

July 18, 2002

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
July 23, 2002

**AMENDMENT TO MUNICIPAL CODE SECTION 8.12.360 – GARBAGE
COLLECTION AND DISPOSAL – BY DELETING THE ADMINISTRATIVE
FEE FOR FILING AN ALTERNATIVE BILLING APPLICATION**

Recommendation:

That the City Council introduce and waive full reading of the attached ordinance which amends the code by deleting Section 8.12.360 (B)(6), which would remove the administrative fee collected when a property owner has the tenant pay the refuse collection bill.

Background:

The attached amendment was discussed by the City Council at its meeting of May 14, 2002. This change will result in a small reduction in fees from this activity (less that \$200 per year on average), but will allow the property owners/tenants to deal directly with Consolidated Disposal Service (CDS) directly, rather than obtaining an application from the City, paying the fee, and then the City forwarding the approved application to CDS. All other requirements will remain the same, including the responsibility for the property owner to pay for refuse collection service in the event that the tenant does not.

Respectfully submitted,

Stephen R. Burrell
City Manager

8.12. 360 **Mandatory collection fee.**

- B.** Alternative Billing Procedures--Payment by Tenant. Upon the written application of the owner of any premises, filed on a form supplied by the city manager or his designee, the city may bill the occupant of the premises where the occupant is other than the owner. In such case, it shall not be necessary to send a separate bill to the owner. The owner shall continue to be responsible for the payment of such bills even though no bill has been received, and delinquent accounts will still result in penalties and establishment of a lien against the property pursuant to the provisions of subsection A of this section.
1. The application shall set forth the address of the property, the name of the occupant, and the name and address of the owner, and shall include a statement signed by the owner acknowledging continuing responsibility for payment of such bills in the event that the occupant fails to make timely payment in full.
 2. The city manager shall approve such application unless there is at the time an unpaid balance due and owing on the account of the subject premises
 3. An application, once approved, shall remain in effect until such time as:
 - a. The owner withdraws the application; or
 - b. Ownership of the property is transferred, in which case the new owner may submit a new application; or
 - c. It is determined that the application included false or misleading information; or
 - d. The account is delinquent for two consecutive quarters, in which case the city manager shall not approve a new application for a period of one year after the date of revocation of the application.
 4. If an occupant fails to pay a service bill, the owner shall be sent a notice indicating that the account is delinquent and a penalty has been assessed against the account pursuant to subsection A of this section.
 5. A separate application is required to be filed for each premises for which a separate billing account is maintained.
 6. ~~A fee shall be charged to the owner, payable at the time of submission of an application, to cover the administrative costs of processing such application and establishing an alternate billing procedure. In the event that the application is rejected, the fee shall be refunded to the applicant.~~

ORDINANCE NO. 02-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH AMENDING MUNICIPAL CODE SECTION 8.12.360, GARBAGE COLLECTION AND DISPOSAL – MANDATORY FEE COLLECTION, REMOVING THE ADMINISTRATIVE FEE FOR FILING AN ALTERNATIVE BILLING APPLICATION (PAYMENT BY TENANT).

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.12.360 (B) is amended to remove:

6. A fee shall be charged to the owner, payable at the time of submission of an application, to cover the administrative costs of processing such application and establishing an alternate billing procedure. In the event that the application is rejected, the fee shall be refunded to the applicant.

SECTION 2. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

SECTION 3. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of the City, and shall make minutes of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 13th day of August, 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach,
California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney