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The Los Angeles Daily Journal
ORDINANCE NO. 157819

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An ordinance amending the Los Angeles Municipal Code by adding Article 6.1 to Chapter VI thereof, relating to the establishment of a sanitation equipment charge and providing for the collection thereof.

WHEREAS, through final action on the Budget for the fiscal year 1983-84, the City Council has adopted, and the Mayor has approved, the enactment of a sanitation equipment charge;

WHEREAS, to promote the health, safety and welfare of the citizens of the City of Los Angeles the City provides for the collection and disposal of household refuse; and

WHEREAS, for the purpose of collecting and disposing of household refuse the City needs to maintain existing sanitation collection vehicles and to acquire new ones; and

WHEREAS, the City intends by the imposition of a sanitation equipment charge to provide funding for the purchase and/or leasing of sanitation equipment, namely collection vehicles, and for operating expenses for existing collection vehicles, namely maintenance costs thereof, and,

1 consequently, the imposition of this charge is exempt,
2 pursuant to Section 21080(8) of the Public Resources Code,
3 from the provisions of Division 13 of said code.

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NOW, THEREFORE,

6

THE PEOPLE OF THE CITY OF LOS ANGELES

7

DO ORDAIN AS FOLLOWS:

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Section 1. Chapter VI of the Los Angeles
10 Municipal Code is hereby amended by adding Article 6.1
11 thereto, said new Article to read:

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ARTICLE 6.1

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SANITATION EQUIPMENT CHARGE

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SEC. 66.40. DEFINITION

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The following words and phrases whenever
used in this Article shall be construed as defined in this
19 section, unless otherwise defined:

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(a) "Dwelling Unit" shall mean one or more
rooms which has a kitchen and is designed for residential
22 occupancy.

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(b) "Single Family Dwelling" shall mean a
building designed for residential occupancy, and containing
25 one or two dwelling units.

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1 (c) "Multiple Dwelling" shall mean any
2 building, structure, unit or location designed for
3 residential occupancy, exclusive of a "Single Family
4 Dwelling".

5 (d) "Household Refuse" shall mean any
6 combination of rubbish and garbage, as those terms are
7 defined in Article 6 of this Chapter, generated at a single
8 family dwelling or a multiple dwelling.

9 (e) "Customer" shall mean any individual,
10 firm, partnership, joint venture, association, fraternal
11 organization, corporation, estate trust, business trust,
12 receiver, trustee, executor, administrator, syndicate, the
13 United States, any state, any county, city and county,
14 municipality, district or other political subdivision of any
15 state or of the United States, or any other group or
16 combination acting as a unit.

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18 SEC. 66.41. CHARGE IMPOSED

19 (a) For the purpose of acquiring and
20 repairing sanitation equipment, namely vehicles, utilized in
21 the collection and disposal of household refuse, there is
22 hereby imposed for the services provided in the collection,
23 the availability of such collection, and the disposal, of
24 household refuse the following charges for the dwelling
25 classifications listed:

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(1) Single Family Dwelling - \$1.50 per month or any fraction thereof for each dwelling unit.

(2) Multiple Dwelling - \$1.00 per month or any fraction thereof for each dwelling unit within a multiple dwelling from which multiple dwelling household refuse is collected by the City. No charge will be imposed for any multiple dwelling not serviced by the City.

(b) An exemption shall be provided for any customer who qualifies for a senior citizen exemption, including certain disabled persons, pursuant to, and as more specifically described in, Sec. 21.1.12 of this Code and such exemption shall apply as to said customer as to all billings subsequent to such qualification.

SEC. 66.42. CUSTOMERS LIABLE

The sanitation equipment charge imposed by this Article shall be a joint and several charge against the occupants and the owner of each dwelling unit subject to the charge.

SEC. 66.43. BILLING, COLLECTION AND PAYMENT OF CHARGES

(a) The collection of the charges imposed

1 under this Article shall be under the direction, supervision,
2 and control of the City Clerk.

3 (b) The City Clerk shall arrange for the
4 billing and collection of, and accounting for, the charges
5 imposed under this Article through and by available
6 facilities of the Department of Water and Power insofar as
7 possible. The City Administrative Officer shall arrange for
8 the payment to the Department of Water and Power of its costs
9 of such services. To the extent such billing and collection
10 by the Department of Water and Power is not deemed possible
11 or practical by the City Clerk, separate billing and
12 collection services at reasonable intervals shall be provided
13 by the City Clerk.

14 (c) The charges imposed under this Article
15 shall be billed to and paid by the customer in whose name the
16 electric meter serving each dwelling unit is listed upon the
17 records of the Department of Water and Power, or, in the
18 absence of such listing, as may be determined by the City
19 Clerk with the assistance of the Department of Public Works.

20 (d) The duty to collect the charges imposed
21 under this article from each customer billed by the
22 Department of Water and Power shall commence with the first
23 billing submitted by said Department to each customer on or
24 after the operative date of this Article or as soon
25 thereafter as administratively possible.

