

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Board of Supervisors

BOARD AGENDA: 6.A.5
AGENDA DATE: April 26, 2022

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1315 Related to Solid Waste and Food Recovery Requirements to Repeal and Replace Chapters 9.02, 9.04, 9.08, 9.09, 9.10, 9.12 and Adopt a New Chapter 9.11 to the Stanislaus County Code to Comply with the Requirements of Senate Bill 1383

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2022-0169

On motion of Supervisor Grewal Seconded by Supervisor C. Condit
and approved by the following vote,
Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

WAIVED THE SECOND READING AND ADOPTED ORDINANCE C.S. 1315

ATTEST:  ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-57-N-1

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA:6.A.5
AGENDA DATE: April 26, 2022

CONSENT: ☒

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1315 Related to Solid Waste and Food Recovery Requirements to Repeal and Replace Chapters 9.02, 9.04, 9.08, 9.09, 9.10, 9.12 and Adopt a New Chapter 9.11 to the Stanislaus County Code to Comply with the Requirements of Senate Bill 1383

STAFF RECOMMENDATION:

1. Adopt and waive the second reading of Ordinance C.S. 1315 related to solid waste and food recovery requirements to repeal and replace Chapters 9.02, 9.04, 9.08, 9.09, 9.10, 9.12 and adopt a new Chapter 9.11 to the Stanislaus County Code to comply with the requirements of Senate Bill 1383.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494

ATTACHMENT(S):

1. Ordinance C.S. 1315

ORDINANCE NO. C.S. 1315

AN ORDINANCE REPEALING AND REPLACING EXISTING CHAPTERS 9.02, 9.04, 9.08, 9.09, 9.10, AND 9.12 OF TITLE 9 "HEALTH AND SAFETY" OF THE STANISLAUS COUNTY CODE AND ADOPTING A NEW CHAPTER 9.11 "EDIBLE FOOD RECOVERY" TO UPDATE REQUIREMENTS RELATED TO REFUSE AND RECYCLING.

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

Section 1. Chapters 9.02, 9.04, 9.08, 9.09, 9.10, and 9.12 of the Stanislaus County Code are hereby repealed in their entirety and replaced with new Chapters 9.02, 9.04, 9.08, 9.09, 9.10, and 9.12, attached hereto as Exhibit 1, and incorporated herein by reference, to the Stanislaus County Code.

Section 2. Chapter 9.11 "Edible Food Recovery" is hereby added, attached hereto as Exhibit 2, and incorporated herein by reference, to the Stanislaus County Code.

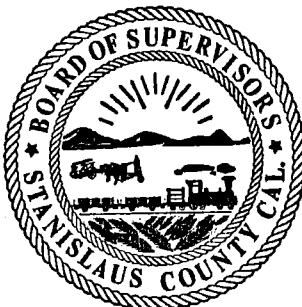
Section 3. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.


Upon motion of Supervisor Grewal, seconded by Supervisor C. Condit, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 26th, day of April, 2022, by the following called vote:

AYES: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and
Chairman Withrow

NOES: Supervisors: None

ABSENT: Supervisors: None




Terrance Withrow, Chairman of the
Board of
Supervisors of the County of
Stanislaus, State of California

ATTEST:

Elizabeth A. King

Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By Patricia Gonzalez
Deputy

APPROVED AS TO FORM:

Thomas Boze

COUNTY COUNSEL

BY Todd James
Todd James
Deputy County Counsel

EXHIBIT 1

Chapter 9.02 REFUSE DEFINITIONS

9.02.010 Definitions.

When used in Chapters 9.02 through 9.12, any amendment hereof, and in any ordinance or resolution related to refuse, the terms set forth in this Chapter shall have the meanings set forth in this Chapter unless it is clearly apparent from the context that they are used in a different sense. (Ord. CS 797 §2, 2002; previously in §9.04.010; Ord. CS 326 §7, 1989; prior code §3-130).

AB 1826.

“AB 1826” means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as “AB 1826,” as amended, supplemented, superseded, and replaced from time to time.

AB 341.

“AB 341” means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as “AB 341,” as amended, supplemented, superseded, and replaced from time to time.

AB 939.

“AB 939” means the California Integrated Waste Management Act of 1989 (Division 30 of the California Public Resources Code), also commonly referred to as “AB 939,” as amended, supplemented, superseded, and replaced from time to time.

Alternative daily cover.

“Alternative Daily Cover” has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations.

Alternative intermediate cover.

“Alternative Intermediate Cover” has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations.

Applicable Law.

“Applicable Law” means all federal, state, County, and local laws, regulations, rules, orders, judgments, degrees, permits, approvals, or other requirements of any governmental agency having jurisdiction over the Collection, Transfer Transportation, Processing, and Disposal of Discarded Materials or other Solid Waste as may be enacted, issued or amended from time to time. Applicable Law includes, but is in no way limited to, AB 939, AB 341, AB 1826, and SB 1383.

