Chapter 3.38

MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS

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Section 3.38.010 Findings.

The City Council of the City of Riverside finds and declares that:

A. The City is committed to improving the public health, safety and welfare, including air quality.
B. Mobile sources are a major contributor to air pollution in the South Coast Air Basin.
C. Air quality goals for the region established by State law cannot be met without reducing air pollution from mobile sources.
D. The South Coast Air Quality Management Plan (AQMP) calls upon cities and counties to reduce air emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs.
E. To the extent that such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the General Fund to the motor vehicles creating the demand, to the greatest extent possible.
F. Section 44223, added to the Health and Safety Code by action of the State Legislature on September 30, 1990 (Chapter 90-1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of two dollars commencing April 1, 1991, and increasing to four dollars commencing April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and the provisions of the California Clean Air Act.
G. Forty cents of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to the cities and counties located in the South Coast Air Basin that comply with Section 44223 of the code, based on the jurisdiction's prorated share of the population as defined by the State Department of Finance.
H. The City of Riverside is located within the South Coast Air Basin and is eligible to receive a portion of the revenues from the motor vehicle registration fees upon adoption of this chapter.
I. The City, after careful consideration, hereby finds and declares that the imposition of the motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interests of the general welfare of the City and its residents.
(Ord. 5930 § 1, 1991)

Section 3.38.020 Intent.

This Chapter is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Section 44223 of the State Health and Safety code in order to receive revenues for the purpose of implementing
programs to reduce air pollution from motor vehicles. (Ord. 5930 § 1, 1991)

Section 3.38.030 Definitions.
As applied in this chapter, the following words and terms shall be defined as follows:
"City" shall mean the City of Riverside.
"District" or "SCAQMD" shall mean the South Coast Air Quality Management District.
"Fee Administrator" shall mean the Finance Director of the City of Riverside.
"Mobile source air pollution reduction programs" shall mean any program or project implemented by the City to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety code.
"South Coast Air Basin" shall mean those portions of Riverside, San Bernardino, Orange and Los Angeles Counties that fall within the jurisdiction of the South Coast Air Quality Management District. (Ord. 5930 § 1, 1991)

Section 3.38.040 Administration of vehicle registration fee.
A. Receipt of Fee. Vehicle registration fees due pursuant to this chapter disbursed by the SCAQMD and transmitted to the City shall be accepted by the Fee Administrator.
B. Transfer of Funds. Upon receipt of the vehicle registration fees, the Fee Administrator shall be responsible for placement of such funds into a separate account as hereinafter specified.
C. Establishment of Air Quality Improvement Trust Fund. The Fee Administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of City funds. Interest earned by the account shall be credited to that account and shall be used to finance mobile source air pollution reduction programs.
D. Use of Air Quality Trust Fund. The City shall only use vehicle registration funds pursuant to this chapter for programs that reduce air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement and technical studies necessary for the implementation of the California Clean Air Act of 1988.
E. Audits. The City consents to audits, at least once every two years, of all programs and projects funded by the vehicle registration fee revenues provided under Section 44223 of the Health and Safety Code. The audits shall be conducted by an independent auditor selected by the SCAQMD. The District shall deduct any audit costs incurred from the City's fee revenues if it finds that the City has not been utilizing the funds in a manner prescribed by this chapter. (Ord. 5930 § 1, 1991)

Section 3.38.050 Liberal construction.
The provisions of this chapter shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and continence. (Ord. 5930 § 1, 1991)

Section 3.38.060 Severability.
Should any sentence, section, clause, part or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof other than the part declared invalid. (Ord. 5930 § 1, 1991)