ORDINANCE NO. 1495

AN ORDINANCE REPEALING ARTICLE XIII, OF CHAPTER 11, AND REENACTING A NEW ARTICLE XIII, OF CHAPTER 11 OF THE SOLANO COUNTY CODE, BOTH ENTITLED SOLID WASTE DISPOSAL MITIGATION FEE

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Article XIII of Chapter 11 of the Solano County Code, entitled "Solid Waste Disposal Mitigation Fee," is hereby repealed, and a new Article XIII is added to read as follows:

CHAPTER 11.

ARTICLE XIII. Solid Waste Disposal Mitigation Fee.

Sec. 11-200. Findings.
(a) Solid waste hauling and disposal is an issue that local governmental entities are being required to address more and more frequently, due to (1) the increasing difficulty in siting new solid waste landfills; (2) the increasing restrictions being placed on the types and quantities of materials that may be disposed of at licensed landfills by the State; (3) court decisions that have made it more difficult to restrict the importation of solid waste from outside the County; and (4) additional requirements for monitoring the closure of the licensed sites, once closure commences.
(b) The State has imposed new statutory monitoring requirements on local enforcement agencies, under the provisions of Public Resources Code Sections 40000 and following, which require additional staff to properly enforce the provisions.
(c) There is increased demand to prepare amendments to, and update existing siting elements of the local agencies General Plan.
(d) There are more stringent requirements imposed in the environmental review process for Environmental Impact Reports (EIRs) for all new siting activities.
(e) The transportation and disposal of solid waste within the County of Solano has and continues to impose litter problems on the roads and in the areas around the landfill sites in the unincorporated areas of the County.
(f) These additional obligations imposed on the County have created a demand for services directly related to the acts of the hauling and disposal of solid waste, by both residents and non-residents of Solano County.
Sec. 11-201. Mitigation fee imposed.

Pursuant to the authority granted by Sections 41900 et seq., and Section 43213 of the Public Resources Code and based upon the findings set forth in Section 11-200, above, there is hereby established and imposed, commencing on the effective date of the readoption of this amended Article, a solid waste disposal mitigation fee, at the rate of FIFTEEN CENTS $0.15 per ton of waste deposited at any permitted solid waste landfill.

Sec. 11-202. Purpose of fee.

This fee is enacted to mitigate the costs of providing identified services which are required as a direct result of the hauling and disposal of solid waste within the unincorporated portions of Solano County. All of the funds derived from this fee shall be used to reimburse the direct costs of the affected departments of the county in (1) enforcing compliance with Public Resources Code Sections 40000 and following; (2) the preparation of the siting element, or the EIR for the siting element of the county general plan, including necessary consultant services, and (3) litter control and roadside litter pick-up.

Sec. 11-203. Definitions.

(a) Licensed solid waste disposal facility shall be defined as set forth in Section 11-163 (d) of this chapter.

(b) Siting element means the solid waste siting element of the Solano County Integrated Waste Management Plan, as required pursuant to the provisions of Sections 41700 et seq., of the Public Resources Code.

(c) Solid Waste shall be defined as set forth in Sections 11-163 (f) 1 through 5 of this chapter.

(d) Tonnage shall be defined as set forth in Section 11-163 (g) of this chapter.

Sec. 11-204. Reporting of tonnage.

For purposes of determining the net tonnage deposited for computation of this fee, each licensed solid waste disposal facility shall make monthly reports of net tonnage to the Solano County Department of Environmental Management by the tenth day of the following month. Environmental Management shall verify the reports. This report can be the same report required under provisions of section 11-164, above.

Sec. 11-205. Payment of fee.

The Department of environmental Management shall issue a quarterly statement to each licensed solid waste facility, commencing with the quarter beginning July 1, 1993, which shall delineate the amount of the mitigation fee due hereunder to Environmental Management, and the fee is due and payable upon receipt of the statement, and shall be delinquent at the end of ninety (90) days after issuance of the statement.
Sec. 11-206. Penalty for delinquency.

A penalty of ten (10%) percent shall be assessed on any fee not paid by the delinquent date.

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and the Ordinance shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 4th day of October, 1994.
On the motion of Supervisor Kondylis and the second of Supervisors Schlenker, this Ordinance was adopted at a regular meeting of said Board on the 25th day of October, 1994, by the following vote:

AYES: SUPERVISORS: Caddle, Kondylis, Schlenker, Thomson

and Chairman Carroll

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 25th day of October, 1994.

LINDA L. TERRA, Clerk of the Board of Supervisors