottage . . .	0.75
Cafe . . . . .	2.00	Part-time Residence . . . . .	0.75
Campground (per site) . . . .	0.17	Professional/Business Office	1.00
Cemetery . . . . .	0.00	Residential Dwelling . . . . .	1.00
Church . . . . .	0.50	Restaurant . . . . .	3.00
Fire Station (staffed) . . . . .	1.00	Restaurant (large) . . . . .	6.00
Fire Station (unstaffed) . . . .	0.50	Restaurant (drive-in) . . . . .	4.00
Gas Station with mini-mart . . .	2.50	Retail Store (small) . . . . .	1.00
Golf Course . . . . .	1.00	Retail Store (large) . . . . .	2.00
Grocery (small) . . . . .	2.00	School (per student) . . . . .	0.03
Grocery (medium) . . . . .	5.00	Theater . . . . .	1.00
Guest Cottage . . . . .	1.00	Unimproved property . . . . .	0.00
Hardware Store . . . . .	2.00	Unoccupied building . . . . .	0.00
Lodge Hall . . . . .	1.00		

1997 / 0 35

- C. Fee Collection. A property related solid waste fee shall be imposed, in accordance with the Land Use Classification Table above, upon all properties within Calaveras County on which there is a dwelling unit, commercial building, or other site improvement, the use of which would typically generate solid waste. The parcel fee shall be billed and collected by the County Tax Collector in the same time and manner as property taxes and as part of the regular Calaveras County secured tax roll billing system. Owners of property and property interests which do not appear on the regular County secured assessment role and from which solid waste is generated shall be billed and the money collected annually by the County Tax Collector without reference to the regular County tax billing system. Provisions shall be made by the Calaveras County Public Works Department to allow property owners to apply for the appropriate exemptions and refunds as set forth in this Ordinance.
- D. Industrial and Public Agency Land Uses. The "residential equivalents" for industrial parcels and public agencies whose land use is not included in the above Land Use Classification Table shall be established based on estimates of solid waste generation as determined by the Calaveras County Department of Public Works. The fee shall be calculated on the basis of average loose cubic yards of waste generation per "residential equivalent".
- E. Fee Exemptions. Unimproved parcels of land shall be exempted from any property related solid waste fee pursuant to this Ordinance.
- F. Fee refunds. Refunds of any solid waste fee collected shall be issued to property owners, as follows:
1. If any waste generating improvements remain unoccupied for the entire fiscal year, the solid waste fee paid for that fiscal year shall be refunded in full and returned to the property owner upon receipt of a signed refund claim whereby the property owner attests to the previous year's vacancy.
  2. If a resident of Calaveras County owns property in addition to the property of residence, and the additional property is used solely for the personal use of that owner, the solid waste fee for the additional property will be refunded in full to the property owner upon receipt of a signed refund claim from the owner, provided that the owner has paid the solid waste fee on the property of residence.
  3. If a property-related improvement is totally destroyed, a pro rata amount of the annual solid waste property-related fee will be returned upon application of the owner.

Applications for refunds pursuant to this section are to be submitted to the Calaveras County Department of Public Works after June 30th of the fiscal

1997/01/30

year for which the refund is being requested, but not later than June 30th of the third fiscal year thereafter.

- G. Part-Time Credits. If a dwelling, commercial building, or any other waste generating structure or site improvement is occupied less than 90 days during the fiscal year, one quarter (25%) of the applicable residential equivalent fee for such year will be credited to the solid waste fee on the property for the next year upon application of the property owner and approval by the Calaveras County Department of Public Works. All applications for part-time credit pursuant to this section shall be accompanied by sufficient proof, as may be required by the Department of Public Works, to determine that the property qualifies for the part-time credit. Part-time credits are not available unless all residential units, businesses, or other buildings on any one parcel qualify for a part-time credit.

Legal affidavits for credit pursuant to this section shall be submitted to the Calaveras County Department of Public Works no later than June 1st of the fiscal year for which the credit is being requested. Part-time credit requests which are received after this date may not be processed and no refunds for unclaimed part-time credits for previous fiscal years may be issued unless the Director of Public Works makes a finding that such requests were, in fact, mailed on-time and were subsequently lost in the mail or improperly processed by Public Works due to clerical error.

