

Attachment A
ORDINANCE NO. 5151

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. Chapter 17, Solid Waste Services, of the Santa Barbara County Code is hereby amended to read as follows:

Chapter 17. Solid Waste Services

Article I. In General

Sec. 17-1. Definitions.

Sec. 17-2. Findings and purpose.

Sec. 17-3. Method and manner of providing Solid Waste Handling Services.

Sec. 17-4. Rights and duties of Licensees.

Sec. 17-5. Business license required.

Sec. 17-6. Authority to require Collection arrangements.

Sec. 17-7. Mandatory service in Isla Vista.

Sec. 17-8. Containers.

Sec. 17-9. Owner or responsible party to maintain premises free of Litter and Solid Waste.

Sec. 17-10. Unlawful acts.

Sec. 17-11. Scavenging prohibited.

Sec. 17-12. Disposal sites and Authorized Solid Waste Facilities.

Sec. 17-13. Records.

Sec. 17-14. Categories.

Sec. 17-15. Household Hazardous Waste collection.

Sec. 17-16. Right of person and responsible party to dispose of Solid Waste.

Sec. 17-17. Ownership of Solid Waste placed for collection.

- Sec. 17-18. Ownership of Recyclables.**
- Sec. 17-19. Compliance with regulations.**
- Sec. 17-20. Bonds, indemnification and insurance.**
- Sec. 17-21. Spills.**
- Sec. 17-22. Authority of Resource Recovery and Waste Management Division.**
- Sec. 17-23. Construction and demolition waste.**
- Secs. 17-24 through 17-28. Reserved.**

Article II. Regular Solid Waste Handling Services

- Sec. 17-29. Exclusive Franchise or contract for regular Residential and Commercial Solid Waste collection.**
- Sec. 17-30. Regular Solid Waste Handling Services.**
- Sec. 17-31. Civil action by Authorized Recycling Contractor.**
- Sec. 17-32. Financial reports.**
- Sec. 17-33. Authority to levy collection and transfer fees.**
- Sec. 17-34. Liability for fees.**
- Sec. 17-35. Minimum standards for collection Trucks.**
- Sec. 17-36. Maintenance of collection Trucks.**
- Sec. 17-37. Identification of collection Trucks.**
- Sec. 17-38. Noise during compaction process.**
- Sec. 17-39. Collector's equipment.**
- Secs. 17-40 through 17-43. Reserved.**

Article III. Unscheduled Solid Waste Handling Services

- Sec. 17-44. Nonexclusive permit for Unscheduled Solid Waste Handling Services.**
- Sec. 17-45. Unscheduled Solid Waste Handling Services.**
- Sec. 17-46. Financial reports.**
- Sec. 17-47. Reserved.**
- Sec. 17-48. Minimum standards for Containers.**
- Sec. 17-49. Maintenance of Containers.**
- Sec. 17-50. Identification of Containers.**
- Secs. 17-51 through 17-54. Reserved.**

Article IV. Fees for Use of County-Owned and/or Operated Solid Waste Facilities

- Sec. 17-55. Options and rates.**
- Sec. 17-56. Board to adjust fees.**
- Sec. 17-57. Receipt to be given; fee schedule to be posted.**
- Sec. 17-58. Refuse checker to set fee; protest and appeal.**
- Sec. 17-59. Late charges.**
- Secs. 17-60 through 17-64. Reserved.**

Article V. Abatement of Nuisance

- Sec. 17-65. Applicability of article.**
- Sec. 17-66. Public Nuisance declared.**
- Sec. 17-67. Notice to owner or responsible party.**
- Sec. 17-68. Hearing.**
- Sec. 17-69. Order to abate.**
- Sec. 17-70. Cleanup procedure; director authorized to expend funds, contract, etc.**
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- Sec. 17-72. Evidence of property ownership.**
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Article VI. Enforcement and Penalties

- Sec. 17-77. Authorization.**
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- Sec. 17-80. Referral for legal action.**
- Sec. 17-81. Civil remedies and penalties.**
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- Sec. 17-84. Remedies cumulative.**
- Sec. 17-85. Recovery of costs and fees.**
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Article VII. Mandatory Organic Waste Disposal Reduction Ordinance

Sec. 17-90. Purpose and findings.

Sec. 17-91. Requirements for Single Family Generators.

Sec. 17-92. Requirements for Commercial Businesses.

Sec. 17-93. Wavers for Generators.

Sec. 17-94. Requirements for Specific Entities.

Sec. 17-95. Enforcement.

Sec. 17-96. Effective date.

Sec. 17-97 through 17-99 Reserved.

Article I. In General

Sec. 17-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section, and words and phrases not ascribed a meaning herein below shall be interpreted consistent with the definitions set forth in Public Resources Code, commencing with section 40100, the Health and Safety Code commencing with section 25110, and title 14 California Code of Regulations commencing with section 17225, and section 18982, as these sections may be amended from time to time:

"Act" means the California Integrated Waste Management Act of 1989, and all regulations adopted under that legislation, as they may be amended from time to time.

"Agricultural Solid Waste" means waste resulting from the production and processing of farm or agricultural products, including, but not limited to, manures, bedding straw, prunings and crop residues.

"Authorized Recycling Contractor" means a collector authorized by franchise or contract by the County to collect and transport recyclables in the unincorporated area of the County.

"Authorized Solid Waste Facility" means any site, facility, location, or premises permitted by law to be used for the processing and/or disposal of solid waste, including but not limited to, a solid waste transfer or processing station, a landfill, a composting facility, a transformation facility, or a disposal facility.

"Board" means the Santa Barbara County Board of Supervisors.

"Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste. It includes:

- Source separated recyclable materials
- Non-organic recyclables - non-putrescible and non-hazardous recyclable wastes, including, but not limited to glass, metal, plastic, etc. as defined in 14 CCR Section 18982(a)(43)

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- Source separated blue container organic waste (SSBCOW) – organic recyclables such as fibers and cardboard

“Brown Container” means a container used for collecting food waste that is source separated from green and yard waste.

“CalGreen Construction Waste Management Requirements” refers to the standards and requirements set forth in the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations.

“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing recycling and solid waste related Regulations on Jurisdictions (and others).

“Collection” or “Collect” means the act of collecting Solid Waste for transportation to an Authorized Solid Waste Facility by an approved Collector, and may include the separate collection of Recyclables and/or Compostables.

“Collector” means the County, another local agency, a person, persons or other entity authorized by the County by franchise, contract, or permit to provide Solid Waste Handling Services within the unincorporated area of the County.

“Commercial Bin” means a bin provided by a Collector, usually two cubic yards or greater capacity, for the deposit of Solid Waste or Recyclables for Collection at Commercial or Multi-Family residential premises.

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined by the Rules and Regulations of Chapter 17 or as otherwise defined in 14 CCR Section 18982(a)(73) and (74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

“Commercial Premises” means all premises in the County other than Residential premises, including premises owned and operated by governmental entities, where Solid Waste is generated or accumulated.

“Compliance Review” means a review of records by the County to determine compliance with this ordinance.

“Community Composting” means any activity that composts green waste, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

"Compostables" means Solid Waste which is subject to being converted to Compost, and which is Source-Separated from the Solid Waste stream or separated at a centralized facility, and includes vegetable, yard, paper, and wood wastes which are not Hazardous Waste.

"Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

"Container" means any bin, cart, can, or receptacle approved by the Resource Recovery and Waste Management (RR&WM) Division to be used for collecting Mixed Wastes, Organic Wastes or Recyclables for removal, whether owned by the Collector, property owner, or tenant.

"Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

"Contact Water" means water that has come in contact with waste and may include leachate.

"Contamination" or "Contaminants" has the same meaning as "prohibited 15 container contaminants" as defined in Section 18982(a)(55).

"C&D" means construction and demolition debris also known as "construction waste."

"County" means the County of Santa Barbara.

"Covered Container" means a container that is covered to prevent the migration of litter from the container, excessive infiltration of precipitation, odor and leachate production, and to prevent access by animals and people; thereby controlling litter, scavenging, and illegal dumping of prohibited wastes. Covers may include, but are not limited to, tarpaulins or similar materials.

"Department" means the Department of Public Works of the County of Santa Barbara.

"Designated Recycling Collection Location" means the place where the board of supervisors has designated an Authorized Recycling Contractor to pick up Recyclables and will customarily be the curbside of Residential premises and the service alley of Commercial Premises.

"Designated Source Separated Organic Waste Facility", as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:

- (1) The facility is a "transfer/processor," as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
 - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility".
- (2) The facility is a "composting operation" or "composting facility" as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

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- (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility." For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

"Designee" means an entity that the County contracts with or otherwise arranges to carry out any of the County's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

"Director" means the director of the Department of Public Works or any person in the Department authorized by the Director or the Board to act in his or her capacity.

"Disposal Site" means the place, location, tract of land, area, or premises in use, intended to be used, or which has been used for the landfill of Solid Wastes. "Disposal site" includes Solid Waste landfill, as defined in Public Resources Code section 40195.1.

"Direct Transfer Facility" means a transfer facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of Solid Waste per operating day but less than 150 tons of Solid Waste and meets all of the following requirements:

- (A) is located on the premises of a duly licensed Solid Waste hauling operator;
- (B) only handles Solid Waste that has been placed within covered containers or vehicles prior to entering the facility and that is transported in vehicles owned or leased by that same operator;
- (C) the facility does not handle, separate, or otherwise process the Solid Waste;
- (D) no waste is stored at the facility for more than any 8-hour period;
- (E) Solid Waste is transferred only once and directly from one covered container or vehicle to another covered container or vehicle so that the waste is never put on the ground or outside the confines of a container or vehicle, before, during, or after transfer. Direct transfer would not include top loading trailers where the Solid Waste actually leaves the confines of the collection vehicle and is suspended in air before falling into a transfer vehicle;
- (F) all of the contents of the original transferring container or vehicle must be emptied during a single transfer; and
- (G) any waste that may unintentionally fall outside of the containers or vehicles, is promptly cleaned up and replaced within the container or vehicle to which it was being transferred.

"DTSC" means Department of Toxic Substances Control.

"EA" means enforcement agency as defined in PRC section 40130.

"Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

"Emergency Transfer/Processing Operation" means an operation that is established because there has been a proclamation of a state of emergency or local emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1 3 (j) and (k) and which meets all of the following requirements:

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- (A) the operation handles only disaster debris and other wastes, in accordance with section 17210.1(d), during the disaster debris recovery phase; and
 - (B) the location does not currently have a Solid Waste facility permit;
 - (C) if the operation accepts, processes, or stores hazardous or household Hazardous Waste, then these activities must be in compliance with DTSC standards or standards of other appropriate authorities or agencies.

