

ORDINANCE NO. 1745 (2025 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING SECTION 8.04.070 (USE OF DISPOSAL SERVICE MANDATORY – COLLECTION CHARGES) OF THE MUNICIPAL CODE MODIFYING THE PROCESS OF COLLECTING DELINQUENT SOLID WASTE COLLECTION AND DISPOSAL ACCOUNTS

WHEREAS, public health and safety demand the orderly and periodic collection and safe disposal and/or processing of solid waste, recyclables, and organic materials; and

WHEREAS, it has been determined that an exclusive franchise granted to a private company is the most effective and efficient way to collect and remove solid waste, recyclables, and organics within the City; and

WHEREAS, San Luis Garbage Company has provided a high level of service and reasonable rates for solid waste, recyclables, and organics collection and disposal in the City for the terms of the franchise agreements; and

WHEREAS, Section 8.04.070 of the San Luis Obispo Municipal Code establishes that all developed properties in the City must use the solid waste collection and disposal service provided by the City's franchisee, that the franchisee is responsible for collecting fees for their services, and that owners of developed properties are responsible for paying for the service; and

WHEREAS, Section 8.04.070 of the Municipal Code further provides a method by which the franchisee and the City may take actions to collect fees from the owners of developed properties which have delinquent solid waste collection and disposal accounts; and

WHEREAS, San Luis Garbage Company and City agreed to perform the process outlined in California Government Code section 25831 made applicable by Government Code section 38790.1 to collect fees from delinquent accounts as certified by franchisee less frequently than annually; and

WHEREAS, Government Code sections 25831 and 38790.1 authorize the City to adopt an alternative administrative procedure for the collection of fees from delinquent accounts; and

WHEREAS, the amendments to Section 8.04.070 made by this Ordinance enhance clarity and ensure consistency with state law and with the restated franchise agreements between the City and San Luis Garbage Company.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Incorporation of Recitals. The City Council find that the foregoing recitals are true and correct and are incorporated in the ordinance by this reference and adopted as the findings of the City Council.

SECTION 2. Environmental Determination. The amendments to Section 8.04.070 of the Municipal Code are exempt from environmental review because such action creates no potential for causing significant effects on the environment (CEQA Guidelines Section 15061(b)(3) (common sense exemption).)

SECTION 3. Chapter 8.04.070 of the San Luis Obispo Municipal Code is hereby amended to read as follows:

8.04.070 Use of disposal service mandatory—Collection of charges.

- A. The City has determined that periodic collection and disposal of solid, recyclable, and organic waste from all developed properties in the city benefits all occupants of developed properties in the city.
- B. The City will provide waste collection and disposal service through its Franchisee; and all developed properties in the city must use the City's waste collection and disposal service, except that there may be joint or multiple use of waste containers, subject to conditions established by the City.
- C. The Franchisee shall collect all fees for waste collection and disposal.
- D. The owner of developed property shall be responsible and liable for paying the waste collection and disposal fees for that property. The Franchisee will bill a tenant if requested by the owner, but the owner shall remain responsible and liable for payment of the waste collection disposal fees for the property.
- E. The owner of developed property shall be responsible for modifying frequency and volume of waste collection and disposal service to remain compliant with this chapter.
- F. At an interval established by the Franchisee and the City, the Franchisee may take the following actions to collect delinquent residential and commercial solid waste collection and disposal accounts:
 - 1. Franchisee may present to the city a list of property owners (with corresponding parcel numbers) within the city whose service accounts remain unpaid for one hundred twenty (120) or more days after the date upon which they were billed and that are considered delinquent;

2. Franchisee may send a certified letter by certified mail, return receipt requested, and by regular first-class mail, to each property owner identified in subsection (F)(1) of this section notifying the property owner of the amount of the delinquent fees (as defined in subsection (F)(1)) for each identified parcel of land. The Notice of Delinquent Fees shall request payment within forty-five (45) calendar days from the date the Notice of Delinquent Fees was issued. The Notice of Delinquent Fees shall further notify the property owner that nonpayment of the delinquent fees may result in the City directing the San Luis Obispo County auditor to place the delinquent amount on the tax roll for the owner's property to be collected at the same time and in the same manner as property taxes.
 3. At least forty-five (45) days after the date the Notice of Delinquent Fees were issued, the Franchisee may present to the City a list of property owners (with corresponding parcel numbers) who have failed to make payment as required in subsection (F)(2) of this section and whose service accounts therefore are still delinquent.
- G. After the Franchisee has completed all of the actions listed in subsection [E](#) of this section, the City may implement the following collection procedures in accordance with California Government Code section 25831 made applicable by Government Code section 38790.1:
1. The City Council shall cause notice of the hearing to be mailed to each property owner listed on the report not less than ten (10) days prior to the date of the hearing.
 2. At the public hearing, City Council shall hear any objection or protests of landowners liable to be assessed for delinquent fees. The City Council may make revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
 3. The delinquent fees set forth in the report as confirmed by resolution of the City Council shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the delinquent fees.
 4. A certified copy of the confirmed report shall be filed with the county auditor for the amount of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

5. The lien created attaches upon recordation, in the office of the county recorder, of a certified copy of the resolution of confirmation.
 6. The assessment shall 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.
 7. All laws applicable to the levy, collection, and enforcement of the 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.
- H. The Franchisee shall bear the full cost of any delinquent fees to lien-affected properties.
- I. Payments made to the Franchisee hereunder, if any, shall be made only from monies actually received by the City from the delinquent property owners pursuant to this section.

SECTION 4: Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct, and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

SECTION 5. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 18th day of March 2025, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 2025, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk