

ORDINANCE NO. 769

(AS AMENDED THROUGH 769.4)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 769 ESTABLISHING PARCEL FEES ON LAND LOCATED IN THE IDYLLWILD, AND ANZA/PINYON AREAS TO PROVIDE FOR THE COLLECTION OF SOLID WASTE GENERATED FROM RESIDENTIAL USE OF SUCH PARCELS

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. FINDINGS

- A. A considerable volume and variety of solid wastes are being generated by households in the Idyllwild, Pinyon and Anza areas of Riverside County;
- B. Such wastes create conditions which could threaten the public health, safety, and well-being by potentially contributing to water and land pollution, and to the general deterioration of the environment in these areas;
- C. It is becoming increasingly necessary for the protection of the health, safety and welfare of the residents that solid waste generated in these areas be promptly and safely collected and disposed of in an orderly and efficient manner;
- D. It is also necessary to carefully control the collection and disposal of solid waste so that the reductions required to be made by the Statutes for 1989, Chapter 1095 (AB 939) can be planned for and accurately measured; and
- E. Finally, the orderly collection of solid waste will reduce illegal dumping and the harm to the environment resulting therefrom;
- F. California Government Code Sections 25827 and 25828 authorize the collection of solid waste in unincorporated areas and provide for payment by those properties benefited thereby. In light of the findings above made, it is the intent of the Board of Supervisors of Riverside County to establish a Program of Collection of Solid Waste by Franchisee (s) for residential units in Idyllwild, and Anza/Pinyon utilizing strategically located community drop off bins for use by residences within the area identified on **Exhibit "A"** attached hereto.

Section 2. DEFINITIONS

Unless the context otherwise specified or requires, the terms used in this ordinance shall be as defined below. The definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined:

- A. **Commercial Units** shall mean all commercial, industrial, institutional, Multi-Residential Units, agricultural or other facilities, except residential. Agricultural units which require less than 1 cubic yard disposal per week shall not be deemed commercial units.
- B. **Department** shall mean the Riverside County Department of Environmental Health.
- C. **Multi-Residential Units** shall mean permanent buildings containing five or more Residential Units including, but not limited to, condominiums, apartment houses, motels, hotels, mobilehome parks where mobilehome lots are not individually owned, travel trailer parks, and recreational vehicle parks.

- D. **Residential Units** shall mean an occupied dwelling within the unincorporated area of the County occupied by a Person or group of Persons. A Residential Unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. This definition shall apply also to mobilehome subdivisions where the mobilehome lot is individually owned. A duplex is considered to be two (2) attached Residential Units.

Section 3. ESTABLISHMENT OF PARCEL FEE AMOUNTS

- A. Pursuant to the authority of Government Code Sections 25827 and 25828 the Board of Supervisors hereby establishes parcel fees for those residential parcels within Idyllwild, and Anza/Pinyon **within the boundaries identified in Exhibit "A"**. The current fee structure and approved Board of Supervisors resolution shall be on file with the Department.
- B. Parcels that do not require regular collection service shall have a reduced charge to reflect such reduced service, if approved by the appeals procedure established herein. Undeveloped property shall be exempt from parcel charges.
- C. Parcel fee structure shall be established through a Board of Supervisors Resolution in a public hearing held prior to July 1st of each year for fees which are to be applied for the fiscal year beginning July 1st of that year; provided, however, in the event no revised fees have been established, the fees in effect for the preceding year shall continue to be the fees in effect for the following year without a confirming public hearing.

Section 4. COLLECTION OF PARCEL FEES

Parcel fees shall be collected at the same time and in the same manner as ordinary county ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for with those taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to parcel fees, except that if any real property to which a lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to the real property and the delinquent charges, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.

Section 5. APPEALS.

- A. **Appeals Procedure.**
1. A property owner or other person who is adversely affected by a parcel charge established herein may appeal to the Board of Appeals within thirty (30) calendar days of receiving his or her tax bill by filing a written appeal with the County Executive officer or his or her designee. Timely appeal shall not stay any solid waste collection or responsibility to pay therefore. The County Executive officer or his or her designee shall set the matter for hearing before the Board of Appeals and shall notify the Appellant by mail of the date set for such hearing, at least thirty (30) days prior to said date. If the Appellant resides outside the County, the above period of notice by mail before the hearing shall be at least (40) days. The Appellant shall have the right to

appear in person or by an agent, designated in writing, at the hearing, and present oral, and/or written, evidence. The Board of Appeals shall decide the appeal and shall issue its decision, which shall be in writing.

2. The Board of Appeals shall have authority to make reasonable adjustments in the amount of the parcel charge or to excuse payment altogether as well as authority to grant ancillary relief including the removal of liens. The Board of Appeals shall have no authority to award monetary damages, costs or attorney's fees.
3. The property owner or other adversely affected person may appeal the decision of the Board of Appeals to the Board of Supervisors by filing a written request with the Clerk of the Board of Supervisors within thirty (30) days of the mailing of the written decision of the Board of Appeals.

B. Composition of Board of Appeals. The Board of Appeals shall be comprised of three (3) persons selected and appointed by the Board of Supervisors as follows: One (1) member shall be from the solid waste hauling industry currently operating in Riverside County but shall not be from the company, or a related company of the company, that has provided the services which are being contested. One (1) member shall be an employee of the Department. One (1) member shall be a public representative, but shall not be the actual Appellant in the action or related to the appellant by blood, marriage or through business dealings.

C. The County Executive officer or his or her designee shall have the authority to determine the actual composition of any given hearing panel. The industry and public representative members of the panel shall be drawn from the similarly designated members of the Solid Waste Advisory Counsel/Local Solid Waste Task Force for Riverside County.

Section 6. CANCELLATION OR REDUCTION OF FEES.

