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ORDINANCE NO. 2013-02

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF ALBANY ENTITLED "SEWERS AND SANITATION."

WHEREAS, the City Council finds that the maintenance of public health and welfare requires the periodic collection of solid waste, recyclables and organic materials from all properties in the City where such materials are produced or accumulated; and

WHEREAS, the provision of those collection services by the City directly benefits all such properties, as well as their owners and occupants, and those owners and occupants are therefore made liable for the charges established by the Council for the collection, removal and disposal of solid waste, recyclables, and organic materials; and

WHEREAS, particular sections within Chapter 15 of the City's Municipal Code require amendment to specify charges and procedures for collection of delinquent charges as well as provisions for proper storage of trash containers following service days.

NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

1. Section 15-2.4 within Chapter 15 of the City of Albany Municipal Code shall be amended, to read as follows:

15.2-4 Fee for Provision of Service by City's Franchisee; Collection of Delinquent Charges.

1 a. Every person who uses the collection services of the City's franchisee shall pay a
2 fee for the services, as established in a resolution adopted by the City Council pursuant to the
3 franchise agreement.
4

5 b. The City's franchisee shall bill customers directly for service.
6

7 c. The City's franchisee shall reconcile payments by customers against amounts
8 billed to verify any delinquency in payment by customers.
9

10 d. If a customer fails to pay a bill in full within ninety (90) days from the due date,
11 the franchisee shall undertake collection of the bill. The franchisee shall provide delinquency
12 notices to customers but may not discontinue service to their properties. Franchisee shall make
13 reasonable efforts to obtain payment through such measures as late payment notices, telephone
14 requests for payment, and assistance from collection agencies.
15

16 e. If a residential bill for a single family account remains unpaid after ninety (90) days from
17 the original due date, the franchisee shall send a 90-day notice. The 90-day notice shall include a
18 notice informing the owner of the delinquent status of the charges, of the potential for assessment
19 upon the property tax roll and of the imposition of administrative charges in connection with
20 such assessment.
21

22 e. The delinquent charges which remain unpaid by the residential customer shall
23 constitute an assessment against the property to which service was rendered and shall be
24 collected at such time as established by the County Assessor for inclusion in the next property
25 tax assessment. The City may enforce payment of such delinquent charges in the following
26 manner:
27

28 (a) Upon receipt of verified information from the franchisee detailing delinquent charges
and establishing that franchisee has made reasonable efforts to collect the delinquent charges,

1 a. *Failure to Subscribe Presumed to Create Nuisance.* If any person shall fail to subscribe
2 for collection and disposal services of garbage as required by this section, it shall be
3 presumed that a nuisance exists upon the premises which have not been provided with
4 such collection and disposal service.
5

6 b. *Notice of Required Collection.* If the City finds that any person has failed to
7 subscribe for the collection and disposal of garbage as required by this section, it shall serve
8 written notice upon the person, informing the person of the requirements of this section and that
9 because of the failure to comply with such requirements, a nuisance is presumed to exist upon
10 the premises owned, managed or controlled by such person which have not been provided with
11 such collection and disposal service. The notice shall direct the person to subscribe with the
12 contractor for the collection and disposal of garbage within ten (10) days after service of the
13 notice.
14

15 The notice shall further state that if the person shall fail to comply with its directions
16 within the ten-day period, the City will abate the nuisance existing upon the premises by ordering
17 the contractor to provide collection and disposal services for the premises, and that the charges of
18 the contractor therefor, together with the administrative costs incurred by the City in the
19 abatement of the nuisance, will be assessed and become a lien against the real property upon
20 which the premises serviced are located.
21

22 The notice specified herein shall be deemed served when it is deposited in the United
23 States Post Office at Albany, California, with postage prepaid and addressed to the person
24 entitled to notice at his last known place of address as shown on the assessment roll of the
25 County, and if no such address is there shown or known, then to General Delivery, Albany,
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1 administrative costs incurred by the city in the abatement of the nuisance pursuant to this
2 subsection. The City shall present the accumulated charges and administrative costs to the City
3 Council in a proposed resolution. Such resolution shall be filed with the City Clerk for adoption
4 by the City Council. Such charges and costs shall, pursuant to such resolution, be assessed and
5 become a lien against the real property served pursuant to the City's order; provided, however,
6 that such charges and costs may be paid at any time before they become a lien as herein
7 provided.

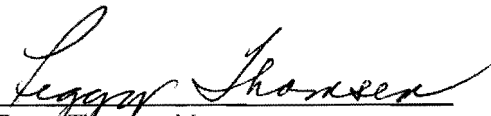
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11 f. *Removal by Persons Owning, Managing or Controlling Property.* No provision in
12 this subsection shall be construed to prevent any persons from removing materials from premises
13 owned, managed or controlled by them, for the purposes of disposal, recycling, or composting
14 such materials. Such removal shall not constitute an exemption from the requirements of this
15 section.

16 (Ord. # 04-01, §1)

17 g. *Accessibility and Location of Garbage Cans.* Garbage containers shall be easily
18 accessible to the garbage collector. Garbage cans shall not be kept within the public right of way
19 except on collection day.

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22 Publication and Effective Date

23 This ordinance shall be posted at three public places within the City of Albany, and shall take
24 effect ninety days after the date of its adoption.

25
26 
27 Peggy Thomsen, Mayor
28



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2013-02

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 2nd day of December, 2013, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, and Mayor Thomsen

NOES: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

3rd Day December, 2013.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.

NOTICE OF POSTING

**STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

I, Eileen A. Harrington, Deputy City Clerk of the City of Albany, County of Alameda, State Of California, say:

That on the 3rd day of December, 2013, I posted notices in the following areas designated as the official posting areas for the City of Albany:

CITY HALL

SENIOR CENTER

LIBRARY

The notice was for:

Ordinance No. 2013-02 - Amending Chapter 15 of the Code of the City of Albany entitled "Sewers and Sanitation".

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 3rd Day of December, 2013, at Albany, California.



EILEEN A. HARRINGTON
DEPUTY CITY CLERK

Ordinance Effective: March 2, 2014 (90 days following approval – 12/2/13)