
Attachment A
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17, SOLID WASTE SERVICES, OF THE SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Section 17-29 subdivision (c)(1) of Article II, Regular Solid Waste Handling Services, of Chapter 17, Solid Waste Services, of the Santa Barbara County Code is hereby amended to read as follows:

Sec. 17-29. Exclusive Franchise or contract for regular Residential and Commercial Solid Waste collection.

The Board hereby finds and declares that it is necessary for the protection of the public health, safety, and welfare to provide regular Residential and Commercial Solid Waste Handling Services, which may include the Collection and transportation of Recyclables, by means of exclusive Franchise or contract within specified zones or territories of the unincorporated area of the County. The Board further finds that the provision of such Solid Waste Handling Services requires large capital investment in Trucks, equipment, and the maintenance thereof, and that unrestricted competition for such services may result in the inability of a Collector to provide efficient and timely service without an exclusive Franchise or contract to operate within a specified geographic zone.

- (a) All regular Residential and Commercial Solid Waste Handling Services shall be provided by a Collector pursuant to an exclusive Franchise or contract between a Collector and the County, subject to the terms and conditions of this chapter, and the duly adopted rules, regulations and resolutions authorized by this chapter. Any person or Solid Waste Enterprise receiving payment for providing regular Solid Waste Handling Services must have an exclusive Franchise or contract with the County, unless such services are being provided by a person or Solid Waste Enterprise on behalf of a Collector pursuant to a written agreement or contract and provided that such services are authorized pursuant to the terms and conditions of the exclusive Franchise or contract. Payment of services includes any type or manner of payment by a person or responsible party to a person or Solid Waste Enterprise providing Regular Solid Waste Handling Services, including, but not limited to, payment for the Collection or transportation of Solid Waste, payment for the rent or lease of a Container, or payment for the cost of disposal at an authorized disposal site. In addition, any person or responsible party who receives a discount of, or a reduction in, the Collection service rate, or who pays a person or Solid Waste Enterprise a consulting charge, fee or other tangible consideration shall be considered to be making a payment for purposes of this section. Regular Residential and Commercial Solid Waste Handling Services may include the Collection and transportation of Recyclables. The Franchise or contract shall contain, at a minimum, the following:
 - (1) Collection rates by categories, such as Single-Family, Residential, Multi-Family Residential and various Commercial rate categories;

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- (2) A solid waste program fee to be paid to the County in an amount as may be determined by the Board; provided, however, that 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 solid waste program fee in an amount equal to two percent of his or her total billings less refunds to customers for the previous month for Regular and Unscheduled Solid Waste Handling Services, excluding Recyclables, 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 (c) of Section 17-4 of this chapter.
- (b) A Collector authorized by this section to provide Collection and transportation of Recyclables shall also be designated as the Authorized Recycling Contractor.
 - (1) In the event the Board does not include the Collection and transportation of Recyclables in the exclusive Franchise or contract for the provision of Regular Solid Waste Handling Services as provided in this section, the Board, by resolution, shall determine the following: whether such recycling services shall be provided, and whether the services are to be provided by means of nonexclusive Franchise, contract, license, or permit, either with or without competitive bidding, or if in the opinion of the Board, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive Franchise, contract, license, or permit, either with or without competitive bidding.
 - (2) Nothing in this section is intended to revoke, modify, amend, or affect any right or duty of any person who has a valid Franchise, contract, license, or permit issued by the Board, to Collect and transport Recyclables in the County.
 - (c) The Board shall establish, by resolution, geographic zones or territories for the provision of regular Residential and Commercial Solid Waste Handling Services. The Board shall specify in each exclusive Franchise or contract the zone within which each Collector shall operate, and no other person or Collector shall provide Regular Solid Waste Handling Services within such zone unless otherwise authorized by this chapter.
 - (1) It shall be the policy of the County of Santa Barbara that a minimum number of Collectors is not required to provide Regular Solid Waste Handling Services within the unincorporated area of the county, and the Board shall have the discretion to award Franchise agreements for all zones to one single Collector or multiple Collectors. Nothing in this section shall be construed to prevent the County from terminating a Franchise or contract with a Collector or seeking a new Collector to provide Solid Waste Handling Services in any zone or territory.
 - (2) Notwithstanding any language to the contrary in this section, the Board may authorize another Collector or any other Solid Waste Enterprise to provide emergency Regular Solid Waste Handling Services for a period not to exceed one hundred eighty days when a Collector's Franchise or contract is terminated pursuant to Section 17-86 of this chapter, or the Public Works Director may authorize another Collector or any other Solid Waste Enterprise to provide emergency Regular Solid Waste Handling Services for a period not to exceed sixty days when a Collector, for any reason whatsoever, fails, refuses or is unable to provide Regular Solid Waste Handling Services for a period of more than forty-eight hours, and the Director determines there is a danger to the public health, safety, or welfare.
 - (3) A Collector authorized by this section may also provide Unscheduled Solid Waste Handling services in any zone or zones pursuant to the terms and conditions of Article III of this chapter.
 - (4) The Board may, but shall not be required to, consider the following factors in determining the boundaries of the geographic zones: the volume, density and distribution of commercial and residential development; proximity to Authorized Solid Waste Facilities; the relative efficiencies

of potential Collection routes; cost factors associated with Collection, transportation, and disposal of Solid Waste; historical use; and other such factors as the Board deems relevant to insure that Regular Solid Waste Handling Services are continuously provided to the public in a safe, adequate, reliable and efficient manner.

- (d) The Board may, by resolution, call for bids for the granting of an exclusive Franchise(s) or contract(s) for Regular Commercial and Residential Solid Waste Handling Services pursuant to division 30, part 8, chapter 3, commencing with section 49200 et seq., of the Public Resources Code, as it may be amended time to time.
- (e) No person, other than an Authorized Recycling Contractor, shall remove Recyclables which have been placed at a designated recycling Collection location. Any and each such Collection in violation hereof shall constitute a separate and distinct offense punishable in accordance with this chapter.
 - (1) Nothing in this chapter shall limit the right of a person, organization or other entity to donate or sell Source-Separated Recyclables generated by such person, organization, or entity.
 - (2) Nothing in this chapter shall limit the right of a business or other commercial enterprise which maintains its own recycling operation to transport Recyclables generated by such business or commercial enterprise to the location of such recycling operation.
- (f) A Collector providing Regular Solid Waste Handling Services shall comply with the requirements of Article I, Section 17-20 of this chapter at all times during the term of the Franchise or contract.
- (g) All fees received pursuant to this section shall be deposited to the Solid Waste enterprise fund or to such other fund as the Board may designate.

SECTION 2. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after its passage a summary of it shall be published once together 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.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By _____
Deputy County Counsel