

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE COUNTY OF SISKIYOU

ESTABLISHING FEES FOR COUNTY WASTE DISPOSAL SITES  
AND ADMINISTRATION

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS FOLLOWS:

SECTION I: Chapter 6, Title 5, of the Siskiyou County Code is hereby amended to read as follows:

Section 5-6.01: Pursuant to Sections 25830 and 25831 of the Government Code, the Board of Supervisors for the fiscal year 2017-2018 hereby classifies land within the unincorporated area of the County of Siskiyou, establishes a schedule of fees and provides for appropriate exemptions for County solid waste disposal.

Section 5-6.02: The average amount of solid waste generated by a single family dwelling with full-time occupancy is referred to as the 'residential equivalent' and a fee of Sixty-three and no/100ths (\$63.00) Dollars per year, per unit is extended and fixed for raising a portion of the revenue necessary to finance the operation, maintenance and administration of the County's solid waste disposal facilities.

Section 5-6.03: The classification of land within the unincorporated area of the County based upon the various uses to which the land is put, the volume of waste occurring from the different land uses, and the applicable refuse generation in residential equivalents is established in accordance with the following schedule:

Table of Residential Equivalents (Multipliers)	
Apartment (per unit)	1.00
Auto Repair	2.00
Bank	1.00
Bar and Cocktail Lounges	2.00
Barber/Beauty Shop	1.00
Café	2.00
Campground (per site)	.17
Church	1.00
Grocery (small)	2.00
Grocery (large)	5.00
Lumber Yard	2.00
Mobile Home	1.00
Mobile Home Park (per occupied space)	1.00
Motel or Hotel	3.00
Professional/Business Office	1.00
Residence	1.00
Restaurant (Small)	2.00
Restaurant (Large)	5.00
Retail Store (Small)	1.00
Retail Store (Large)	2.00
Service Station	2.00
Service Station Mini Mart	3.00

Charges to parcels of land with use not specifically identified in the above schedule will be made on the basis of the schedule use to which it most clearly compares.

One or more businesses or land uses operated by one business entity in a sole building on a parcel of land shall be assigned the residential equivalent applicable to the predominant waste generating land use.

Individual businesses or land uses operated by separate business entities in a sole building on a parcel of land shall be assigned the respectively applicable residential equivalent for the various land uses. The fee for the land parcel shall be the total of all uses contained thereon.

Individual businesses or land uses located in separate buildings on one land parcel, operated by one or more business entities, shall be assigned the respectively applicable residential equivalent for the various land uses. The fee for the land parcel shall be the total of all uses contained thereon.

Section 5-6.04: A fee shall be charged in accordance with the above schedule on land on which a dwelling or commercial building or other occupied structure exists, but if it is unoccupied for the entire year, the fee shall be returned to the property owner upon receipt and approval of an application for exemption or refund and a signed affidavit attesting to the previous year's vacancy.

If the improvement is totally destroyed by an Act of God or is purchased by a public agency, a portion of the fee shall be returned upon application by the owner. The fee shall be prorated as of the date of destruction or close of escrow and the owner shall be entitled to a refund of the prorated portion of the fee.

All property having no improvements and land on which a dwelling or commercial building or other structure exists but which is occupied not more than 30 days during the year, shall be exempt from all fees established by this ordinance, upon receipt and approval of an application for exemption.

Liability for the fee arises on July 1, 2017 and is the obligation of the owner of record on that date. Land classifications shall be made as of July 1, 2017.

Section 5-6.05: On or before the first day of July of each calendar year, the Board of Supervisors of any County may, by resolution or ordinance, establish a schedule of fees to be imposed on land within the unincorporated areas of the county where cities do not provide their own waste disposal sites, revenue from the fees to be used for the acquisition, operation and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation and disposal services, where those services are provided. In establishing the schedule of fees, the Board of Supervisors shall classify the land based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the Board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed. Fees imposed within the incorporated and unincorporated areas shall be uniform. Prior to imposing fees within an incorporated area, the Board of Supervisors shall obtain the consent of the legislative body of the city to impose the fees.

The Board shall set a reasonable fee for each category established and divide the land according to categories and ownership; provided, however, that the Board shall establish categories of land for which (1) No services are provided and no fee required; and (2) Services are provided and no fee required.

The Board shall determine eligibility for inclusion in these categories, upon application, on a case-by-case basis. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of the fees. The fees may be established, billed and collected on a monthly or yearly basis and may be billed and collected by the county tax collector as part of the regular county tax billing system.

Any fees authorized pursuant to Government Code Section 25830 or Public Resource Code Section 40059 which remain unpaid for a period of 60 or more days after the

date upon which they were billed may be collected thereafter by the county as provided herein.

- a) At least once a year, the Board of Supervisors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests to the report.
- b) The Board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.
- c) At the hearing, the Board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
- d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to the assessment, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer 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 that would otherwise be imposed by this section shall not attach to the real property and the delinquent fees, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.

Section 5-6.06: Provision shall be made to allow property owners to apply for the appropriate exemption as set forth herein. Property owners may appeal any action in the granting of or denial of an exemption to the Board of Supervisors, Siskiyou County. The General Services Department is hereby directed to prepare administrative procedures to be approved by the Board for the processing of requests by property

owners for reclassification of their property and for granting of exemptions and credits as set forth herein.

Section 5-6.07: Residential equivalents for commercial parcels, industrial parcels, public agencies, and out of county/out of state users of the solid waste facilities, unless otherwise agreed upon, may be established on the basis of estimated solid waste generation by the Solid Waste Department. The fees shall be calculated on the basis of one residential equivalent equals 11.44 cubic yards (loose) per year.

SECTION II: Constitutionality: If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, clauses or phrases be declared unconstitutional.

SECTION III: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in the Siskiyou Daily News, a newspaper of general circulation, printed and published in the County of Siskiyou.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at a regular

meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Michael N. Kobseff, Chair  
Board of Supervisors

ATTEST:

Colleen Setzer, Clerk,  
Board of Supervisors

By: \_\_\_\_\_

Deputy Clerk