

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 8, CHAPTERS 8.04, SECTIONS 8.04.290, 8.04.300, AND 8.04.340 OF THE STOCKTON MUNICIPAL CODE RELATING TO THE INDUSTRIAL WASTE COLLECTORS PERMIT REQUIRED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

1. The Stockton Municipal Code section 8.04.290 provides that an Industrial Waste Collector must have a permit to conduct such business in Stockton.
2. There are currently three permitted industrial waste collectors whose permits will expire on December 31, 2024. If the Stockton Municipal Code is not amended before this expiration date, any person(s) providing industrial waste collection services will be operating in direct violation of the Stockton Municipal Code after December 31, 2024.
3. Title 8, Chapter 8.04, Sections 8.04.290, 8.04.300, 8.04.310, and 8.04.340 should be amended to allow for continued industrial waste collection services without interruption, which is in the public interest.

SECTION II. AMENDMENT OF CODE

Title 8, Chapter 8.04 of the Stockton Municipal Code is amended and shall read as follows:

8.04.290 Industrial waste collectors—Permit required.

It is unlawful for any person, firm, or corporation to collect and dispose of industrial waste within the City as an industrial waste collector without first having received a permit. Said permit shall be issued upon majority vote of the City Council. The fee for the issuance of said permit shall be the sum of \$100,000.00, or another amount determined by City Council. Any such permit issued pursuant to this section shall not be transferable to another person, firm, or corporation, and in the case of corporations the permit shall become void whenever there may occur a transfer of the majority interest in said corporation. ~~Said permit or license issued prior to May 30, 2019, shall expire on December 31, 2024.~~ Any such permit or license, when issued, shall expire after a period of five years from the date of issuance. This constitutes the City's five-year notice that may or may not be required under Public Resources Code section 49520. Extension of any such permit or license after the initial five-year term expires may be considered. Such extension, if granted, may not exceed a period of five years and may not occur more than twice. Permitted industrial waste collectors shall comply at all times with applicable law related to its operations, including, but not limited to, SB 1383. Industrial waste collectors, upon request of City, shall provide documentation of compliance as a condition of permit approval.

(Prior code § 7-059; Ord. 2019-04-30-1108 C.S. § 2; Ord. 2022-06-14-1502 C.S. § 1)

SECTION III. AMENDMENT OF CODE

Title 8, Chapter 8.04, section 8.04.300 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.300 Industrial waste collector—Permit fee and AB 939 fee

A. In addition to the initial permit fee mentioned in Section 8.04.290, for the privilege to provide service pursuant to permit, the industrial waste collector shall pay to the City 18.5 percent of the gross revenue collected for performing industrial waste collection services. The industrial waste collector shall also pay to the City an AB 939 fee equal to 5% of gross revenue collected for performing industrial waste collection services.

B. For the purpose of this section only, no such additional fee will be due and payable to City for revenues derived from the direct or indirect sale of reclaimed solid waste or its derivatives. However, this provision shall not be construed to exempt revenue from any element of the services to collect such industrial waste.

C. On or before the 15th day of each month, the industrial waste collector shall submit to the Administrative Services Officer a statement of gross revenues collected pursuant to the permit for the preceding month, with the appropriate remittance in full. Such statement shall separately show gross revenue from the sale of reclaimed discard materials for the preceding month.

The industrial waste collector shall, from the sources of revenue available to the collector through the granting of the permit, pay all fees and charges due to the City as provided for in this section. A 5% penalty shall apply to a delinquent payment for the first month, and a 1% penalty shall be added for each succeeding month thereafter until the delinquent balance is paid in full. ~~Permit holders of industrial waste collector permits issued prior to May 30, 2019, shall also pay to the City 18.5 percent of the gross revenue collected for performing industrial waste collection services and shall also pay an AB 939 fee equal to 5% of gross revenue collected for performing industrial waste collection services.~~

~~D. —~~

(Prior code § 7-060; Ord. 2019-04-30-1108 C.S. § 3; Ord. 2022-06-14-1502 C.S. § 1)

SECTION IV. AMENDMENT OF CODE

Title 8, Chapter 8.04, section 8.04.340 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.340 Commercial recyclable material collectors and industrial waste collectors—Reports to City.

A. Every commercial recyclable material collector and every industrial waste collector who has obtained a permit to provide collection services within the City, and every permit holder of an industrial waste collector permit ~~issued prior to May 30, 2019,~~ shall at any time deemed necessary by the Public Works Director, make available to City all disposal

and diversion records that pertain to any portion of collection services within the scope of the permit issued pursuant to Section **8.04.270** or **8.04.290**.

B. Every commercial recyclable material collector and industrial waste collector, and every permit holder of an industrial waste collector permit ~~issued prior to June 1, 2003,~~ shall provide a quarterly report to the City of total tons disposed and tons diverted through provision of commercial discarded materials collection or industrial waste collection services in the City. Quarterly reports to the City shall be due on the 15th day of the month following the previous calendar quarter.

C. Every commercial recyclable materials collector, industrial waste collector, and permit holder shall additionally comply with all reporting requirements set forth under its agreement, contract, permit, or other written direction from the City. The subject of such reports may include, but are not limited to, operational, financial, or programmatic information and shall be submitted in a manner and timeline specified by the Director or its designee. (Prior code § 7-064; Ord. 2019-04-30-1108 C.S. § 5; Ord. 2022-06-14-1502 C.S. § 1)

SECTION V. SEVERABILITY

If any such provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the previous of this act are severable.

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City of Stockton Interim City Clerk