

ORDINANCE NO. 28-08 N.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND AMENDING SECTIONS 9.20.150 AND 9.20.155 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND. THIS ORDINANCE ESTABLISHES NEW RATES WHICH PERTAIN TO THE COLLECTION OF RESIDENTIAL AND COMMERCIAL SOLID WASTES WITHIN THE CITY OF RICHMOND

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Section 9.20.150.

Section 9.20.150 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.20.150 Rates for collection of solid wastes.

For the service of collection of solid wastes from private single or multiple-family dwellings within the City of Richmond, monthly rates shall be changed by the Collector not to exceed the following rates:

(a) In all areas of the City of Richmond the charges for private single or multiple-family and multiple-family dwellings are:

(1) For single-family residences, the charge for the weekly collection of each receptacle of thirty-five (35) gallons per week shall be \$18.33 per month per receptacle.

(2) For single-family residences, the charge for the weekly collection of each receptacle of sixty-five (65) gallons per week shall be \$35.48 per month per receptacle.

(3) For single-family residences, the charge for the weekly collection of each receptacle of ninety-five (95) gallons per week shall be \$52.65 per month per receptacle.

(4) For each min-can (receptacle not exceeding twenty (20) gallons in volume capacity) collected once per week at a single-family residence, the charge shall be \$17.72 per month.

(5) For residential units in multiple family dwellings, for each residential unit receiving collection service, the charge for the weekly collection of each receptacle of thirty-five (35) gallons shall be \$18.33 per month per receptacle.

(6) For residential units in multiple family dwellings, for each residential unit receiving collection of each receptacle of sixty-five (65) gallons per week shall be \$35.48 per month per receptacle.

(7) For residential units in multiple family dwellings, for each residential unit receiving collection of each receptacle of ninety-five (95) gallons per week shall be \$52.65 per month per receptacle.

(8) For each mini-can (a receptacle not exceeding twenty (20) gallons in volume capacity) collected once per week from a residential unit of a multi-family dwelling, the charge shall be \$17.72 per month per receptacle.

(9) For situations where more than one family unit residence is located on a lot or parcel, the charges shall be the same as those listed for residential units in multi-family dwellings in subsections (5), (6), (7), and (8) of this subsection (a).

(10) In addition to the rates set forth in the above subsections, a carry-out fee of \$6.58 per receptacle per month for solid waste receptacles and \$3.28 per receptacle per month for recycling or green waste receptacles may be charged to those owners utilizing such service.

(11) For senior citizens (individuals sixty-two (62) years of age or older who own or reside in a single-family residence or a residential unit in a multi-family residence, including duplexes), the charge for the collection of the first thirty-five gallon receptacle once per week shall be \$17.19 per month. For the purposes of this subsection, a residence may qualify for the senior citizen rate if at least one of the owners is a senior citizen as defined by this subsection.

(b) In addition to the rates provided for in subsection (a) of this section, an additional surcharge of \$9.71 for each thirty-five gallons of receptacle capacity; \$18.07 for each sixty-five gallons of receptacle capacity; \$27.10 for each ninety-five gallons of receptacle capacity; or an additional \$5.54 for each twenty (20) gallon mini-can shall be charged each month on each receptacle as established by the Board of Directors of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) or its successor entity, in accordance with the Joint Powers Agreement between the City and the WCCIWMA.

(c) Collector may charge a late payment penalty of 5 percent (with a minimum of \$1.00) of the amount due and remaining unpaid after the same became due and an additional penalty of 5 percent (with a minimum of \$1.00) of the whole amount due, less late payment penalties, for each calendar month that the amount remains unpaid. Collector may also charge a one-time late payment of 20 percent (with a minimum of \$10.00) for amounts due and remaining unpaid for at least six months.@

Section II. Amendment of Section 9.20.155.

Section 9.20.155 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.20.155 Rates for collection of solid wastes from commercial establishments.

For the service of collecting solid wastes from commercial establishments within the City of Richmond, monthly rates shall be charged by the Collector not to exceed the following rates:

(a) In all areas of the City of Richmond, except those specified in paragraph (b) of this subsection, the charges for the collection of solid wastes from commercial establishments shall be according to the following:

(1) Beginning with the adoption of this ordinance, the following rates shall apply:

Container Size in Yards	----- TIMES PER WEEK (Monday through Friday)				
	1	2	3	4	5
1 YARD	\$199.86	354.861	\$509.72	\$654.70	\$819.71
2 YARDS	\$333.55	\$615.34	\$897.27	\$1,179.10	\$1,461.03
3 YARDS	\$460.23	\$862.76	\$1,265.17	\$1,667.79	\$1,070.33
4 YARDS	\$583.54	\$1,103.80	\$1,624.23	\$2,144.50	\$2,664.78
5 YARDS	\$705.06	\$1,341.92	\$1,978.77	\$2,615.77	\$3,252.62
6 YARDS	\$825.54	\$1,578.62	\$2,331.71	\$3,084.67	\$3,837.88
7 YARDS	945.18	\$1,814.61	\$2,683.92	\$3,553.22	\$4,422.54

*The rates set forth above include a \$54.73 per yard/per month/per pickup/per week IRRF Surcharge.