"Environmental Health Officer" means the Environmental Health Officer of Santa Barbara County.

"Enforcement Action" means an action of the County to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

"Excluded Waste" means hazardous substance, Hazardous Waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the County and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the County's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the County, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for Collection through the County's Collection programs and the generator or customer has properly placed the materials for Collection pursuant to instructions provided by the County or its Designee for Collection services.

"Farm" or "Ranch" means property that is devoted primarily to commercial agricultural purposes, including, but not limited to, the feeding and raising of livestock or poultry.

"Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

"Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

"Food Recovery" means actions to Collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

"Food Recovery Organization" means an entity that engages in the Collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (A) A food bank as defined in Section 113783 of the Health and Safety Code;
- (B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- (D) A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (E) If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

“Food Recovery Service” means a person or entity that Collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

“Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food Waste” means food scraps, and food-soiled paper.

“Franchise” means the right and privilege pursuant to a duly executed franchise agreement to Collect and transport to a permitted transfer station, landfill or other authorized Recycling, Mulching or Composting facility as determined by the county, all Solid Waste kept, generated and/or accumulated within the county, or a designated portion thereof, and may include the separate Collection of Recyclables, Mulching and/or Compostables.

“Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

“Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste (SSGCOW).

“Green Waste” means tree trimmings, grass cuttings, dead plants, leaves, branches, dead trees, and bedding straw.

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“Gross Revenues” shall have the meaning as defined in the franchise or contract between the County and a Collector, or as otherwise determined by the Board.

“Hazardous Wastes” means any waste which meets the definitions set forth in 15 Title 22, Section 66261.3, et seq. and is required to be managed.

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the County’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed Waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Indoor Furniture” means any upholstered couch, sofa, chair, footrest, ottoman or similar furniture.

“Inspection” means a site visit where the County reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Incompatible Material” or “Incompatibles,” means human-made inert material, including, but not limited to, glass, metal, plastic, and also includes organic waste for which the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to perform organic waste recovery activities as defined in Section 18983.1(b) of Article 2, Chapter 12.

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

(A) In determining the tonnage of Solid Waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the Solid Waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the facility does not weigh the Solid Waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, including but not limited to a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

“Licensee” means a person who possesses a valid, unexpired license to collect, haul, or transport Solid Waste in the County.

“Limited Volume Transfer Operation” means an operation that receives less than 60 cubic yards, or 15 tons of Solid Waste per operating day for the purpose of storing the waste prior to transferring the waste to another Solid Waste operation or facility and which does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator.

(A) In determining the tonnage of Solid Waste received by the operation, the following materials shall not be included: materials received by a recycling center located within the operation, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the Solid Waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the operation does not weigh the Solid Waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

“Litter” means all Solid Waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area of a Solid Waste management facility to a . Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum,

glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

"Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

"Mattress" means any bed, mattress, foam pad or box spring that is comprised in whole or in part of cloth, leather or synthetic coverings, springs, cushions or padding.

"Medium Volume Transfer/Processing Facility" means a facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of Solid Waste per operating day but less than 100 tons of Solid Waste, for the purpose of storing or handling the waste prior to transferring the waste to another Solid Waste operation or facility; or a facility that receives any amount of Solid Waste, up to 100 tons per operating day, for the purpose of processing Solid Waste prior to transferring the waste to another Solid Waste operation or facility.

(A) In determining the tonnage of Solid Waste received by the facility, the following materials shall not be included: materials received by a recycling center located 20 within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the Solid Waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the facility does not weigh the Solid Waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

"Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a Container that is required by Section 18984.1, 18984.2, or 18984.3 to be transported to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

"Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

"MWELo" refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

"Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

"Non-Local Entity" means the following entities that are not subject to the County's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

(1) Special district(s) located within the boundaries of the County, including Laguna County Sanitation District, Santa Barbara County Flood Control and Water Conservation District, Santa Barbara County Water Agency.

(2) Federal facilities, including military installations, located within the boundaries of the County, including but not limited to Vandenberg Space Force Base.

(3) Prison(s) located within the boundaries of the County, including the Federal Correctional Institution Lompoc.

(4) Facilities operated by the State park system located within the boundaries of the County, including but not limited to State beaches.

(5) Public universities (including community colleges) located within the boundaries of the County, including the University of California at Santa Barbara (UCSB), Alan Hancock College, and Santa Barbara City College (SBCC).

(6) County fairgrounds located within the boundaries of the County, including but not limited to Earl Warren Showgrounds and the Santa Maria Fair Park.

(7) State agencies located within the boundaries of the County.

"Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

"Onsite" means located within the boundary of the operation or facility.

"Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

"Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

"Organic Waste Recovery Activity" includes but is not limited to the processing, anaerobic digesting, aerobic digesting, or composting of Organic Waste, Mixed Waste, or other Organic Waste deemed acceptable by an operational composting operation within the County.

"Permittee" means a person who has been granted a permit as described in this chapter to provide Unscheduled Solid Waste Handling Services.

"Person" means every natural person, firm, partnership, association or corporation.

"Place" or "Premises" means every dwelling house, dwelling unit, apartment house or multiple dwelling unit, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing, or assembling shop or plant, and every other place or premises where any person resides, or any business is carried on or conducted within the county or any other site within the county upon which Solid Waste is produced or accumulates.

"Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause Nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to Food Wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling Putrescible Wastes.

"Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the County's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the County's Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the County's Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

"Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

"Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

"Recyclables" means Solid Waste which is subject to recycling as determined by the Resource Recovery and Waste Management (RR&WM) Division.

"Refuse Checker" means a County employee designated by the Resource Recovery and Waste Management Division to determine and collect fees at a county-owned and/or operated Solid Waste facility.

"Regular Solid Waste Handling Services" means those services for the prearranged and scheduled. "Regional Agency" means regional agency as defined in Public Resources Code Section 40181.

"Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

"Remnant Organic Material" means the Organic Waste that is collected in a Gray Container that is part of the Gray Container Collection stream.

"Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

"Residential" means Single-Family residences and Multi-Family residences, including apartments and condominiums, but does not include hotels or motels.

"Resource Recovery and Waste Management Division" means the Resource Recovery and Waste Management Division of the Department of Public Works of Santa Barbara County.

"Responsible Party" means every owner, tenant, lessee, occupant or other person responsible for the day-to-day operation or otherwise in charge of any Residential or Commercial Premises in the unincorporated area of the County, including the proprietor or manager of any Commercial Premises.

"Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

"Roll-off Container" means a Container which is designed to be loaded and unloaded from a truck, supported on casters, used to Collect and transport Solid Waste from Residential or Commercial Premises, and approved by the Resource Recovery and Waste Management Division. "Salvaging" means the controlled separation of Solid Waste materials which do not require further processing, for reuse or recycling prior to transfer activities.

"SB1383" "SB 1383 Regulations" or "SB 1383 Regulatory" requirements refer to Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR

"Scavenging" means the uncontrolled and/or unauthorized removal of Solid Waste materials.

"Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or Recyclable material he or she has generated to another person. Self-Hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

"Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.

"Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all Putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts

thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous Waste, as defined in the Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

In mandatory service areas, "Solid Waste" shall also include all Indoor Furniture and Mattresses that are temporarily or permanently placed outside or beyond the exterior walls of any Residential or Commercial structures unless such furniture or Mattress is placed in a lawful storage bin.

"Solid Waste Enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing Solid Waste handling services.

"Solid Waste Handling Service" means the Collection, transportation, storage, transfer, or processing of Solid Wastes.

"Source Separated Blue Container Organic wWaste (SSBCOW) means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

"Source Separated" means materials, including commingled Recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Chapter, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.

"Standard Compliance Approach" means the method for complying with the SB 1383 regulations through implementation of Organic Waste Collection programs and policies in accordance with 14 CCR Division 7, Chapter 12, Article 3 and associated requirements. Generally, all provisions in the SB 1383 Regulations, other than 14 CCR, Division 7, Chapter 12, Article 17, apply to the Standard-Compliance Approach.

"Tier 1 Commercial Edible Food Generator" means a particular commercial establishment that generates edible food as defined by SB 1383 and 14 CCR Section 18982(a)(73), including but not limited to;

- Supermarkets with revenue \geq \$2 million defined in SB 1383 as, a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items
- Grocery Stores with Facilities \geq 10,000 sq. ft
- Food Service Providers defined in SB 1383 as, an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations

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- Food Distributors as defined in SB 1383 as, a company that distributes food to entities including, but not limited to, supermarkets and Grocery Stores
 - Wholesale Food Vendors as defined in SB 1383 as, a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination

“Tier 2 Commercial Edible Food Generator” means a particular commercial establishment that generates Edible Food as defined by SB 1383 and 14 CCR Section 18982(a)(74), including but not limited to;

- Restaurants with Facilities \geq 5,000 sq. ft. or 250+ seats
- Hotels with an On-Site Food Facility and 200+ Rooms
- Health Facilities with an On-Site Food Facility and 100+ Beds
- Large Venues
- Large Events as defined in SB 1383 as, an event, including, but not limited to, a sporting event, a flea market or a festival, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event
- State Agency Cafeterias with Facilities \geq 5,000 sq. ft. or 250+ seats
- Local Education Agency with an On Site Food Facility
- Non-Local Entities

"Truck" means any truck, trailer, semi-trailer, conveyance, or vehicle approved by the County Resource Recovery and Waste Management Division used to Collect, hold, or transport Solid Waste, including Recyclables and/or Compostables upon and along the streets, roads, and highways of the county.

"Unscheduled Solid Waste Handling Services" means those services that are not Regular Solid Waste Handling Services.

"Wood Waste" means Solid Waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

"Zone" means a geographic territory established by the County pursuant to the provisions of this chapter for the Collection, disposal, regulation, and control of Solid Waste.

Sec. 17-2. Findings and purpose.

Solid Waste Handling Services, including the Collection, transportation, storage, transfer, and processing of Solid Wastes, Recyclables and Compostables are so closely intertwined with the protection of the health, safety and welfare of the residents of this County that the Board of Supervisors finds that such Solid Waste Handling Services provided by private Solid Waste Enterprises require government regulation and monitoring. The Board further finds it is in the public interest to foster and encourage Solid Waste Enterprises so that, at all times, there will continue to be competent enterprises willing and financially able to furnish needed Solid Waste Handling Services. The purpose of this chapter is to insure that Solid Waste Handling Services are continuously provided to the public in a safe, adequate, reliable and efficient manner.

Sec. 17-3. Method and manner of providing Solid Waste Handling Services.