Approved Facility.

“Approved Facility(ies)” means an Organic Waste Processing Facility, a Disposal Facility, a Processing Facility, a Transfer Station, a High Diversion Organic Waste Processing Facility, or a Transformation Facility operating in accordance with Applicable Law and approved by the Department to accept, Process, and/or Dispose of Discarded Materials generated within the unincorporated areas of the County.

Authorized Collector.

“Authorized Collector” means a Franchise Collector, Industrial Collector, or Permitted Collector.

Bin.

“Bin” means a Container, typically ranging from one cubic yard to eight cubic yards in volume, designed for mechanical emptying with an attached close-fitting cover and of a design approved by the Department; “Bin” does not include “Cart.” (Ord. CS 797, §2, 2002; previously in §9.04.010 A.; Ord. CS 326 §7, 1989; prior code §3-130).

Board.

“Board” means the Board of supervisors of the County of Stanislaus. (Ord. CS 797, §2, 2002; previously in §9.04.010 B.; Ord. CS 326 §7, 1989; prior code §3-130).

Bulky Item(s).

“Bulky Item(s)” means Discarded Materials that cannot be Collected in a standard Collection Container or Collection vehicle because of their size or weight and are subject to the Collection requirements set forth by an Authorized Collector and approved by the County. Bulky Items may include, but are not limited to, appliances and furniture.

Calendar Day(s)

“Calendar Day(s)” means any twenty-four-hour period spanning from midnight to midnight.

California Code of Regulations or CCR.

“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Chapter 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.

“CalRecycle” means California's Department of Resources Recycling and Recovery.

Cart.

“Cart” means a Container, the volume of which is measured in gallons (generally thirty to one hundred, commonly sixty to one hundred gallons), designed for mechanical

emptying, having wheels and an axle, with an attached close-fitting cover and of a design approved by the Department. (Ord. CS 797, §2, 2002).

Collect or Collection.

“Collect” or “Collection” (or any variation thereof) means the act of taking possession of Recyclable Materials, Organic Materials, Solid Waste, Hard-to-Handle Waste, and other material at the place of generation in County.

Collection Service.

“Collection Service” means the Collection, Transportation, storage, Transfer, Processing, or Disposal of one or more types of Discarded Materials Collected by an Authorized Collector from Generators within the unincorporated areas of the County.

Commercial.

“Commercial” means of, from, or pertaining to non-Residential Premises where business activity is conducted, including but not limited to, the buying or selling of commodities or services, wholesale operations, and manufacturing but excluding businesses conducted upon Residential property which are permitted under applicable zoning regulations and are not the primary use of the property.

Commercial Edible Food Generator.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(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).

Community Composting.

“Community Composting” means any activity that Composts green material, 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 one-hundred cubic yards and seven-hundred and fifty square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

Compactor.

“Compactor” means a mechanical apparatus that compresses materials together with the Container that holds the compressed materials or the Container that holds the compressed materials if it is detached from the mechanical compaction apparatus. Compactors include two to eight cubic yard Bin Compactors serviced by front-end loader Collection vehicles and ten to fifty cubic yard Roll-Off Box Compactors serviced by roll-off Collection vehicles.

Compost.

“Compost” means the product resulting from the controlled biological decomposition of Organic Waste that is Source Separated from the Solid Waste stream, or which is separated at a centralized facility (Ord. CS 797, §2, 2002).

Composting.

“Composting” or any variation thereof means the act of Processing Organic Waste into Compost.

Container.

“Container” mean Bins, Carts, Compactors, and Drop Boxes.

County.

“County” means the County of Stanislaus, state of California. (Ord. CS 797, §2, 2002; previously in §9.04.010 C.; Ord. CS 326 §7, 1989; prior code §3-130).

County Code.

“County Code” means the Stanislaus County Code as amended from time to time.

Customer.

“Customer” means any Person whom an Authorized Collector submits its billing invoice to and collects payment from for receiving Collection Service under the provisions of Chapters 9.02 through 9.12. (Ord. CS 797, §2, 2002; previously in §9.04.010 D.; Ord. CS 326 §7, 1989; prior code §3-130).

Department.

“Department” means the Department of environmental resources of the County. (Ord. CS 797, §2, 2002; previously in §9.04.010 E.; Ord. CS 326 §7, 1989; prior code §3-130).

Designee.

“Designee” means any entity or Person designated by the County to fulfill any obligations of the County including, but not limited to, the enforcement of the provisions of Chapters 9.02 through 9.12 of the County Code.

Discarded Materials.