A. All or any portion of any such Parcel Fee(s), penalty or costs heretofore entered, shall, on order of the Board of Appeals or the Board of Supervisors, be canceled by the County Auditor-Controller if uncollected, or, except in the case provided for in subdivision (4) hereof, refunded by the County Treasurer-Tax Collector, if collected, if the fees were imposed or paid:

- (1) More than once;
- (2) Through clerical error;
- (3) Illegally; or
- (4) On property acquired after the lien date by the State or by any county, city, school district, special district, or other political subdivision, and because of this public ownership, is not subject to sale for delinquent taxes.

B. No order for a refund under this section shall be made except on a written claim:

- (1) Verified by the person who paid the Parcel Fee(s), his or her guardian, executor or administrator; and,
- (2) Filed within ninety (90) days after making the payment sought to be refunded.

Section 7. RELEASE OF CHARGE OR LIEN.

The County Executive officer or his or her designee shall have the authority to execute any document that may be required to release or extinguish a charge or lien that has been recorded against a parcel which is inconsistent with this ordinance.

Section 8. SEVERABILITY.

If any part or provision of this ordinance, or application thereof, to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

Section 9. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its adoption.

Adopted: 769 Item 12.1 of 06/24/1997 (Eff: Immediately)

Amended: Item 10.4 of 12/01/1998 (Eff: Immediately) (Amd. Exhibits B-1 & B-2 only)

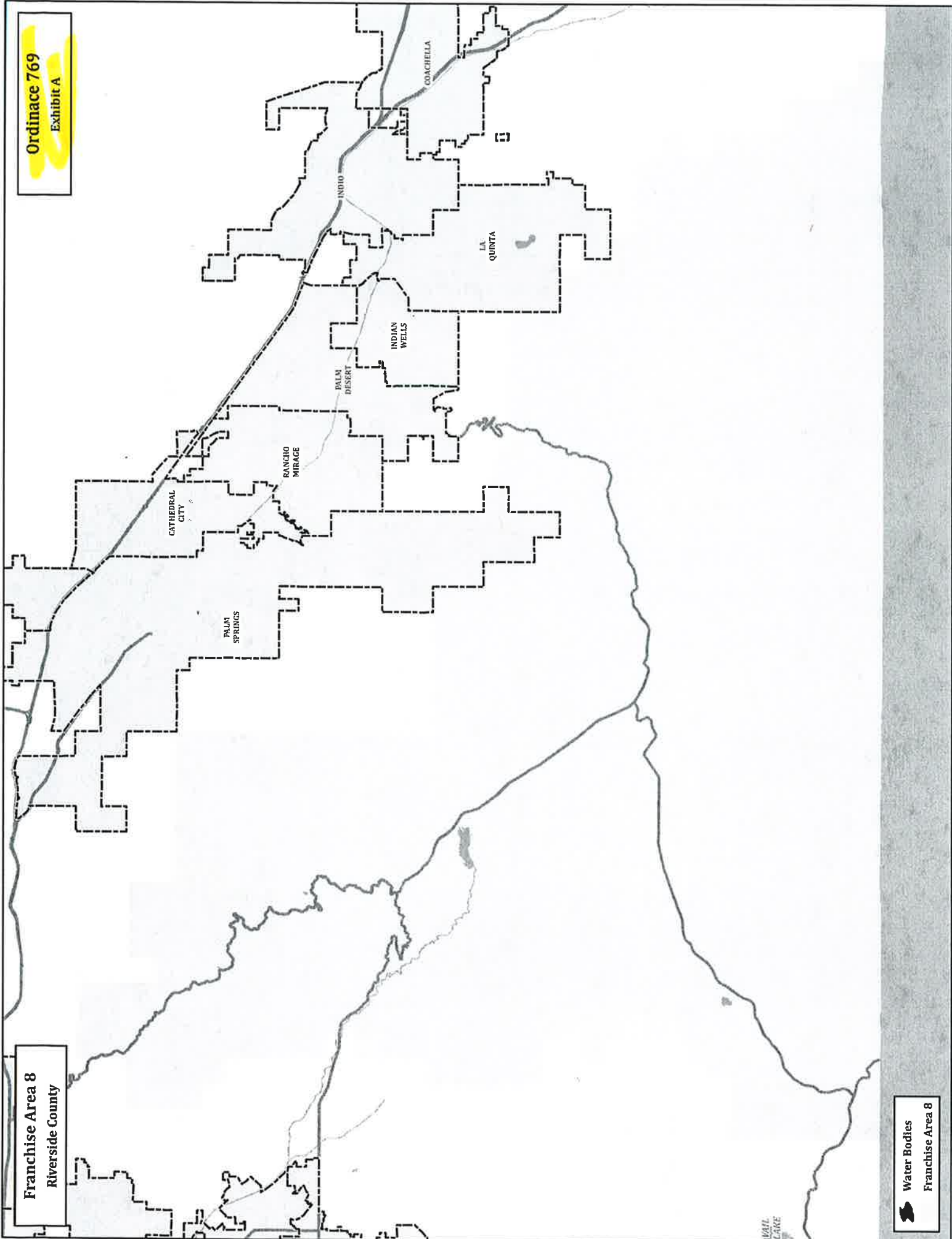
769.1 Item 16.1 of 06/13/2006 (Eff: 07/01/2006)

769.2 Item 9.1 of 8/28/2007 (Eff: 09/27/2007)

769.3 Item 9.2 of 07/27/2010 (Eff: 08/26/2010) (Amd. Exhibit A only)

769.4 Item 9.2 of 06/19/2018 (Eff: 07/19/2018) (Amd. Exhibit A only)

Ordinance 769
Exhibit A



Franchise Area 8
Riverside County

Water Bodies
Franchise Area 8

1/4" = 1 MILE