- (a) The Board shall establish the method and manner by which Solid Waste Handling Services are provided within the unincorporated areas of the County, including but not limited to, the hours, days and frequency of Collection, means of Collection and transportation, level of services, charges and fees, and nature, location, and extent of providing Solid Waste Handling Services.
- (b) It is the intention of the County to assure the provision of Solid Waste Handling Services within the unincorporated area of the County in accordance with this chapter, and with such rules, regulations and specifications for Solid Waste Handling Services as may be recommended by the Resource Recovery and Waste Management Division and adopted by the Board, the provisions of any resolution of the Board of Supervisors, any condition and term of any Collection franchise, contract, or permit granted by the County to a collector pursuant to this chapter, and all other applicable laws.
- (c) The franchise, contract, or permit shall be granted on such terms and conditions as the Board shall establish in its sole discretion.
- (d) The Collector authorized by Franchise, contract, or permit may be required to assist the County in performing designated tasks in connection with Solid Waste generation studies, waste stream audits, preparation of state-mandated documents and to implement measures and recordkeeping to achieve the county's integrated Solid Waste management goals as mandated by the Act.

Sec. 17-4. Rights and duties of Licensees.

- (a) This chapter is not intended to revoke, modify, amend, or affect any right or duty of a Licensee who possesses a valid, unexpired license to Collect, haul, or transport Solid Waste in the County issued by the Board on or before December 31, 1994. Any such right or duty shall remain in full force and effect 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 this section.
- (b) A Licensee shall not be precluded from becoming a Collector as authorized by this chapter.
- (c) The County and a Licensee may contract, upon mutually satisfactory terms, for the termination of the license before the expiration of the license period.

Sec. 17-5. Business license required.

No Collector shall provide Regular or Unscheduled Solid Waste Handling Services within the unincorporated areas of the County without possession of a valid business license provided such license is required pursuant to chapter 22 of this Code. In addition, the business entities listed in subsection (k), paragraphs (1) and (2) of section 17-44 of this Code shall also be required to possess such a business license provided such license is required pursuant to chapter 22 of this Code.

Sec. 17-6. Authority to require Collection arrangements.

The Board of Supervisors, by ordinance or resolution, may require that any person or responsible party residing in or occupying any dwelling unit or other premises located within any area of the unincorporated territory of the County which is within urban boundary lines or developed rural areas, as designated in the adopted County general plan as amended from time to time, shall subscribe to the service of an authorized Collector. However, upon written application from the person or responsible party, the Director, or his or her designee, may waive such requirement if it is found that it is infeasible or unnecessary to maintain the required service level.

Sec. 17-7. Mandatory service in Isla Vista.

- (a) Every owner of a multiple-unit dwelling in Isla Vista shall provide Solid Waste Handling Service for each unit in an amount equivalent to one 32-gallon container twice per week per bedroom per unit; however, no more than seven 32-gallon containers shall be used to provide this level of service. If more than seven 32-gallon containers are required, then the owner or responsible party shall provide the equivalent container volume through the use of a Commercial Bin or Bins. The owner or responsible party shall subscribe to the service of an authorized Collector for this purpose.
- (b) Every owner of a Single-Family dwelling in Isla Vista shall provide Solid Waste Handling Service in the amount equivalent to one 32-gallon container twice per week. The owner or responsible party shall subscribe to the service of an authorized Collector for this purpose.
- (c) The Director may direct the authorized Collector to provide the required level of service mandated by this section if the owner or responsible party fails to provide such service. The authorized Collector shall bill the owner or responsible party for the cost of such service.
- (d) Upon written request by the Collector, the County is authorized to reimburse the Collector for the costs of providing the required level of service mandated by subsections (a) and (b) of this section if the owner or responsible party fails to pay the Collector within sixty days (60) after payment is due. Any and all costs reimbursed to a Collector pursuant to this subsection shall be recoverable against the owner or responsible party by the County pursuant to Article VI of this chapter and any other applicable provision of law.
- (e) Rates charged by the authorized Collector in Isla Vista may be calculated to include the cost of any extra service required due to temporary increases in population or in the amount of Solid Waste generated in the area resulting from special events or other causes.
- (f) The failure of the owner or responsible party to comply with this section shall constitute a public nuisance. The County may proceed against the owner or responsible party to abate such a public nuisance pursuant to Article V of this chapter.

Sec. 17-8. Containers.

- (a) It is the duty of every responsible party to keep Containers in good condition and in a suitable place readily accessible to the Collector for removing and emptying the same. Excepting placement at the curbside pickup site on scheduled collection day(s), such Containers shall be maintained on the property out of public view and not placed within the limits of any street, public right-of-way or other public place in the county or in such a place or manner as to constitute a Nuisance.
- (b) No Container shall be placed adjacent to a street or public right-of-way for collection service more than twenty-four (24) hours prior to the normal Collection time, and shall be removed from said location within twelve hours (12) after collection.
- (c) Unless otherwise authorized by this chapter or by the terms of a Franchise or contract between the County and a Collector, in areas where the responsible party supplies the Containers, no Container shall exceed thirty-two (32) gallons gross capacity nor sixty pounds (60) when filled. Liquid, toxic, or Hazardous Waste shall not be disposed of in any Container.
- (d) Every responsible party shall deposit all Solid Waste or cause all Solid Waste generated on the premises to be deposited in Containers or Commercial Bins with covers that fit tightly to keep flies and other insects out and as otherwise approved by the Resource Recovery and Waste Management Division and/or the Collector.
- (e) No person shall maintain or place for Collection any Container not in conformance with the Container or Commercial Bin approved by the Resource Recovery and Waste Management Division and/or the Collector.

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- (f) All persons occupying Multi-Family residences must mark their Containers so that the ownership thereof will be known.
 - (g) The Collector shall maintain in good repair and replace, as necessary, Containers and Commercial Bins furnished to customers.
 - (h) Unless otherwise authorized by this chapter or by the terms of a Franchise or contract between the County and Collector, no person shall place in a Commercial Bin any liquid, toxic or Hazardous Waste, an object which weighs more than one hundred fifty (150) pounds or prevents the closing of its cover, or a load in excess of five hundred (500) pounds per cubic yard.
 - (i) All Commercial Bins must display "NO LIQUID, TOXIC OR HAZARDOUS WASTE" in letters at least four inches high, or a comparable display approved by the Resource Recovery and Waste Management Division, clearly visible to any user. The required warning hereunder must be maintained in a legible condition at all times.
 - (j) Notwithstanding any language to the contrary in this chapter, the County reserves the right and authority to determine and impose appropriate terms and conditions upon Collectors of regular Residential and Commercial Solid Waste in order to facilitate the implementation of automated Solid Waste collection services throughout all or portions of the unincorporated area of the County.

Sec. 17-9. Owner or responsible party to maintain premises free of Litter and Solid Waste.

- (a) Except as otherwise provided in subsection (b) of this section, the owner or responsible party in control of any Commercial or Residential premises or private property shall at all times maintain the premises or private property free of Litter or Solid Waste, provided however, this section shall not prohibit the storage of Litter and Solid Waste in authorized Containers or Commercial Bins.
- (b) The owner or responsible party in control of any rural Commercial or Residential premises or private property shall not be responsible for the removal of Litter or Solid Waste, excepting Hazardous Waste, low-level radioactive waste and sewer sludge, nor shall such owner or responsible party be subject to the provisions of Article V, if the County Public Works Director determines all of the following conditions exist:
 - (1) The Litter or Solid Waste is located within one hundred feet of, or in steep areas, clearly originating from, a public roadway;
 - (2) The Litter or Solid Waste has been dumped, thrown, deposited or left on the premises or private property of the owner or responsible party by another person or persons;
 - (3) The Litter or Solid Waste has not been produced or created on the subject premises or private property of the owner or responsible party;
 - (4) The Litter or Solid Waste has not been produced or created by the owner or responsible party, regardless of the situs or origin of the Litter or Solid Waste;
 - (5) The owner or responsible party provided the county reasonable ingress to and egress from the premises or private property to allow the County to abate the public Nuisance.

For purposes of this section, the term "rural" shall have the same meaning as "inner-rural area" and "rural area" as defined in the Santa Barbara County comprehensive plan and "rural" as defined in the Santa Barbara County coastal plan, as these plans may be amended from time to time.

Sec. 17-10. Unlawful acts.

It shall be unlawful for any person to:

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- (a) Place Solid Waste in, or otherwise use the Containers of another person, without the permission of such other person;
 - (b) Remove or Scavenge any Solid Waste Recyclables from any Container or Commercial Bin;
 - (c) Place, keep or bury any Solid Waste, in or under any premises except in Containers as provided in this chapter; nor shall any person deposit any Solid Waste in any County sewer or plumbing fixture or pipe connected thereto, except through a mechanical device which shreds and grinds Putrescible Solid Waste;
 - (d) Place or permit to be placed in any receptacle or Container located in any public place and owned or maintained by the County, any Residential or Commercial Solid waste. Such receptacles or Containers shall be used only for occasional Solid Waste disposal to avoid the littering of streets and other public places;
 - (e) Have on site at any one time, a backyard composting bin with more than fifteen cubic (15) yards of any combination of green material feedstock, food processing residue feedstock, active compost, and stabilized compost;
 - (f) Deliberately interfere with or prevent removal or transportation of Solid Waste from premises within the Collector's authorized zone to an Authorized Solid Waste Facility;
 - (g) Throw or deposit Litter on any open or vacant property, or private property within the County except that the owner or person in control of private property may maintain Containers, Commercial Bins or roll-off boxes as provided in this chapter;
 - (h) Burn Solid Waste on private or public property, including, but not limited to any, street, alley, park or other public place in violation of the provisions of the Santa Barbara County Code, or the rules and regulations of the Air Pollution Control District and the County Fire Department as such provisions and rules and regulations may be amended from time to time;
 - (i) Place, or allowed to be placed, animal carcass in a Container;
 - (j) Remove any Container or Commercial Bin from the location in which it was placed for storage or collection of Solid Waste or Recyclables, without the prior approval of the owner or person in control of the private property or the authorized Collector.

Sec. 17-11. Scavenging prohibited.

- (a) No person shall prowl through, search, sort, sift or examine the contents or deposits of Solid Waste at a County-owned and/or operated Solid Waste facility or remove from such Solid Waste facility any Solid Waste deposited therein without specific written authorization from the Director.
- (b) A Collector authorized to engage in Regular Solid Waste Handling Services pursuant to Section 17-29 of this chapter shall be required to transport and process the Solid Waste pursuant to the requirements of this chapter and the terms and conditions of the franchise or contract. It is the intent of this subsection to prohibit a Collector from removing Solid Waste collected pursuant to an exclusive Franchise or contract from a Container or a Truck for the purpose of preventing such Solid Waste from being transported to or unloaded at an Authorized Solid Waste Facility.

Sec. 17-12. Disposal sites and Authorized Solid Waste Facilities.

