

EXHIBIT A

ORDINANCE NUMBER:

AN ORDINANCE AMENDING CHAPTER 17 OF THE SANTA BARBARA COUNTY CODE ENTITLED "SOLID WASTE SERVICES" TO ENSURE THE RECYCLING OF CONSTRUCTION AND DEMOLITION WASTE THROUGHOUT THE UNINCORPORATED COMMUNITIES OF SANTA BARBARA COUNTY AND TO MAKE OTHER MINOR AMENDMENTS TO CHAPTER 17.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

ALL SECTIONS.

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

SECTION 17-23.

A new section is added titled: "17-23 Construction & Demolition Waste" that includes the following paragraph:

"To assist the County in maintaining compliance with AB 939: The Integrated Waste Management Act which requires the diversion of at least 50% of all waste generated, the County specifically requires 50% of all Construction & Demolition waste to be recycled."

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."

...

"(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.”

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 a minimum of 50% of all solid waste collected from landfills. 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.”

This new section adds accountability for the unscheduled permit holder to the new recycling requirement:

“The accounting of a collector shall be conducted as an independent entity, and the assets, liabilities, revenues, expenses and net worth shall not be combined, consolidated or in any way incorporated with those of any other operation. A collector may be required to provide to the Resource Recovery & Waste Management Division an annual notarized statement of the collector’s manager, or other responsible officer of the collector, showing in detail the gross revenues, number and location of customers arising from the operations pursuant to the permit for the previous year. 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. Nothing in this section shall be construed to require a collector to establish a separate legal business entity in order to comply with the accounting requirements of this section. (Ord. No. 4188, § 2)”

SECTION 17-47.

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

This section is deleted and reserved.

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”

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