

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 17 OF THE SANTA BARBARA COUNTY CODE

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) has recognized the need to address the growing importance of recycling construction and demolition waste to achieve our state mandated recycling goal.

WHEREAS, on November 20, 2007, the Board of Supervisors of the County adopted a three point strategy to address recycling of construction and demolition waste that included revisions to Chapter 17 of the Santa Barbara County Code.

WHEREAS, the Board of Supervisors has held noticed public hearings on June 24, August 26, and September 2, 2008 on the changes to Chapter 17 of the Santa Barbara County Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. Chapter 17 be revised as follows (a complete printout of Chapter 17 with all changes and strikeouts is attached as “ATTACHMENT 1”):

ALL SECTIONS.

All references to the “Solid Waste & Utilities Division” will be changed to “Resource Recovery & Waste Management Division.”

SECTION 17-44.

“Sec. 17-44 Nonexclusive permit for unscheduled solid waste handling services”

The following are replacements for existing sections and paragraphs:

“(d) (5) Facts showing applicant has arranged for the recycling of at least 50% of all waste collected. The Applicant must also state which solid waste handling facilities will be used for waste collected under this permit.”

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- “(d) (9) Other facts or information as the Resource Recovery & Waste Management division may require including but not limited to the documentation referred to in the Rules & Regulations Governing Chapter 17 of the County Code.”
- “(j) To satisfy the minimum requirement of recycling 50% of all collected waste, the Permit holder shall deliver proof of compliance in accordance with the Rules and Regulations of Chapter 17, Section 3-308. This proof shall consist of an annual written summary and copies of related tipping fees receipts for the previous calendar year due by March 31 of the following year. The first summary will be due March 31 of 2009.”
- (k) (7) The last clause of this sentence is deleted, thereby limiting the list of exemptions. The new text reads: “A licensed building contractor hauling demolition and construction wastes as an incidental part of a total service offered by that contractor.”

The following section was deleted due to outdated information:

- “(j) A licensee who possesses a valid license to collect, haul, or transport solid waste in the county issued by the board on or before December 31, 1994, shall continue to pay a franchisee fee in an amount equal to two percent of his or her total billings to customers for the previous month for unscheduled solid waste handling services, until the expiration of the license term or the cancellation, suspension, revocation, or termination of such license pursuant to the provisions of this chapter, or termination of such license pursuant to subsection © of section 17-4 of this chapter.”

SECTION 17-45.

“Sec. 17-45. Unscheduled solid waste handling services.”

A new section “(c)” is added:

- “Unscheduled Solid Waste handling service providers are required to divert from landfills a minimum of 50% of all solid waste collected. An exemption to this requirement may be made by the Resource Recovery & Waste Management division if the permittee can demonstrate that the material collected was not recyclable.”

SECTION 17-46.

“Sec. 17-46 Financial reports.”

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This new section is added to existing Sec. 17-46 to address accountability of the unscheduled permit holder to the new recycling requirement:

“Other data such as related weight tickets will also be required in order to prove compliance with the 50% recycling requirement dictated by Section 17-45(c) and Chapter 3 Section 308 of the Rules & Regulations of this Chapter unless an alternative is agreed upon in writing by the Director of Public Works.”

SECTION 17-47.

“Sec. 17-47. Operation without a Permit”

This section is deleted and reserved because it contains outdated information.

The old text read: “A solid waste enterprise providing unscheduled service in the unincorporated area of the county on the date the ordinance codified in this chapter becomes effective may lawfully operate his or her enterprise up to a maximum of six months from such date without the possession of a valid permit issued pursuant to section 17-44 of this chapter. A solid waste enterprise will be presumed to be providing unscheduled service on the date the ordinance codified in this chapter becomes effective if the enterprise is actually providing such service for a fee to persons or businesses located within the unincorporated area of the county. (Ord. No. 4188, § 2)”

The new section reads: “Sec. 17-47 Reserved”

Section 2. This ordinance shall take effect and be in force thirty days from the date of its passage, and before the expiration of fifteen days after its passage it shall be published, with the names of the members of the Board of Supervisors voting for and against the same, in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Salud Carbajal, Chair,
Board of Supervisors

ATTEST:
Clerk of the Board

By: _____
Deputy Clerk

APPROVED AS TO FORM:
DANIEL WALLACE
INTERIM COUNTY COUNSEL

APPROVED AS TO FORM:
ROBERT W. GEIS
AUDITOR-CONTROLLER

By: _____
Deputy Counsel

By: _____
Deputy Controller