- (a) The County shall provide disposal site(s) for the disposal of Solid Waste. The Board may, by resolution or ordinance, establish regulations governing the use of any disposal site and the schedule of fees to be paid by persons using the disposal site.

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- (b) The operation of an Authorized Solid Waste Facility shall be governed by the provisions of the Act, the corresponding regulations adopted in title 14 California Code of Regulations, the provisions of this chapter, and all other applicable provisions of law.
 - (c) Nothing in this section shall be construed to preempt, limit or effect in any way the authority of the Board to regulate Solid Waste facilities consistent with all other applicable provisions of law.

Sec. 17-13. Records.

All Collectors shall keep and maintain such operating records as the Resource Recovery and Waste Management Division may require to ascertain the extent of compliance with this chapter and shall, if requested by the Resource Recovery and Waste Management Division, submit periodic reports of such operation. All such records shall be available to the County during the term of the Franchise, contract, or permit, and for five (5) years following the termination of any such Franchise, contract, or permit, for review and audit, by County employees or by its independent agents, during normal business hours.

Sec. 17-14. Categories.

The Board may determine and establish Solid Waste handling categories, including, but not limited to, Residential, Single-Family residential, Multi-Family residential, Commercial, industrial, special, or household Hazardous Waste, and may make or impose Collection requirements and fees which vary among such categories.

Sec. 17-15. Household Hazardous Waste collection.

The Board may award, with or without competitive bidding, one or more separate exclusive or nonexclusive Franchises, contracts, or permits for household Hazardous Waste collection from residential properties. The Franchise, contract, or permit shall be granted on such terms and conditions, including fees and method of collection, as the Board shall establish in its sole discretion.

Sec. 17-16. Right of person and responsible party to dispose of Solid Waste.

- (a) Every person and responsible party shall have the right to dispose of his or her own Solid Waste at an Authorized Solid Waste Facility.
- (b) Each person and responsible party collecting and/or disposing of Solid Waste shall deposit such Solid Waste only at authorized disposal sites, or recycling or composting facilities, and shall not deposit, leave, dump, drop, place or otherwise dispose of Solid Waste upon any street, alley, waterway, or other unauthorized location within the County. In transporting Solid Waste any such person shall take any and all necessary and reasonable steps to guarantee that Solid Waste is not scattered or spilled at any point between the place of collection and the place of disposal, including, but not limited to, securely tying and covering the load, and shall cause the cleanup of any Solid Waste spilled or scattered during collection or transport.

Sec. 17-17. Ownership of Solid Waste placed for collection.

Upon placement of Solid Waste in a Container or Commercial Bin for Regular Solid Waste Handling Services pursuant to article II of this chapter, the Solid Waste shall become the property of the Collector.

Sec. 17-18. Ownership of Recyclables.

Nothing in this section 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 before they are deposited in a Container

or a designated recycling collection location for collection by an authorized recycling contractor. Once Recyclables are deposited in a Container or Commercial Bin or a designated recycling collection location, the Recyclables become the property of the authorized recycling contractor.

Sec. 17-19. Compliance with regulations.

Any Collector authorized by this chapter to provide Solid Waste Handling Services shall Collect, haul and dispose of all such Solid Waste and household Hazardous Waste in strict compliance with all federal, state, and County health laws, ordinances, rules and regulations, and under the supervision and to the satisfaction of the Board.

Sec. 17-20. Bonds, indemnification and insurance.

- (a) Collectors providing Regular Solid Waste Handling Services shall deposit as security with the Resource Recovery and Waste Management Division a cash bond in the minimum sum of one hundred thousand dollars or a valid surety bond in the same amount, or in any greater amount pursuant to the terms and conditions of the Franchise or contract, furnished by a corporate surety admitted to do business in the state, or an irrevocable letter of credit in the same amount, in a form approved by county counsel, payable to the county. The security instrument shall meet or exceed the requirements of the Franchise or contract. The amount of the security required of Collectors providing Unscheduled Solid Waste Handling Services shall be twelve thousand five hundred dollars. The security shall be conditioned upon the full and faithful performance by the Collector of his or her obligations under the applicable provisions of this chapter and shall be kept in full force and effect by the Collector throughout the life of the franchise or contract.
- (1) The security shall guarantee payment to the county to defray costs incurred by the County to correct problems resulting from the negligent or intentional acts or omissions of the collector in violation of applicable provisions of this chapter.
 - (2) Such security shall not limit the County's remedies with respect to any acts or omissions of the Collector which damage the County.
- (b) Each Collector providing Regular and Unscheduled Solid Waste Handling Services shall appear and defend, indemnify and save the County, its officers, employees and agents harmless of and from all claims, demands, actions, or causes of action of every kind and description resulting directly or indirectly, arising out of, or in any way connected with activities of the Collector or its employees, agents and subcontractors, or arising or resulting from the failure of Collector or its employees, agents and subcontractors to comply in all respects with the provisions and requirements of this chapter, and all applicable laws. If the County is required to provide its own defense against any such action or suit, the collector shall reimburse the County for all attorney's fees and other costs incurred by the County. The County shall have the right to select its own counsel for such defense.
- (c) Each Collector providing Regular and Unscheduled Solid Waste Handling Services shall obtain and keep in force during the term of the Franchise, contract, or permit single limit or equivalent public liability insurance for bodily injury or death and property damage arising or resulting from the operations of the Collector, its employees, agents and subcontractors in conducting services covered by such Franchise or contract in an amount not less than one million dollars and workers compensation insurance covering all employees of the holder. Copies of such policies, or certificates evidencing such policies, shall be approved by the County Counsel and filed with the County Clerk, and the County shall be named thereon as an additional insured. All policies shall contain provisions requiring a thirty-day notice to be given to the County prior to cancellation, modification or reduction of limits or failure to renew such insurance, whether by the insurer or the insured, and whether by nonpayment of insurance, false certification or otherwise. No Franchise, contract, or permit shall be granted under the provisions of this chapter, nor shall any such Franchise, contract, or permit be

valid after issuance, unless there is at all times in full force and effect such described liability insurance. To the extent permitted by law, and if approved by the county, all or any part of any required insurance may be provided under a plan of self-insurance.

Sec. 17-21. Spills.

A Collector transporting Solid Waste for appropriate disposal shall take all necessary and reasonable steps to ensure that Solid Waste is not scattered or spilled at any point between the place of collection and the place of disposal, and shall clean up any Solid Waste scattered or spilled during collection or transport.

Sec. 17-22. Authority of Resource Recovery and Waste Management Division.

The Resource Recovery and Waste Management (RR&WM) Division is authorized to make all necessary and reasonable rules and regulations, subject to the approval of the Board of supervisors, regarding all aspects of Solid Waste Handling Services as necessary for the effective and reasonable administration and enforcement of this chapter.

Sec. 17-23. Construction and demolition waste.

To assist the county in maintaining compliance with AB 939: the Integrated Waste Management Act and to conform with the adopted CalGreen Standards, the County specifically requires construction and demolition waste to be recycled to the minimum required by CalGreen Standards.

Secs. 17-24 through 17-28. Reserved.

Article II. Regular Solid Waste Handling Services

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;
 - (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 of two Collectors shall be authorized to provide Regular Solid Waste Handling Services within the unincorporated area of the county at all times. 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.

Sec. 17-30. Regular Solid Waste Handling Services.

Regular Solid Waste Handling Services shall be provided as follows:

- (a) Solid Waste shall be collected from Regular Residential and Commercial Premises not less frequently than once a week.
- (b) Solid Waste shall be collected from Commercial Premises which involve food preparation not less frequently than once a week.
- (c) Subject to the limitations of subsections (a) and (b) of this section, the Board shall have sole authority to determine the frequency of collection of Solid Waste created, produced, or brought upon Commercial, Residential, or Multi-Family residential premises, and the size and number of Bins required.
- (d) Except as provided under subsection (e) of this section, residential Collection shall be made only between the hours of 6:00 A.M. and 6:00 P.M. of any day, Monday through Saturday, except that Collection at Commercial Premises may begin at 5:00 A.M. on any day. An earlier or later Collection time may be authorized only upon prior written approval of the Director which shall include requirements for the Collector to notify the affected customers prior to implementing the change.

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- (e) In order to prevent problems of traffic, noise, wear and tear on the highway, or other problems having the potential to adversely affect health, safety, or the environment which may develop in any specific area as a result of Solid Waste Collection, the Board or its designee may regulate the routes, intervals, delivery points, and times for collection by Collectors operating within the unincorporated area of the County. In the event a Collector's costs associated with any changes authorized by this subsection are increased or decreased, the County and the Collector or Collectors shall have the right to amend or modify the Franchise or contract accordingly.

Sec. 17-31. Civil action by Authorized Recycling Contractor.

Nothing in this chapter shall be deemed to limit the right of an Authorized Recycling Contractor to bring a civil action against any person who violates Section 17-29 of this Code, nor shall a conviction for such violation exempt any person from a civil action brought by an Authorized Recycling Contractor.

Sec. 17-32. Financial Reports.

- (a) 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. The accounting records of a Collector shall be kept on the accrual basis, and the operating year for financial and accounting purposes shall begin on July 1st and end June 30th, except as otherwise provided in writing by the Resource Recovery and Waste Management Division (RR&WM).
- (b) A Collector shall provide the Resource Recovery and Waste Management (RR&WM) Division an annual notarized statement of the Collector's manager, or other responsible officer of the Collector, showing in detail the gross revenues arising from operations pursuant to the Franchise or contract for the previous year.

Sec. 17-33. Authority to levy collection and transfer fees.

- (a) Pursuant to the provisions of the Act, the County may levy fees upon Collectors, persons, responsible parties, and premises for Solid Waste Handling Services, including, but not limited to, Solid Waste Collection and transfer, and the Collection and transfer of Recyclables and/or Compostables. Such fees may include charges for the costs of preparing, adopting and implementing source reduction and recycling elements and integrated waste management plans. The County may determine to collect all or part of such charges on the tax roll, or by such other means as the Board may elect.
- (b) Notwithstanding any other provision to the contrary, the Board may waive any applicable fees for Authorized Recycling Contractors and Collectors of Compostables.
- (c) The Board of Supervisors may establish Solid Waste Collection rates upon recommendation of the Director.
 - (1) In establishing rates or in considering rate increases or decreases, the Board must find that the rates will be just, fair, reasonable and sufficient to provide proper service to the public. The Board may consider the rates charged by other persons performing the same or similar services in similar areas, and may allow for disparity of costs of providing services in the locality served.
 - (2) Factors to be considered shall include the investment in facilities; the services of management; local wage scales; the concentration of customers in the zone serviced; methods of storage, Collection, transportation and disposal; the length of haul to disposal facilities; the cost of disposal; a reasonable return to the owner of the business; the future service demands of the area or site which must be anticipated in equipment, facilities, personnel or lands; extra charges for special Collections or Collections on days when service is not normally provided on a route; extra charges where the type or character of Solid Waste requires special handling or service; and other pertinent factors as the Board may deem necessary to protect the public health, interest, and welfare.

