

ORDINANCE NO. 2038

AN ORDINANCE AMENDING CHAPTER 5.90 OF THE MERCED COUNTY CODE TO INCREASE REFUSE COLLECTION FEES AND CHARGES FOR SOLID WASTE FRANCHISE AREAS 1 THROUGH 5 IN UNINCORPORATED MERCED COUNTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 2027 is hereby amended as set forth below.

SECTION 2. Section 5.90.020 of Chapter 5.90 of the Merced County Code is hereby amended to read as follows:

5.90.020 Franchise collection rates.

The charge to customers in each franchise area for refuse disposal service, other than for exempt refuse, shall not exceed the rates and applicable factors contained herein. The actual service cost shall be determined by applying the rate factors contained herein to the base rates indicated below:

Franchise Service Area	Base Can Monthly Rate	Recyclable Container Monthly Rate	Green Waste Container Monthly Rate	Base Bin Monthly Rate
1	\$27.22	\$7.30	\$6.91	\$19.57
2	25.64	7.30	6.91	18.40
3	24.88	7.30	6.91	17.63
4	27.22	7.30	6.91	19.57
5	28.15	7.30	6.91	20.20
6	17.10	N/A	N/A	14 .07
7	17.10	N/A	N/A	14 .07

SECTION 3. Section 5.90.070 of Chapter 5.90 of the Merced County Code is hereby amended to read as follows:

5.90.70 Special charges.

A. Additional Fees. The following are additional charges that customers may be assessed:

1. Replacement Fee. A one hundred fifteen dollar and eighty cent (\$115.80) service charge for each container that is lost or damaged.

2. Return Service Fee. A thirty dollar and eighty-eight cent (\$30.88) service charge when, due to customer's fault, franchisee must return on the same day to customer's premises to service the residential or commercial receptacle.

3. Restart Fee.

a. An eighteen dollar and seventeen cent (\$18.17) administrative charge will be applied when a service restart is requested after the account has been closed due to non-payment or the customer voluntarily cancels service and a cart is NOT required for delivery (re-activation without delivery).

b. A fifty-two dollar and seventy-nine cent (\$52.79) administrative charge will be applied when service has been cancelled and delivery of a cart is required (re-activation with delivery).

4. Finance Fee. N/A

5. Returned Check Fee, Credit Card Decline, and Collection Fee. A thirty-eight dollar and sixty-one cent (\$38.61) administrative charge will be applied when banks return payment due to insufficient funds.

6. Activation/Delivery Fees.

a. A twenty-three dollar and sixteen cent (\$23.16) activation charge will be applied when a customer orders a residential cart.

b. A thirty-eight-dollar and fifty-two cent (\$38.52) delivery fee will be applied when a customer orders a commercial bin.

7. Residential Extra Service Fee on Same Day Service. Eight dollars and forty-five cents (\$8.45) per stop for the first dump and four dollars and eighty-nine cents (\$4.89) for each additional dump.

8. Commercial Extra Service Fee on Same Day Service. Twenty-eight dollars and fifty-seven cents (\$28.57) per stop, plus three dollars and thirty cents (\$3.30) per yard.

9. Non-Service Day Fee, Commercial and Residential. A thirty-one dollar and fifty-four cent (\$31.54) administrative charge will be applied when a customer requests service on a day other than the scheduled service day.

10. Additional Green Waste Cart(s). There will be no charge for a second green waste container. Any additional green waste containers will be charged to customer at the approved monthly rate.

11. Additional Recycle Cart(s). Each additional recycling container will cost sixteen dollars and thirty-five cents (\$16.35) per month.

12. Contamination Fee. There will be a thirty-eight dollar and sixty-one cent (\$38.61) contamination fee assessed to a customer on the third incident of contamination of either the recyclables or green waste. The customer will receive two warning tags before being assessed the thirty-eight dollar and sixty-one cent (\$38.61) fee. Contamination occurs when customers place refuse in either their recyclable or green waste cart.

13. Long Walk. Fifteen dollars and ninety-nine cents (\$15.99) per account allowed when a container is placed further than ten (10) feet but no more than fifty (50) feet from where the collection vehicle has access.

14. Drive-In Charge.

a. Fifteen dollars and ninety-nine cents (\$15.99) per account allowed for customers requiring collection trucks to service containers by driving up long driveways up to one-fourth of a mile.

b. Twenty-eight dollars and fifty cents (\$28.50) per account allowed for customers requiring collection trucks to service containers by driving up long driveways over one-fourth of a mile up to three-fourths of a mile.

c. Negotiable over three-fourths of a mile.

15. Insta-Bin. Two hundred thirty-one dollars and ninety-eight cents (\$231.98). This service is provided in a three cubic yards bin and will be on-site for five days. Delivery/pickup and service included.

16. Locking Device. Sixty-three dollars and sixty-three cents (\$63.63). One-time charge for fabrication and installation.

17. Key Charges. Four dollars and sixty-three cents (\$4.63) per month allowed when container access requires driver to carry a key and unlock a lock to empty the container. Key charges are applied per month to each contractor. Key charges do not apply if customer's lock is left in the unlocked position.

18. Stand-By. Two dollars and eighteen cents (\$2.18) per minute any time driver is requested to wait for customer to prepare container for service, i.e., unlock, container not accessible, load or reload container, etc.

19. Live Agent or Interactive Voice Response (IVR) Assisted Payment Fee. Six dollar and forty-five cent (\$6.45) fee for over the phone payment with a live agent or IVR; no fee options: (a) auto pay; (b) online at www.wm.com; (c) U.S. mail; and (d) pay at local office.

20. Document Request Fee. Three dollars and twenty-one cents (\$3.21) per page. Requests for copies of invoice(s), payments, etc., and request is made with a live agent or at the local office. No charge when customer prints documents themselves on www.wm.com.

21. Commercial Bin Cleaning Fee. One hundred forty-seven dollars and forty-seven cents (\$147.47) upon customer request, cost to clean customer bin, flat fee, one to six-yard bins.

B. Additional Services. Charges for services not specifically addressed will be negotiated between the franchisee and the customer requesting the additional service. In such cases where the customer is unsatisfied with the proposed charge for the additional services, the director will intervene. The director's determination will be final and binding upon all parties concerned.

SECTION 4. All other sections of Chapter 5.90 of the Merced County Code shall remain unchanged.

SECTION 5. If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

SECTION 6. This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance or a summary thereof shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with the names of the members of the Board of Supervisors of the County of Merced, voting for or against the same.

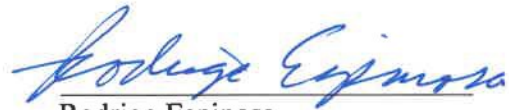
The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California at a regular meeting thereof held on the 23rd day of April, 2024 by the following vote:

SUPERVISORS

AYES: Rodrigo Espinosa, Josh Pedrozo, Daron McDaniel, Lloyd Pareira, Jr., Scott M. Silveira

NOES: None

ABSENT: None



Rodrigo Espinosa
Board Chair, Merced County Board of Supervisors

ATTEST:

RAUL LOMELI MENDEZ
Clerk of the Board of Supervisors

By 



APPROVED AS TO FORM AND LEGAL EFFECT:
FORREST W. HANSEN
MERCED COUNTY COUNSEL

By 