“Discarded Materials” means any one or combination of Recyclable Materials, Organic Materials, Mixed Waste, Solid Waste, Industrial Waste, Hard-to Handle Waste, and Bulky Items accepted as part of the County’s Collection Service.

Discarded Materials Ordinance.

“Discarded Materials Ordinance” means Chapters 9.02 through 9.12, inclusive, of the Stanislaus County Code. Outside of this Discarded Materials Ordinance, references

within the County Code to “refuse ordinance” shall refer to and hold the same meaning as “Discarded Materials Ordinance.” (Ord. CS 797, §2, 2002).

Disposal or Dispose.

“Disposal” or “Dispose” (or any variation thereof) means the management of Solid Waste through final disposition at a Landfill, or Transformation at a permitted Disposal Facility. (Ord. CS 797, §2, 2002).

Disposal Facility.

“Disposal Facility” means a Landfill, Transformation Facility, or other facility approved by the Department for the ultimate disposition of Solid Waste. (Ord. CS 797, §2, 2002).

Drop Box.

“Drop Box” means a Container, with a minimum capacity of ten cubic yards, designed for mechanical emptying with a vehicle, for Transportation to a Disposal or Processing Facility and of a design approved by the Department. (Ord. CS 797, §2, 2002; previously in §9.04.010 G.; Ord. CS 326 §7, 1989; prior code §3-130).

Dwelling Unit.

“Dwelling Unit” means any individual living unit in a Single-Family or Multi-Family structure or building, a mobile home, or a motor home located on a permanent site intended for, or capable of being utilized for, Residential living other than a hotel or motel.

Edible Food.

“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.

Excluded Waste.

“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 County, 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 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 or Household Hazardous Waste in compliance with County Collection programs.

Exempt Collection Service Area(s).

“Exempt Collection Service Area(s)” means any unincorporated areas within the County specifically exempt from one or more of the requirements of Chapters 9.02 through 9.12 of the County Code by the Board in accordance with Applicable Law. Considerations for such an exemption may include, but are not limited to, the population density of the area or areas that fall under the requirements outlined in Section 9.12.110. (Ord. CS 797, §2, 2002; previously in §9.04.010 U.; Ord. CS 326 §7, 1989; prior code §3-130).

Food Facilities.

“Food Facilities” has the same meaning as in Section 113789 of the Health and Safety Code.

Food Recovery.

“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.

“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).

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).

Food Recovery Service.

“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.

“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 is a subset of Food Waste.

Food-Soiled Paper.

“Food-Soiled Paper” means compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons. Food-Soiled Paper is a subset of Food Waste.

Food Waste.

“Food Waste” means Food Scraps and Food-Soiled Paper. Food Waste is a subset of Organic Materials.

Franchise Area(s).

“Franchise Area(s)” means a portion of the County designated for Discarded Materials Collection Service by a Franchise Collector and shown on certain maps entitled “refuse collection areas in Stanislaus County” including all amendments and changes thereto, which maps are incorporated in Chapters 9.02 through 9.12 by reference and are on file in the Department and in the office of the clerk of the Board. (Ord. CS 797, §2, 2002; previously in §9.04.010 H.; Ord. CS 326 §7, 1989; prior code §3-130).

Franchise Collector.

“Franchise Collector” means a Person, business, or other entity, including their agents and employees, authorized by the Board that has received written approval, through an agreement or otherwise, to Collect, Transport, Transfer, Process, and/or Dispose of Discarded Materials within the County’s Franchise Areas. Franchise Collectors are subject to franchise fees as outlined in Section 9.08.180 of the County Code.

Garden Waste.

“Garden Waste” means vegetative Organic Waste that will decompose and/or putrefy including, but not limited to, grass clippings, leaves, tree or shrub trimmings, weeds, unpainted and untreated wood, and other vegetative Organic Waste accumulated as a result of normal yard and landscaping installation, maintenance, or removal. Garden Waste is a subset of Organic Materials. (Ord. CS 797, §2, 2002; previously in §9.04.010 J.; Ord. CS 326 §7, 1989; prior code §3-130).

Generator.

“Generator” means a Person or entity that is responsible for the initial creation of one or more types of Discarded Materials.

Hard-to-handle Waste

“Hard-to-handle waste” means household furniture, appliances, tree stumps and large limbs, telephone poles, and timbers, styrofoam, transite pipe, large metal objects, cable, wire, concrete over one thousand pounds piece weight and reinforced concrete, and nonhazardous liquid waste.

Hazardous Material.

“Hazardous Material” means “Hazardous Substances” and/or “Hazardous Waste” as defined in Section 25117 and Section 25316 of the Health and Safety Code, as hereafter may be amended. (Ord. CS 797, §2, 2002).

High Diversion Organic Waste Processing Facility.