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- (3) The Director may make or may be required by the Board to make an investigation of any proposed rate increases or decreases. Upon completion of this investigation, the Director shall make recommendations to the Board regarding the proposed rate.
 - (4) After considering the recommendation of the Director, the Board may establish uniform rates throughout the County or may establish uniform rates within zones based on the length of haul or other factors which may, in the opinion of the Board, justify establishment of rate differentials.
 - (d) No Collector subject to rate regulation hereunder shall give any rate preference to any person, locality or type of Solid Waste stored, collected, transported or deposited.
 - (e) Nothing in this section is intended to prevent the reasonable establishment of uniform classes of rates based upon length of haul, type of Solid Waste stored, collected, transported or deposited, or the number, type and location of customers served, or upon other factors as long as such rates are reasonably based upon costs of the particular service and are approved by the Board.
 - (f) Rates to be charged for unscheduled service shall be arranged with the customer and shall not be subject to regulation by the County.
 - (g) Neither the County nor any of its officers or employees shall be liable for or in any way responsible for the payments of any service rates or charges due the Collector for performing services for any person or entity other than the County.
 - (h) 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.

Sec. 17-34. Liability for Fees.

- (a) Except as provided in section 17-7, every person or responsible party receiving services of an authorized Collector for Solid Waste Handling Services shall be liable for all fees and charges for such Collection.
- (b) All charges or fees for service by an authorized Collector shall be uniform for the same services as fixed and approved by the Board of Supervisors, except as otherwise provided in this chapter. Any person or responsible party contending that he or she has been required to pay an unauthorized charge for any service may file a written complaint with the Resource Recovery and Waste Management Division (RR&WM), setting forth the facts of such alleged unauthorized charge. The Resource Recovery and Waste Management Division (RR&WM) shall then notify the Collector of such complaint and shall investigate the matter of the complaint and conduct a hearing, if necessary, to determine whether the allegations of the complaint are true. The decision of the Resource Recovery and Waste Management Division (RR&WM) may be appealed to the Board of Supervisors.

Sec. 17-35. Minimum Standards for Collection Trucks.

Any Trucks used for the Collection or transportation of Solid Waste shall be leak proof and equipped with a close-fitting cover or other mechanism which shall be affixed in a manner that will prevent spilling, dropping, or blowing of any Solid Waste upon the public right-of-way during Collection or transportation. Any such Trucks shall comply with the regulations as set forth in the Vehicle Code and this Chapter.

Sec. 17-36. Maintenance of collection Trucks.

All Trucks used for Collection or transportation of Solid Waste shall be maintained in a clean and sanitary condition, neatly and uniformly painted, shall carry a shovel, broom, and fire extinguisher, and shall be washed, cleaned, and disinfected both on the inside and outside at least weekly, or more frequently if necessary to protect public health. The outside of all such Trucks shall be kept free from Solid Waste at all times.

(Ord. No. 4188, § 2)

Sec. 17-37. Identification of Collection Trucks.

Each Collector shall ensure that each Truck used for Collection or transportation of Solid Waste shall have the Collector's or owner's name, telephone number, and truck number printed on each side of all trucks in letters and numbers not less than three inches high.

Sec. 17-38. Noise during compaction process.

The noise level for the Collection Trucks during the stationary compaction process shall not exceed seventy-five decibels at a distance of twenty-five feet from the collection Truck and at an elevation of five feet from the horizontal base place of such trucks.

Sec. 17-39. Collector's equipment.

Each Collector shall provide sufficient Collection equipment in accordance with the terms of the Franchise or contract with the County authorizing such Collector to provide Solid Waste Handling Services.

Secs. 17-40 through 17-43. Reserved.

Article III. Unscheduled Solid Waste Handling Services

Sec. 17-44. Nonexclusive permit for Unscheduled Solid Waste Handling Services.

- (a) All unscheduled residential and commercial Solid Waste Handling Services shall be provided by a Collector pursuant to a nonexclusive permit granted by the County, subject to the terms and conditions of this chapter, and the duly adopted rules, regulations and resolutions authorized by this chapter.
- (b) The nonexclusive permit shall be granted on such terms and conditions as the Board shall establish in its sole discretion. A Collector authorized to provide Unscheduled Solid Waste Handling Services may provide such services in any and all zones established pursuant to subsection (d) of Section 17-29 of this chapter, unless the Board limits the number of zones by designating the specific zones within which a Collector may operate.
- (c) A Collector authorized to provide Regular Solid Waste Services pursuant to Article II of this chapter shall be entitled to provide Unscheduled Solid Waste Services provided he or she complies with all the terms and conditions of this article.
- (d) Applicants for a permit to provide Unscheduled Solid Waste Handling Services shall file with the Resource Recovery and Waste Management Division a verified application in writing on a form furnished by the Resource Recovery and Waste Management Division which shall give the following information.
 - (1) Full name of applicant;
 - (2) Permanent home and business address of the applicant;
 - (3) Trade and firm name;
 - (4) If a joint venture, partnership or limited partnership, the names of all joint ventures or general partners, their percentage of participation and permanent addresses. If a corporation, the names and

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- permanent business addresses of all of the directors and officers, and if a corporation with out-of-the-county headquarters, the name and permanent address of the local manager;
- (5) Facts showing applicant has arranged for the recycling of at least fifty percent of all waste collected. The applicant must also state which Solid Waste handling facilities will be used for waste collected under this permit;
 - (6) The location of the Authorized Solid Waste Facility;
 - (7) Facts showing that the applicant is qualified to render efficient Unscheduled Solid Waste Handling Services;
 - (8) Facts showing that the applicant owns or has under his or her control, in good mechanical condition, sufficient equipment to adequately conduct Unscheduled Solid Waste Handling Services;
 - (9) Other facts or information as the Resource Recovery and Waste Management Division may require including but not limited to the documentation referred to in the rules and regulations governing Chapter 17 of the County Code.
- (e) Upon receipt of a completed application for a permit to provide Unscheduled Solid Waste Handling Services the Director shall determine if the applicant meets all the requirements of this chapter and all applicable state and federal laws and regulations.
- (1) A decision to issue or not to issue the permit shall be made by the Director within thirty days from the receipt of a complete application.
 - (2) If the Director determines that a permit to provide Unscheduled Solid Waste Handling Services shall not be issued or if the decision to issue or not issue the permit is not made as provided in subsection (e)(1) of this section, or if the Director recommends the suspension, amendment, or revocation of a permit pursuant to subsection (f) of this section, the applicant shall have the right to a hearing before the Board. A request for a hearing shall be made by the applicant in writing to the clerk of the board within fifteen calendar days after the period provided in subsection (e)(1) of this section has passed or within fifteen days after the date of notification of the proposed suspension, amendment, or revocation. Upon receipt of the written request for a hearing, the Clerk of the Board shall set the matter for hearing not more than sixty days following the receipt of the written request, and shall give written notice of the time, date, and place of the hearing to the applicant and the director. At the hearing, the applicant shall have the burden of proof to show facts demonstrating that the applicant meets the requirements of this chapter and applicable state and federal laws and regulations and that either the granting of the permit is required by the public safety, health, welfare, convenience or necessity or that the proposed suspension, amendment, or revocation should not be sustained. The Board shall render its decision in writing fifteen days after the close of the hearing on appeal. The decision of the Board shall be final.
- (f) The Director shall notify the Collector in writing of his or her decision to recommend to the Board the suspension, amendment, or revocation of a permit. After the hearing in subsection (e) of this section, any permit may be suspended, amended, or revoked by the board for cause, including, but not limited to, any or all of the following:
- (1) A violation of any term or condition of the permit;
 - (2) Having obtained the permit by misrepresentation or failing to disclose fully all relevant facts;
 - (3) A change in any condition that requires either a temporary or permanent modification, reduction, or elimination of the permitted Unscheduled Solid Waste Handling Service to bring it into compliance with the requirements of this chapter;

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- (4) A finding that the operations of the Collector pose a substantial threat to public health or the environment.
 - (g) A permittee issued a permit pursuant to this section shall be required to pay a fee in an amount as may be determined by the Board. The amount of the fee shall not exceed an amount reasonably necessary to recover the cost of administering this article or the cost of enforcing the provisions of this chapter or any rule or regulation promulgated pursuant to this chapter.
 - (h) The term of a permit to provide **Unscheduled Solid Waste Handling Services** shall be for a period of five years from the date of issue.
 - (i) Upon a written request of a collector prior to the expiration of a permit, such permit may be renewed by the Director if the Director finds from the facts that the permittee has, during the period of the unexpired permit, operated in conformity with the provisions of this Chapter, all applicable laws, and the regulations of the Resource Recovery and Waste Management Division, and that the permittee is capable of continuing operations in conformity with the provisions of this chapter, all applicable laws, and the regulations of the Resource Recovery and Waste Management Division. In the event the Director does not renew the permit, the Collector shall have the right to a hearing pursuant to subsection (e)(2) of this section.
 - (j) To satisfy the minimum requirement of the CalGreen Standards for the diversion and/or recycling of construction waste, the permit holder shall deliver proof of compliance in accordance with the rules and regulations of Chapter 17, Rule 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 31st, of the following year.
 - (k) This section shall not apply to the following entities:
 - (1) Any person engaged in the business of landscaping, gardening, or tree trimming;
 - (2) Any person engaged in the business of removing and disposing of shrubbery, grass, tree trimmings, garage cleanouts, agricultural debris, or other non-putrescible Solid Waste, provided such persons haul less than one hundred tons per month;
 - (3) Any person engaged in the business of disposing of hazardous or special wastes, authorized or licensed to engage in such business by the County and/or State of California;
 - (4) Any person removing and disposing of shrubbery, grass, tree trimmings, garage cleanouts, agricultural debris, or other Solid Waste from any residential property owned or occupied by the person;
 - (5) Any person engaged in farming or agricultural operations which produce Agricultural Solid Waste, or any person engaged in the business of servicing such operations;
 - (6) Municipalities or public agencies;
 - (7) A licensed building contractor hauling demolition and construction wastes as an incidental part of a total service offered by that contractor.
 - (l) A Collector providing **Unscheduled 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 permit.
 - (m) 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.