COMMERCIAL CART COLLECTION SERVICE RATES:

30/35 GAL PER MONTH -	\$ 24.69
60/65 GAL PER MONTH -	52.68
95/100 GAL PER MONTH-	64.92

(b) Special and extraordinary collections.

(1) The collector shall collect the amounts indicated for each of the following services:

- (A) Special pickups without 24 hour notice or same day service \$ 53.02
- (B) Steam clean box \$ 74.91
- (C) Charge for moving container more than 15 feet (per foot) \$ 0.13
- (D) Lock and key charge \$ 14.14

(2) Special pick up rates for the collection of bulky items and large quantities:

SPECIAL PICKUPS	
Size (Cubic Yards)	Rate
1	\$ 68.09
2	107.27
3	144.32
4	180.25
5	215.57
6	250.57
7	285.35

(3) In the event that the Collector is requested to perform services which are not included in this ordinance but which are, nevertheless, part of the Collector's collection obligation, the Collector shall establish rates which are reasonable for said services. A reasonable charge would be one, which would produce revenue for the collector in an amount equal to the actual cost (including, but not limited to, profit, regulatory fees, and disposal costs) of providing the service.

(4) The foregoing rates shall not apply to Collector's High Volume Commercial Customers. For the purposes of this section, a High Volume Commercial Customer is a person or business, which, on average, over the course of one year, disposes of more than 1,000 yards per month of commercial solid waste. In the case of High Volume Commercial Customers, the Collector shall establish rates, which are fair and reasonable as defined in subsection (1) above.

(c) Integrated Resource Recovery Facility Surcharge.

In addition to the rates provided for in subsections (a) and (b) of this section an additional surcharge shall be charged each month on each cubic yard in accordance with the rates established by the Board of Directors of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) or successor entity, and in accordance with the Joint Powers Agreement between the City and the WCCIWMA. Beginning with the adoption of this ordinance, the following WCCIWMA surcharge** rates shall apply:

COMMERCIAL CART RATES:

30/35 GAL PER MONTH -	\$ 9.71
60/65 GAL PER MONTH -	18.07
95/100 GAL PER MONTH-	27.10

(d) Collector may charge a late payment penalty of 5 percent, with a minimum of \$1.00 of the amount due and remaining unpaid after the same became due and an additional penalty of 5 percent with a minimum of \$1.00, of the whole amount due, less late payment penalties, for each calendar month that the amount remains unpaid. Collector may also charge a one-time late payment of 20 percent, with a minimum of \$10.00, for amounts due and remaining unpaid for at least six months.

(e) Rate Adjustments.

(1) In the event that the Collector elects to adjust some or all of the commercial collection rates established hereunder, the Collector shall provide notice of each such proposed rate change to each commercial customer of Collector who will be affected by such rate change and to the City Manager.

(2) The Collector shall also provide the City Manager with an analysis of the proposed commercial rate change simultaneously with the rate change notice provided to the commercial customers.

(3) Within thirty (30) days after receipt of the proposed rate change by the City Manager, the proposed rate change shall be forwarded to the City Council along with the City Manager's recommendation as to whether the proposed rate change is acceptable.

(4) The decision as to whether to approve the rate changes shall be left to the City Council's discretion. However, some of the criteria upon which the City Council's discretion may be based include:

(A) The fairness of the proposed commercial rate change on all rate payers;

(B) The impact of the proposed commercial rate change on the rate setting methodology as outlined in the Franchise Agreement between the Collector and the City; and

(C) The economies of solid waste collection.

Section III. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section IV. Effective Date. This ordinance shall become effective upon its final adoption by the Council of the City of Richmond.

First read at a regular meeting of the Council of the City of Richmond held December 2, 2008, and finally passed and adopted at a regular meeting held December 16, 2008, by the following vote:

Ayes: Councilmembers Bates, Butt, Lopez, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin
Noes: None
Abstentions: None
Absent: Councilmembers Rogers and Viramontes

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California)
County of Contra Costa) ss.
City of Richmond)

I certify that the foregoing is a true copy of Ordinance No. 28-08 N.S., finally passed and adopted by the Council of the City of Richmond at a special meeting on December 16, 2008.