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1 (e) The charges imposed under this Article
2 shall be billed by the Department of Water and Power in
3 accordance with its regular billing practices, shall be added
4 to and included on each applicable electric bill, as the case
5 may be, and shall be due and payable to the City of Los
6 Angeles through the Department of Water and Power at the time
7 and in the manner of payment of said electric bill, and other
8 charges made thereon.

9 (f) Where the Department of Water and Power
10 does not supply electricity to a individual dwelling unit to
11 which the City furnishes household refuse collection
12 services, the customer liable for payment of the charges, as
13 provided for in this Article, shall be billed separately by
14 the City Clerk with the assistance of the Department of
15 Public Works.

16 (g) All bills for the charges imposed under
17 this Article are due and payable upon presentation. Bills
18 not paid within sixty (60) days after the date of
19 presentation shall be deemed delinquent.

20 (h) Whenever the City Clerk determines that
21 a customer billed has deliberately withheld, failed or
22 refused to pay all or any part or portion of the charges
23 imposed under this Article billed to said customer, or has
24 failed to pay charges, or whenever the City Clerk deems it to
25 be in the best interest of the City, the City Clerk shall
26 serve notice on the customer billed of his or her delinquency.
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1 Whenever the City Clerk determines that
2 a customer billed as provided for in this Article has
3 deliberately withheld, failed or refused to pay all or any
4 part or portion of the charges imposed under this Article
5 billed to said customer by the Department of Water and Power,
6 or has failed to pay said charges, or whenever the City Clerk
7 deems it to be in the best interest of the City, the City
8 Clerk may relieve the Department of Water and Power of any
9 obligation it may have to bill or collect, or both, said
10 charges from said customer billed, and assume the billing or
11 collection, or both, thereof for the periods involved. If
12 the City Clerk, for whatever reason, assumes from the
13 Department of Water and Power the direct billing or
14 collection, or both, of the charges imposed under this
15 Article, the City Clerk may at said time so notify the
16 customer billed and notify said customer of his or her
17 delinquency, if such be the case.

18 The notice in either event shall be
19 served on the customer billed by handing it to him or her
20 personally, or by deposit in the United States mail, postage
21 prepaid thereon, addressed to the customer billed at the
22 address to which billing was made by the Department of Water
23 and Power, or, if said address has been changed or the
24 customer was not billed by the Department of Water and Power,
25 then to his or her last known address. If the customer
26 billed is delinquent and fails to pay the City Clerk within
27 fifteen (15) days from the date of service of the notice upon
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1 him or her which shall be the date of mailing if service is
2 not accomplished by personal delivery, a penalty of
3 twenty-five percent (25%) of the amount of the delinquent
4 charges imposed under this Article, but not less than \$5.00,
5 shall thereupon be imposed. The penalty shall be required to
6 be paid in addition to all billings for the sanitation
7 equipment charge.

8 (i) Whenever a payment mailed to the City is
9 received after the time prescribed in this Article for the
10 receipt thereof, the City Clerk or the Department of Water
11 and Power, as the case may be, may accept proof that there
12 had been a timely deposit thereof in the United States mail
13 and that the no delinquency or penalty is applicable thereto.
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15 SEC. 66.44. ADDITIONAL POWERS AND DUTIES

16 (a) The City Clerk shall have the power and
17 duty, and is hereby directed, to enforce all of the
18 provisions of this Article, and may make such rules and
19 regulations as are consistent with the provisions of this
20 Article as may be necessary or desirable to aid in the
21 administration and enforcement of the provisions of this
22 Article.

23 (b) For the purpose of determining the
24 number of dwelling units contained in any building the Bureau
25 of Sanitation may estimate the number of dwelling units
26 contained in said building, after full consideration of all
27 information within his or her knowledge.
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1 (c) The City Clerk, on behalf of and in the
2 name of the City of Los Angeles, may enter into a written
3 agreement, in a form approved by the City Attorney, with any
4 customer indebted to the City pursuant to the terms of this
5 Article, obligating said customer to pay such indebtedness to
6 the City Clerk in monthly or more frequent installments, but
7 in no event over a period greater than one year. In any such
8 agreement such customer shall acknowledge the obligation owed
9 to the City and his or her indebtedness thereon, shall agree
10 that in the event of his or her failure to make timely
11 payment of any installment thereof that the whole amount
12 unpaid may be determined by the City Clerk to be immediately
13 due and payable, and shall agree to pay all costs and
14 reasonable attorney fees incurred by or on behalf of the City
15 in the collection thereof or for any legal proceeding
16 commenced for that purpose.

17 (d) Whenever the amount of charges and
18 penalty imposed under this Article, or either of them, is
19 determined by the Department of Water and Power or by the
20 City Clerk to have been overpaid, paid more than once, or to
21 have been erroneously collected or received by the City in
22 whole or in part, the Department of Water and Power or the
23 City Clerk, as the case may be, may provide for correction
24 thereof either by refund or by credit on future bills in its
25 or his or her discretion. Any claim for such a refund or
26 credit shall be filed with the City Clerk by the person
27 paying the alleged overpayment within six months of such
28 payment.