Sec. 17-45. **Unscheduled Solid Waste Handling Services.**

Unscheduled Solid Waste Handling Services shall be provided as follows:

- (a) **Unscheduled Solid Waste Handling Services** may not be used for the Collection of Putrescible Solid Waste; provided, however, that nothing in this section shall preclude a Collector authorized pursuant

to Article III of this chapter from providing unscheduled service for the Collection of Green Waste or wood waste where that service is provided in strict compliance with Title 14 of the California Code of Regulations, section 17331, pertaining to state minimum standards governing the frequency of removal of Putrescible Solid Waste from Residential or Commercial Premises, as such regulation may be amended time to time. It is the responsibility of the Collector to insure that the requirements of this subsection are adhered to by a responsible party.

- (b) Unscheduled Solid Waste Handling Services, including the use of Solid Waste compactors, shall not be used as a substitute for or in lieu of Regular Solid Waste Handling Services. The Resource Recovery and Waste Management Division shall develop an enforcement program consisting of regulations necessary to implement this subsection.
- (c) Unscheduled Solid Waste Handling Service providers are required to divert a minimum of fifty percent of all Solid Waste collected from landfills.

Sec. 17-46. Financial reports.

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 and 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 fifty percent recycling requirement dictated by section 17-45(c) and Chapter 3, Rule 308 of the rules and 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.

Sec. 17-47. Reserved.

Sec. 17-48. Minimum standards for Containers.

All Containers used for the provision of Unscheduled Solid Waste Handling Services shall be leak proof and transported in a manner that will prevent spilling, dropping, or blowing of any Solid Waste upon the public right-of-way during collection or transportation. All Containers shall be marked pursuant to the safety standards as established by ANSI (American National Standard Institute) for Containers that are placed in public access areas as such standards may be amended time to time.

Sec. 17-49. Maintenance of Containers.

All Containers used for the provision of Unscheduled Solid Waste Handling Services shall be maintained in a clean and sanitary condition, neatly and uniformly painted and cleaned as frequently as necessary to protect public health. The outside of all such Containers shall be kept free from Solid Waste at all times.

Sec. 17-50. Identification of Containers.

All Containers used for the provision of Unscheduled Solid Waste Handling Services shall have the Collector's or owner's name, telephone number, and bin number printed on each side of the Container in letters and numbers not less than three inches high.

Secs. 17-51 through 17-54. Reserved.

Article IV. Fees for Use of County-Owned and/or Operated Solid Waste Facilities

Sec. 17-55. Options and rates.

The County retains the option in all cases (except as otherwise provided herein) to charge a fee for use of County-owned and/or operated Solid Waste facilities on either a yardage or tonnage basis, or both, as shall be prescribed from time to time in writing by the Resource Recovery and Waste Management Division. Car bodies, stumps, large trees, lumber, concrete and any other type of material which by its inherent nature creates unusual disposal problems shall be charged by the yardage or tonnage rates as the Resource Recovery and Waste Management Division shall designate.

Sec. 17-56. Board to adjust fees.

The Board of Supervisors may by resolution change, adjust or otherwise alter the prices and regulations listed in this article as the Board may deem necessary.

Sec. 17-57. Receipt to be given; fee schedule to be posted.

All persons when using County-owned and/or operated Solid Waste facilities shall pay a fee as established in this article and shall be furnished a receipt therefor. Fee rates shall be conspicuously posted at all such Solid Waste facilities.

Sec. 17-58. Refuse checker to set fee; protest and appeal.

It shall be the duty of the Refuse Checker on duty to designate the fee to be charged in accordance with this article.

(a) Should a person allege the fee charged is not the correct posted fee, such person may pay the fee under protest.

(b) The Refuse Checker shall designate the location where the Solid Waste should be unloaded and shall then attempt to contact the Director or their authorized representative. The Director shall appraise the load and fee charged, and this decision on the fee shall be final except by appeal, as provided in subsection (c) of this section.

(c) Any person who is dissatisfied with the decision or ruling of the Resource Recovery and Waste Management Division under this section may appeal in writing to the clerk of the Board of Supervisors within ten days of the Director rendering his or her decision or ruling. The Clerk of the Board of Supervisors shall set the appeal for hearing and give the appellant, by certified mail, return receipt requested, and the Resource Recovery and Waste Management Division, five days' notice of the hearing. After the hearing, the Board may affirm, modify or revoke the decision of the Resource Recovery and Waste Management Division.

Sec. 17-59. Late charges.

Any person or Collector who has established a charge account with the County for payment of fees required of this section, shall be assessed a finance charge on all delinquent accounts of one and one-half percent per month or eighteen percent per year. An account shall be delinquent if not paid in full within thirty days from its designated due date.

Secs. 17-60 through 17-64. Reserved.

Article V. Abatement of Nuisance

Sec. 17-65. Applicability of article.

The provisions of this article shall be applicable within all areas of the unincorporated territory of the County. If any part of this article is in conflict with any other part, the more restrictive provisions shall be controlling.

Sec. 17-66. Public Nuisance declared.

The presence of Solid Waste, or other Litter on a lot, or on land adjacent thereto, except when stored in a Container approved for such storage under this chapter, shall constitute a public nuisance within the meaning of this article.

Sec. 17-67. Notice to owner or responsible party.

- (a) The Director, or a person authorized by the Director, may cause a notice in the form provided in subsection (c) of this section to be conspicuously posted in front of any lot or on any parcel upon which a public Nuisance exists as provided in section 17-66 of this chapter. If such lot or parcel does not front upon any street, highway or road, then this notice may be posted upon the portion of such lot or parcel nearest to a street, highway or road or upon such portion that is likely to give actual notice to the owner or lawful possessor.
- (b) Notice provided for in this section shall be posted at least ten days before the Board meets to hear the report of the Director, or their authorized representative, regarding the alleged public nuisance.
- (c) The notice mentioned in this section shall be substantially in the following form:

NOTICE TO ABATE A
PUBLIC NUISANCE

Notice is hereby given that Solid Waste, garbage, rubbish, or other Litter is present upon this property described on the reverse side of this Notice and creates in the opinion of the Director of the County Department of Public Works or his or her authorized representative, a public nuisance.

On the _____ day of _____, 20____, at 9:00 A.M., or as soon thereafter as possible, the Board of Supervisors of the County of Santa Barbara shall convene a public hearing at _____, California, to hear the report of the Department of Public Works regarding this alleged nuisance.

Any person may attend such meeting, and his or her objection, if any, to such report will be heard and given due consideration.

WARNING: If, at such hearing, the Board finds that a public nuisance does exist upon this property, it may direct the Director of Public Works or his/her agent to enter hereon and remove or abate such nuisance by collecting and removing such Solid Waste, garbage, rubbish, or other Litter as is present on this property. THE COST OF SUCH REMOVAL WILL BE COLLECTED BY ADDING IT ON TO THE TAXES ASSESSED AGAINST THIS PROPERTY. ANY OWNER INTENDING TO ABATE THIS NUISANCE AT HIS/HER OWN EXPENSE SHOULD DO SO ON OR BEFORE THE DATE OF THE AFORESAID HEARING.

Dated: _____

SANTA BARBARA COUNTY
DIRECTOR OF PUBLIC WORKS

By _____
Authorized Agent

- (d) At least ten days before any hearing of a report to the Board of Supervisors requesting the removal or abatement of Solid Waste, garbage, rubbish, or other Litter which constitutes a public nuisance, a notice of such hearing shall be posted in the Office of the Clerk of the Board of Supervisors and, in addition, mailed to the owner or person identified on the last assessment for the property in the records of the County Assessor at the address indicated on the last assessment roll for the lot or parcel of real property.
- (e) Notwithstanding any language to the contrary in this section, the Director may authorize the abatement of a public nuisance for an amount not to exceed five thousand dollars if the Director determines the nuisance is an immediate danger to the public, health, safety, or welfare. The Director shall first proceed pursuant to the provisions of section 17-78 of this chapter and if possible, shall request the responsible party to immediately abate the nuisance. If the responsible party is unavailable, unwilling, or unable to immediately abate the nuisance, the Director shall take whatever action is necessary to abate the nuisance.
- (f) Nothing in this section shall preclude the Resource Recovery and Waste Management Division from issuing a courtesy warning to the owner or responsible party prior to issuing the notice to abate a public nuisance as provided in this section. The issuance of courtesy notice is not a requirement of this section.

Sec. 17-68. Hearing.

At the time and place stated in the notices, the Board shall meet to hear the report of the Director of Public Works or his authorized representative, and any objections thereto. The Director or authorized representative shall attend, inform the Board as to the alleged public nuisance, and supply the legal description of the lot upon which it exists, the name and address of the last known assessee thereof, and state what has been done in order to give notice of the hearing according to the provisions of this article. The Board may continue such matters from time to time as may be appropriate.

Sec. 17-69. Order to abate.

If, upon hearing the report of the Director of Public Works or authorized representative thereof and any protests, the Board determines that a public nuisance exists on a lot or parcel or land adjacent thereto, it may direct the Director to abate the nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Director, a legal description of such a lot or parcel or land, and, where available, the name and address of its last known assessee.

Sec. 17-70. Cleanup procedure; director authorized to expend funds, contract, etc.

If the Board directs the Director to abate a public nuisance, the Director shall proceed to abate such nuisance unless it has been abated, completely, before his or her agents arrive to begin such abatement. The Director may expend appropriate funds for such abatement and may contract with a person or persons for the performance of the work of such abatement.

Sec. 17-71. Account of expenses.

- (a) The Director shall keep an account of expenses when abating a public nuisance pursuant to an order of the Board, and file a report thereof with the Board, which report shall include the assessor's tax area and parcel numbers according to the County assessment roll of the lot or parcel or land upon which such public nuisance existed and, when available, the name and address of the last known assessee. Such report shall

include a reasonable administrative cost in an amount to be fixed by the Board of Supervisors from time to time, based on administrative costs of carrying out these regulations.

- (b) The report of expenses referred to in this section shall be maintained on file, open to public inspection, in the Office of the Clerk of the Board for at least ten days before a hearing of the Board to confirm such report. If any person shall, before the expiration of such ten days, file a written request for notice of the hearing upon such confirmation, the Board shall mail such notice to the address supplied in any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the report of expenses filed by the Director as required by this section. At such hearing, the Board may make any modifications in the amount it deems just, after which the report shall be confirmed.
- (c) The amount of expenses incurred by the Director for abating a public nuisance pursuant to this article, when confirmed by the Board under the provisions of this article, shall constitute a special assessment against the lot or parcel or land from which such nuisance was removed and a lien thereof for the amount of such assessment.
- (d) The Board shall deliver a copy of the expense report, as confirmed, to the Auditor-Controller of the County on or before August 1, following such confirmation.
- (e) The County Auditor-Controller shall enter the amount stated in the report as a special assessment against the property described in the report. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the property. All laws applicable to the levy, collection and enforcement of County taxes are applicable to such special assessments. All special assessments collected as provided in this article shall be deposited to the Solid Waste enterprise fund or to such other fund as the Board may designate.