- H. Limitations on Use of Calaveras County Solid Waste Services and Facilities. Except as otherwise provided in this Ordinance, the use of solid waste facilities in Calaveras County and the participation in County-sponsored solid waste management programs shall be strictly limited to the generation of solid waste by: (1) owners of improved property upon which a solid waste parcel is charged, and (2) County businesses and residents provided that the business or residence is located on a parcel for which the property owner has paid a solid waste parcel fee. Proof of Calaveras County residency or proof of ownership of property within Calaveras County may be established by the possession of: (1) a valid California Drivers License with a Calaveras County address; (2) a current Tax Statement (or photo-reproduced copy thereof) showing the property-related solid waste fee; or (3) other means as may be determined by the Board of Supervisors.

Solid waste may also be accepted at County facilities if such wastes originate from within a jurisdiction which has a Joint Powers Agreement approved by the Calaveras County Board of Supervisors allowing for such use.

- I. Gate Fees: In addition to the collection of property-related solid waste parcel fees, the Board of Supervisors may, by Resolution or Ordinance, establish additional solid waste disposal fees at County-operated solid waste facilities for specified waste types or for certain quantities of specified materials which

1997 / 0 35

exceed the proportional cost upon which the property-related solid waste fee is based.

- Section 3. Repeal. All Resolutions or Ordinances classifying land and establishing a schedule of property-related solid waste fees for years prior to FY 1997/98 are hereby superseded and replaced by this Ordinance.
- Section 4. Administrative Claim and Appeal Procedures. Any property owner that believes they have not received proper consideration for the granting of a fee exemption, fee refund, or part-time credit according to the procedures and criteria described in this Ordinance may submit an Administrative Claim for relief to the Director of Public Works. Within thirty (30) days of receipt, the Director of Public Works shall notify the property owner in writing as to this disposition of the claim. If the claim is denied or if the Director of Public Works fails to respond within the specified timeframe, the claimant shall have a right to appeal to the Board of Supervisors. Claimant shall file a written appeal request to the Department of Public Works explaining the basis for appeal and the Department of Public Works shall schedule an appeals hearing before the County Board of Supervisors within (60) days after receipt of the appeal request. At the appeal hearing, the Board of Supervisors may sustain the findings made by Public Works or the Board may elect to revise, change, reduce, refund, or otherwise modify solid waste fees for the property in question based upon evidence provided. The determination made by the County Board of Supervisors shall be final.
- Section 5. Recordation. No later than ten (10) days after this Ordinance is approved, this Ordinance shall be recorded by the Clerk of the Board of Supervisors with the County Recorder.
- Section 6. Effective Date. This Ordinance shall take effect thirty (30) days from the date of its passage and shall be published once within fifteen (15) days of its passage in a newspaper of general circulation printed and published in the County of Calaveras with the names of the Supervisors voting for and against same.
- Section 7. Validation Action. The Board of Supervisors finds that it is necessary to provide a reliable and predictable stream of revenue to maintain solid waste collection, handling, processing and disposal systems in order to maintain and protect public health and safety and to comply with associate State and Federal laws and regulation. Accordingly, the Board determined that, as a matter of public policy, any party seeking to legally contest this Ordinance and the fees imposed hereunder shall be required to file any such litigation within the time limits established under the California Code of Civil Proceedings (CCP) Section 860, et. seq., i. e., sixty (60) days from the date of the adoption of this Ordinance. The Board expressly makes the provisions for the validation contained in CCP Section 860 to this Ordinance and the fees established herein.

1997 / 0 34

Section 8. Statute of Limitations. In the event that a court should decide that the validation provisions of Section 7, above, are not applicable to the provisions of this Ordinance, the Board hereby establishes a statute of limitation in which any judicial action or proceeding to attack, review, set aside, void, or annul this Ordinance or any other County Ordinance establishing charges and/or fees for solid waste systems shall be commenced within sixty (60) days of the date of the adoption thereof, or from the date of any subsequent amendment thereto, otherwise any such suit shall be barred.

Section 9. Severability. If any provision of this Ordinance, or part thereof, is for any reason held to be invalid or unenforceable, the remaining provisions shall not be affected, but shall nevertheless remain in full force and effect without being impaired or invalidated in any way. To this end the provisions of this Ordinance are severable.

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Passed and adopted upon the 19th day of May, 1997, by the following vote:

AYES: Supervisors Thein, Stein, Callaway, Tryon and Bailey

NOES: None

ABSENT: None

ABSTAINED: None

*Terri Bailey*  
\_\_\_\_\_  
Chair, Board of Supervisors  
Calaveras County, California

ATTEST:

*Karen Yarni*  
\_\_\_\_\_  
County Clerk & Ex-Officio Clerk  
of the Board of Supervisors of  
the County of Calaveras, California

PUBLISH: May 29, 1997

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1997 / 0 37