1 (e) Where there is a dispute with respect to
2 the charges or penalty imposed under this Article, or both,
3 the City Clerk, with the written approval of the City
4 Attorney and subject to the provisions of the Charter of the
5 City of Los Angeles, may compromise the City's claim for said
6 charges or penalty, or both, where the portion of the claim
7 proposed to be released is less than \$5,000.00; and, with the
8 approval of the City Attorney and the City Council, may
9 compromise such a claim where the portion proposed to be
10 released is \$5,000.00 or more.

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12 SEC. 66.45. ACTIONS TO COLLECT

13 The charges imposed under this Article, and
14 any penalty thereon, shall be a civil debt owing to the City
15 of Los Angeles from the occupants or owner, or both, of each
16 dwelling unit receiving City household refuse collection
17 services, or from any other customer billed as provided in
18 this Article. Any customer owing money to the City under the
19 provisions of this Article shall be liable in an action
20 brought in the name of the City of Los Angeles in any court
21 of competent jurisdiction for the recovery of such amount,
22 including any penalty imposed under this Article.

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24 SEC. 66.46. UNCOLLECTIBLE ACCOUNTS

25 If the City Clerk finds that he or she cannot
26 collect the charges and penalty imposed under this Article,
27 or either of the, or that efforts to collect any such amount
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1 would be disproportionately costly with relation to the
2 probable outcome of the collection efforts, the City Clerk
3 may prepare a report setting forth his or her finding and the
4 reasons therefor, and submit it to a Board of Review which
5 shall be composed of the City Controller, the City Clerk and
6 the City Attorney, or the duly appointed representative of
7 each. The Board of Review may call for additional evidence
8 which it may deem relevant. Upon unanimous approval of a
9 finding by the Board of Review, the City Clerk may remove
10 from his or her active accounts receivable said unpaid
11 charges and penalty, or either of them. If the Board of
12 Review does not unanimously recommend approval of the
13 finding, the matter shall be returned to the City Clerk. The
14 City Clerk may include in a single report his or her findings
15 and supporting reasons regarding the charges and penalty
16 imposed under this Article, or either of them, due from more
17 than one customer. The removal from the active accounts
18 receivable of the City Clerk of any unpaid charges and
19 penalty imposed under this Article, or either of them, shall
20 not preclude the City from collecting or attempting to
21 collect any such charges and penalty, or either of them.

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SEC. 66.47. REFUNDS AND CREDITS

In the event a customer does not own or
occupy a dwelling unit for any month for which he or she has
paid the charge he or she shall submit evidence to the
Department of Public Works in support of a refund and if the

1 Department is satisfied such a refund is warranted it shall
2 so provide it. Any request for such a refund, however, must
3 be within six months of the payment by the customer for which
4 the refund is sought and must be submitted to the City Clerk.

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SEC. 66.48. TERM OF CHARGE

7 This charge shall be applicable commencing as
8 of the effective date of this ordinance and shall remain in
9 effect until, and including, June 30, 1984, provided however
10 the billing and collection of the charges for such term may
11 occur subsequent to June 30, 1984.

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SEC. 66.49. SANITATION EQUIPMENT FUND

14 There is hereby established a special fund in
15 the City Treasury entitled Sanitation Equipment Fund. All
16 monies received from the Sanitation Equipment Charge shall be
17 deposited on a regular basis into such Fund. Monies
18 deposited into the Sanitation Equipment Fund shall not be
19 subject to reversion to the Reserve Fund. All monies
20 received and deposited into the Sanitation Equipment Fund,
21 except to the extent their use is otherwise authorized by
22 ordinance, shall be expended, as provided in the budget or as
23 may be authorized by the City Council by resolution, for the
24 purpose of financing the cost of purchasing, leasing, repair
25 and maintenance of vehicles used, or to be used, for the
26 collection, processing, recycling and disposal of solid waste
27 for the City of Los Angeles provided, however, that whenever

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1 monies received by the City subject to limitation upon the
2 use thereof have been placed into such Fund, such monies may
3 be expended only in accordance with said limitation. The
4 Department of General Services shall cause the necessary
5 demands to be drawn upon the monies for such expenditures.
6 The City Clerk shall cause the necessary demands to be drawn
7 upon the monies for refunds pursuant to Sec. 66.47 of this
8 Code.

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10 As to any expenditure made from the general
11 fund for the purchase or lease of new sanitation vehicles
12 during fiscal year 1983-84, the Controller is hereby
13 authorized to reimburse the general fund from the Sanitation
14 Equipment Fund.

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Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of meeting of JUN 14 1983 JUN 7 1983 and was passed at its

Approved JUN 17 1983
June 17, 1983

ELIAS MARTINEZ, City Clerk

By Edward W. Cepulau deputy

File No. 83-0600
S-20

Tom Bradley
Mayor

LAOS
6/20
G-36957

for
6/20
G-36956

JOHN F. HAGGERTY (~~XXXX~~)
Assistant City Attorney

File No. 83-0600 S-20