Sec. 17-72. Evidence of property ownership.

In any proceeding under this article, evidence that the current assessment roll of the County shows real property assessed to a person shall constitute prima facie evidence in any prosecution or proceeding under this article that such person is the owner of such property within the meaning of this article.

Sec. 17-73 Through Sec. 17-76. Reserved.

Article VI. Enforcement and Penalties

Sec. 17-77. Authorization.

The Director is hereby authorized to investigate all reported or apparent violations of any of the provisions of this chapter. If a violation is determined to exist, the Director is hereby authorized to enforce and secure compliance with the provisions of this chapter. The Director may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of these duties.

Sec. 17-78. Right of entry.

- (a) Whenever it is necessary to make an inspection to enforce any of the provisions or perform any duty imposed by this chapter or by the codes adopted by reference hereby or other applicable law, the Director is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Director by this chapter or other applicable law; provided that if such property be occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or

control of the property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

- (b) Notwithstanding subsection (a) of this section, if the Director has reasonable cause to believe that the building or premises is so hazardous, unsafe, offensive, or dangerous as to require immediate inspection to safeguard the public health or safety, he shall have the right to immediately enter and inspect such property and use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, he shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

Sec. 17-79. Liability.

The Director or any other person acting under authorization of the Director, if acting in good faith and within the course and scope of their employment, shall not thereby be liable personally, and shall be relieved from all personal liability for any damage that may accrue to persons or property as the result of or by reason of any act or omission occurring in the good faith discharge of such duties. Any suit brought against the Director or his or her agents or employees because of such act or omission performed in good faith in the enforcement of any provision of this article, shall be defended by the County of Santa Barbara.

Sec. 17-80. Referral for legal action.

If unable to otherwise enforce the terms of this chapter, the Director shall refer the matter to the District Attorney and/or the County Counsel of the County of Santa Barbara for appropriate legal action.

- (a) Any activity which is in violation of the provisions of this chapter, and any use of any lands, building or premises conducted, operated or maintained in violation of the provisions of this chapter, shall be and the same is hereby declared to be unlawful and a public Nuisance.
- (b) Whenever, in the judgment of the Director, any person, firm or corporation is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, and at the request of the Director, the District Attorney or County Counsel of the County may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the Department that such person, firm or corporation has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other order may be granted.

Sec. 17-81. Civil remedies and penalties.

- (a) Any person, whether acting as principal, agent, employee, or otherwise who willfully violates any provision of this chapter, shall be liable for civil penalties not to exceed twenty-five thousand dollars for each day the violation continues to exist.
- (b) Any person, whether as principal agent, employee, or otherwise, who willfully violates any provision of this chapter, shall further be liable to the County of Santa Barbara for the cost incurred and the damages suffered by the County, its agents and agencies as a result of such violations.
- (c) In determining the amount of the civil penalties to impose, the court shall consider all relevant circumstances, including but not limited to revenue or other monetary expenses or losses suffered by the County, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and the net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

Sec. 17-82. Criminal actions and penalties.

- (a) Any person, firm or corporation, whether as principal, agent, employee or otherwise, who violates any provision of this chapter, shall be guilty of an infraction and upon conviction thereof, shall be punished by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same provision within one year; and (3) a fine not exceeding five hundred dollars for each additional violation of the same provision within one year.
- (b) Any such infraction may, at the discretion of the district attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this chapter within the twelve-month period immediately preceding the commission of the offense, or has been convicted of three or more violations of any of the provisions of this chapter within the twenty-four-month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor, the punishment shall be a fine of not less than five hundred dollars, nor more than twenty-five thousand dollars, or imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt, or by the court where guilt is established by pleas of guilty, or nolo contendere, or by trial by the court sitting without a jury, the punishment shall be a fine of no less than one thousand dollars, nor more than twenty-five thousand dollars, or by imprisonment in the County jail for a period not to exceed six months, or by both such fine and imprisonment.

Sec. 17-83. Separate and distinct violations.

It shall be deemed a separate and distinct offense for each and every day during which any violation of the provisions of this chapter is committed, continued or permitted by any person, firm or corporation.

Sec. 17-84. Remedies cumulative.

The remedies provided for herein shall be cumulative to each other and to the remedies or penalties available under all other laws of this state.

Sec. 17-85. Recovery of costs and fees.

- (a) This section establishes procedures for the recovery of administrative costs, including staff and attorney time, expended to enforce the provisions of this chapter by any of the procedures set forth in this article. The intent of this section is to recoup administrative costs reasonably related to enforcement.
- (b) The Department of Public Works shall maintain record of all administrative costs incurred associated with the processing of violations and enforcement of this chapter and shall recover such costs from the property owner as provided herein. Staff time, including attorney time, shall be calculated at an hourly rate as established and revised from time to time by the board of supervisors.
- (c) Upon investigation and a determination that a violation of any of the provisions of this chapter is found to exist, the Director or any person in the department authorized by the Director shall notify by mail the record owner or responsible party having possession or control of the subject property, as the case may be, of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:

NOTICE

The Public Works Department has determined that conditions exist at the property located at:
which violate Section(s) _____ of the County Code.

Description of Violation(s):

Notice is hereby given that at the conclusion of the case, you will receive a "Summary of Administrative Costs" associated with processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors.

The hourly rate presently in effect is \$_____ per hour for staff time and \$_____ per hour for attorney time.

You will have the right to object to these charges by filing a Request for Hearing with the Director of Public Works within ten days after service of the Summary of Charges.

Dated: _____ Director of Public Works

By: _____

- (d) At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property, by certified mail. Said summary shall include a notice in substantially the following form:

NOTICE

If you object to these charges, you must file a Request for Hearing on the enclosed form within ten days of the date of this Notice. If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County in any court of competent jurisdiction within the County.

Dated: _____ Director of Public Works

By: _____

- (e) In the event that no request for hearing is timely filed, or after a hearing the Director affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the director. These costs shall be recoverable in a civil action in the name of the County.
- (f) Any property owner or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Director on his objections to the proposed costs in accordance with the procedures set forth herein.
- (1) A request for hearing shall be filed with the department within ten days of the service by mail of the Department's summary of costs on a form provided by the department.
 - (2) Within thirty days of the filing of the request, and on ten days' written notice to the owner, the Director shall hold a hearing on the owner's objections and determine the validity thereof.
 - (3) In determining the validity of the costs, the director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to the following: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; and the degree of cooperation provided by the owner.
 - (4) The Director's decision shall be appealable to the Board of Supervisors.

Sec. 17-86. Franchises or contracts: termination by Board of Supervisors.

In the event a Franchise or contract exists between the County and any Collector, such Franchise or contract, in addition to any other remedy available to the County, may be terminated as follows:

- (a) In the event of a failure of performance on the part of the Collector affecting the public health and welfare or the willful violation of any of the terms and provisions of this chapter or the Franchise, contract or resolution hereunder, following a report concerning the foregoing from the Environmental Health Officer and the Director, the Board shall hold a public hearing on whether the Franchise or contract and all rights and privileges of the Collectors thereunder should be revoked and the bond or bonds of the collector forfeited.
- (b) In the event the Collector shall at any time during the term of Franchise or contract become insolvent or if proceedings in bankruptcy shall be instituted by or against the Collector, or if the Collector shall be adjudged bankrupt or insolvent by any court, or a receiver or trustee in bankruptcy or a receiver of any property of the Collector shall be appointed in any suit or proceeding brought by or against the collector, or if the Collector shall make an assignment for the benefit of creditors, then the Board shall hold a public hearing on whether the Franchise or contract and all rights and privileges of the Collector thereunder should be revoked and the bond or bonds of the Collector forfeited.
- (c) A Collector shall not assign or transfer his or her Franchise or contract to any other person without the express approval of the Board by a resolution duly adopted by the board. Any effort to make an assignment without obtaining the prior approval of the Board shall terminate all the rights of the Collector. For the purposes of determining an assignment under such Franchise or contract, any changes in more than fifty percent of stock ownership in corporations, changes in general partnerships or general partners in limited partnerships or percentage of participation therein, or transfer of more than fifty percent interest in the operating company, whether voluntary or involuntary, shall constitute an assignment. In the event of an allegation of an attempt of any Collector to assign any rights under such Franchise or contract without the permission of the Board, the Board shall hold a public hearing on whether the Franchise or contract and all rights and privileges of the Collector thereunder should be revoked and the bond or bonds of the Collector forfeited.
 - (1) The public hearing(s) as described above shall be held after at least ten days' written notice to the Collector setting forth the charges of the Environmental Health Officer and/or the Director and setting forth the time and place of such public hearing and the reason for such public hearing. The Board, at such public hearing, after hearing and receiving all evidence and testimony relevant and material on each issue offered at such public hearing, shall determine whether the Collector has violated subsections (a), (b), and/or (c) of this section and shall make appropriate findings supporting such a determination. Thereafter, the Board may terminate such Franchise or contract and forfeit such bond or bonds. The decision of the Board in this matter shall be final.
 - (2) In the event of termination of the Franchise or contract as herein specified, the County shall have the right forthwith to take possession of all Trucks and other equipment of the Collector for the purpose of collecting and disposing of the Solid Waste which the Collector agreed to do. The County shall have the right to retain possession of such Trucks and equipment until other suitable Trucks and equipment can be purchased or otherwise acquired by the County for such purpose. The County shall also have access to the Collector's records for the purpose of billing service accounts during the period the County is providing the Solid Waste Collection service and shall retain all fees collected for such services.

Sec. 17-87. Severability.

If any section, subsection, clause, or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this chapter. The Board hereby declares that it would have adopted this chapter, 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 unconstitutional.

Sec. 17-88 Through Sec. 17-89. Reserved.

Article VII. Mandatory Organic Waste Disposal Reduction Ordinance

Sec. 17-90. Purpose and findings.

The County finds and declares:

- (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on Businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires Businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.

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- (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, Residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
 - (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.
 - (f) Requirements in this ordinance are consistent with other adopted goals and policies of the County including the Energy & Climate Action Plan.

Sec. 17-91. Requirements for Single-Family Generators.

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in 17-94(d) of this ordinance:

- (a) Shall subscribe to County's Organic Waste collection services for all Organic Waste generated. County shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust their service level for their collection services as requested by the County. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the County's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
 - (1) A three- and three-plus-container Collection service (Blue Container, Green Container, and Gray Container)
 - (A) Generator shall place Source Separated Green Container Organic Waste (SSGCOW) in the Green Container and may include food waste if there is a program in place; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste or Mixed Waste if there is a program in place in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

Sec. 17-92. Requirements for Commercial Businesses.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (a) Subscribe to County's three- and three-plus-container Collection services and comply with requirements of those services as described below in Section 17-92(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 17-94(d) of this ordinance. County shall have the right to review the number and size of a generator's Containers and frequency of Collection to evaluate adequacy of capacity provided for each type of Collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their Collection services as requested by the County.
- (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 17-94(d) of this ordinance, participate in the County's Organic Waste collection service(s) by placing designated materials in designated containers as described below.
 - (1) A three- and three-plus-container collection service (Blue Container, Green Container, and Gray Container)
 - (A) Generator shall place Source Separated Green Container Organic Waste in the Green Container and may include food waste if there is a program in place; Source Separated Recyclable Materials in the Blue Container; Gray Container Waste or Mixed Waste if there is a program in place in the Gray Container; and Food Waste in the Brown Container if there is a program in place. Generator shall not place materials designated for the Gray Container into the Green Container, Blue Container, or Brown Container.
- (c) Supply and allow access to adequate number, size and location of Collection Containers with sufficient labels or colors (conforming with Sections 17-92(d)(1) and 17-92(d)(2) below) for employees, contractors, tenants, and customers, consistent with County's Blue Container, Green Container, Brown Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 17-94 (d).
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the Collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for customers, for materials generated by that Business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the Business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the Containers provided by the Business shall have either:
 - (1) A body or lid that conforms with the Container colors provided through the Collection service provided by the County, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to the effective date of this ordinance, that do not comply with the requirements of the subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.

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- (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that Container, or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the Container. Pursuant 14 CCR Section 18984.8, the Container labeling requirements are required on new Containers commencing the effective date of this ordinance.
 - (e) Multi-Family Residential Dwellings are not required to comply with Container placement requirements or labeling requirement in Section 17-92(d) pursuant to 14 CCR Section 18984.9(b).
 - (f) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a Container not designated for those materials per the County's Blue Container, Green Container, Brown Container, and Gray Container Collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 17-94(d).
 - (g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, Brown Containers, and Gray Containers for contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers pursuant to 14 CCR Section 18984.9(b)(3).
 - (h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste, Source Separated Brown Container Organic Waste, and Source Separated Recyclable Materials.
 - (i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste, Source Separated Brown Container Organic Waste, and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of Containers and the rules governing their use at each property.
 - (j) Provide or arrange access for the County or its agent to their properties during all Inspections conducted in accordance with Section 17-96 of this ordinance to confirm compliance with the requirements of this ordinance.
 - (k) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 17-94(d) of this ordinance.
 - (l) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
 - (m) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 17-94(a).

Sec. 17-93. Waivers for Generators.

- (a) De Minimis Waivers County may waive a Commercial Business's obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of

Organic Waste material as described in Section 17-93(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 17-93(a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business's total Solid Waste Collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 20 gallons per week per applicable Container of the business's total waste; or,
 - (B) The Commercial Business's total Solid Waste Collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 10 gallons per week per applicable Container of the business's total waste.
 - (3) Notify County if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) Provide written verification of eligibility for de minimis waiver every 5 (five) years, if County has approved de minimis waiver.
- (b) Physical Space Waivers County may waive a Commercial Business's or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the Recyclable materials and/or Organic Waste Collection service requirements if the County has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the Collection Containers required for compliance with the Organic Waste Collection requirements of Section 17-91 or 17-92.

A Commercial Business or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of Collection services for which they are requesting a compliance waiver.
 - (2) Provide documentation that the premises lacks adequate space for Blue Containers, Brown Containers, and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 - (3) Provide written verification to County that it is still eligible for physical space waiver every five (5) years, if County has approved application for a physical space waiver.
- (c) Review and Approval of Waivers by County, shall be performed by Resource Recovery and Waste Management Division Staff.

Sec. 17-94. Requirements for Specific Entities.

(a) Requirements for Commercial Edible Food Generators

1. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 17-94 commencing the effective date of this ordinance, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
2. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
3. Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow County's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled by or to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(6) No later than April 1 of each year, Tier One and Tier Two Commercial Edible Food Generators shall provide an annual Food Recovery Report to the County or County's designee that includes the record keeping information listed in the previous Section 17-94(a)(5) for the previous calendar year.

4. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

(b) Requirements for Food Recovery Organizations and Services, Jurisdictions, and Regional Agencies

- 1) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- a) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food, and a copy of individual written agreements.
 - b) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month, if applicable.
 - d) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery, if applicable.
- 2) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- a) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food, and a copy of individual written agreements.
 - b) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - c) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery, if applicable.

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- 3) Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, or have this information available upon request, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
 - 4) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the County or County's designee the total pounds of Edible Food recovered per month in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1 of each year. Food Recovery Organizations and Food Recovery Services shall also provide the information listed above in Section 17-94(a) and 17-94(b) upon request by the County.
 - 5) Food Recovery Capacity Planning
 - a) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, cities, and special districts that provide Solid Waste Collection services, or their designated entity, Food Recovery Services and Food Recovery Organizations operating in the County shall provide information and consultation to the County, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the County and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the County shall respond to such requests for information within 60 (sixty) days, unless a shorter timeframe is otherwise specified by the County.
 - b) Jurisdictions and Regional Agencies.
 - (1) If the County identifies that new or expanded capacity to recover Edible Food is needed, then each jurisdiction within the County that lacks capacity shall:
 - (a) Submit an implementation schedule to CalRecycle and the County that demonstrates how it will ensure there is enough new or expanded capacity to recover the Edible Food currently disposed by Commercial Edible Food Generators within its jurisdiction by the end of the reporting period set forth in 14 CCR Section 18992.3. The implementation schedule shall include the information specified in 14 CCR Section 18992.2(c)(1)(A).
 - (b) Consult with Food Recovery Organizations and Food Recovery Services regarding existing, or proposed new and expanded capacity that could be accessed by the jurisdiction and its Commercial Edible Food Generators.
 - (2) If the County finds that new or expanded capacity is needed, the County shall notify the jurisdiction(s) that lack sufficient capacity.
 - (3) A City or Special District that provides Solid Waste Collection services, or Regional Agency contacted by the County pursuant to this Section shall respond to the County's request for information within 120 days of receiving the request from the County, unless a shorter timeframe is otherwise specified by the County.

c) Requirements for Haulers and Facility Operators

(1) Requirements for Haulers

Requirements for Exclusive franchised haulers

- (i) Exclusive franchised haulers providing Residential, Commercial, or industrial Organic Waste Collection services to generators within the County's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the County to collect Organic Waste:
 - (A) Through written notice to the County annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, Source Separated Brown Container Organic Waste, and Mixed Waste.
 - (B) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, Source Separated Brown Container Organic Waste, and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the County to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 17-95 of this ordinance, and CalGreen standards.
 - (D) Exclusive Franchise waste hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, Container color, contamination monitoring, reporting, and other requirements contained within its Franchise agreement, permit, license, or other agreement entered into with the County.

(2) Requirements for Facility Operators and Community Composting Operations

- (i) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the County's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the County shall respond within 60 (sixty) days.
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- (ii) Community Composting operators, upon the County's request, shall provide information to the County to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the County shall respond within 60 days.

d) Self-Hauler Requirements

- (1) Self-Haulers shall source separate all Recyclable materials and Organic Waste (materials that County otherwise requires generators to separate for Collection in the County's organics and

recycling Collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

- (2) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste and Source Separated Brown Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (3) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the County. The records shall include the following information:
 - (i) Delivery receipts and weight tickets from the entity accepting the waste.
 - (ii) The amount of material in cubic yards or tons transported by the generator to each entity.
 - (iii) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (4) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 17-94(c) to the County if requested. Furthermore, Self-Haulers must register with the County, if such a system is available, in order to more consistently track this information.
- (5) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Section 17-94(c) and (d).

Sec. 17-95. Inspections and investigations by County.

- (a) County representatives and/or its designated entity, including Designees are authorized to conduct inspections and investigations, at random or otherwise, of any Collection Container, Collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the County to enter the interior of a private Residential property for inspection. Regulated entity shall provide or arrange for access during all inspections (with the exception of Residential property interiors) and shall cooperate with the County's employee or its designated entity/Designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises or (ii) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

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- (b) Any records obtained by the County during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
 - (c) County representatives, its designated entity, and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
 - (d) County shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

Sec. 17-96. Enforcement of Mandatory Organic Waste Disposal Reduction Ordinance.

- (a) Enforcement of this ordinance is authorized and described in Article VI, Sec. 17-77 to 17-85. Violation of any provision of this ordinance shall constitute an infraction and incur a penalty as described in Article VI, Sec. 17-81 and 17-83.

- (b) Compliance Deadline Extension Considerations

The County may extend the compliance deadlines set forth in this Article, if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the County is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

- (c) Education Period for Non-Compliance

Beginning on the effective date of this ordinance and through December 31, 2023, County will conduct Inspections, route reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if County determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by the effective date of this ordinance, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

- (d) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the County determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 17-77 to 17-85, as needed.

(e) Enforcement Table

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 17-92	Commercial Business fails to provide or arrange for Organic Waste Collection services consistent with the County's requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of Containers and sufficient signage and Container color.
Organic Waste Generator Requirement Section 17-91, 17-92, and 17-94	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the Collection and Recovery of Organic Waste.
Hauler Requirement Section 17-94 (c)	A hauler providing Residential, Commercial or industrial Organic Waste Collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement Section 17-94 (c)	A hauler providing Residential, Commercial, or industrial Organic Waste Collection service fails to obtain applicable approval issued by the County to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement Section 17-94 (c)	A hauler fails to keep a record of the applicable documentation of its approval by the County, as prescribed by this ordinance.
Self-Hauler Requirement Section 17-94(d)	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement Section 17-94(a)	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing the effective date of this ordinance.
Commercial Edible Food Generator Requirement Section 17-94(a)	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 17-94(a)	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.

Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Section 17-91, 17-92, and 17-94	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 17-94(a)	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 17-94(a).
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 17-94(b)	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 17-94 (b).

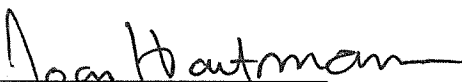
SECTION 2. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

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.

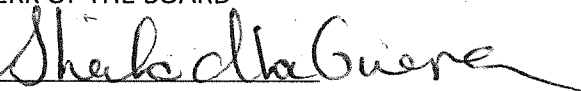
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of February, 2022, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Nelson, and Lavagnino
NOES: None
ABSTAIN: None
ABSENT: None




JOAN HARTMANN, 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

DocuSigned by:


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Deputy County Counsel