“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 fifty percent between January 1, 2022 and December 31, 2024, and seventy-five percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the Collection of Mixed Waste Service.

Household Hazardous Waste or HHW.

“Household Hazardous Waste” or “HHW” means Hazardous Material generated at Residential Premises within the County. HHW includes items accepted the County’s Household Hazardous Waste facility.

Industrial Collector.

“Industrial Collector” means a Person, business, or other entity, including their agents and employees, authorized by the Board that has received written approval, through an agreement or otherwise, to Collect, Transport, Transfer, Process, and/or Dispose of Industrial Waste within the unincorporated areas of the County. Industrial Collectors are subject to the requirements of Chapter 9.09.

Industrial Waste.

“Industrial Waste” means Discarded Materials in an amount exceeding an average of five hundred pounds per operating day produced by a Person principally engaged in the business of Processing or manufacturing agricultural, animal or other products or materials and whose principal outlet for such products is wholesale rather than retail; and Discarded Materials produced by a licensed building or demolition contractor including Inert Waste. (Ord. CS 797, §2, 2002; previously in §9.04.010 K.; Ord. CS 326 §7, 1989; prior code §3-130).

Inert Waste.

“Inert Waste” means waste which contains insignificant amounts of decomposable wastes and no soluble pollutants, including, but not limited to, rock, earth, construction rubble and asphalt chunks, as approved by the Department. (Ord. CS 797, §2, 2002; previously in §9.04.010 W.; Ord. CS 326 §7, 1989; prior code §3-130).

Inspection.

“Inspection” means a site visit where a County official or their Designee reviews records, Containers, and an entity’s Collection, handling, Recycling, or Landfill Disposal of Recyclable Materials, Organic Waste, Solid Waste, Mixed 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).

Landfill.

“Landfill” means a “Solid Waste Landfill” defined by Public Resources Code 40195.1.

Large Event.

“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 two thousand 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.

Large Venue.

“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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is 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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, 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. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

Mandatory Collection Service Area(s).

“Mandatory Collection Service Area(s)” means all unincorporated areas within the County that do not fall within an Exempt Collection Service Area. (Ord. CS 797, §2, 2002; previously in §9.04.010 T.; Ord. CS 326 §7, 1989; prior code §3-130).

Mixed Waste.

“Mixed Waste” means two or more types of Discarded Materials intentionally comingled into one Container for Collection in accordance with the County’s One-Container or Two-Container Service.

Multi-Family.

“Multi-Family” means of from or pertaining to Residential Premises with five or more Dwelling Units used for Residential purposes (regardless of whether residence therein is temporary or permanent, vacant, or occupied). Multi-Family Premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

Notice of Violation.

“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.

Occupant.

“Occupant” means the Person who occupies a Premises. (Ord. CS 797, §2, 2002; previously in §9.04.010 L.; Ord. CS 326 §7, 1989; prior code §3-130).

One-Container Service.

“One-Container Service” means Discarded Materials Service provided by an Authorized Collector in which Recyclable Materials, Organic Materials, and Solid Waste are Collected in a single Collection Container and Processed at a High Diversion Organic Waste Processing Facility or another Approved Facility as determined by the Department in accordance with Applicable Law.

Organic Materials.

“Organic Materials” means Garden Waste, Food Scraps, and Food-Soiled Papers that are set aside, handled, packaged, or offered for Collection Service.

Organic Waste.

“Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, Garden 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 Processing Facility.

“Organic Waste Processing Facility” means a permitted facility that is operated in accordance with Applicable Law for the purpose of producing Compost. (Ord. CS 797, §2, 2002).

Owner.

“Owner” means the Person(s) holding legal title to real property and/or any improvements thereon and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor. (Ord. CS 797, §2, 2002; previously in §9.04.010 M.; Ord. CS 326 §7, 1989; prior code §3-130).

Permitted Collector

“Permitted Collector” means a Person, business, or other entity, including their agents and employees, authorized by the Board that has received written approval, through a permit or otherwise, to Collect, Transport, Transfer, Process, and/or Dispose of Discarded Materials within the unincorporated areas of the County, in accordance with the scope of

such permit. Permitted Collectors are subject to the requirements of Chapter 9.10. For the purposes of this Chapter, Franchise Collectors and Industrial Collectors are not considered Permitted Collectors.

Person.

“Person” means any individual, firm, corporation, partnership, joint venture, association, group or combination and the plural as well as the singular. (Ord. CS 797, §2, 2002; previously in §9.04.010 N.; Ord. CS 326 §7, 1989; prior code §3-130).

Premises.

“Premises” means a parcel of real property to the center of any alley adjacent thereto, located in the unincorporated area of the County, upon which is situated any Dwelling Unit, including each unit of a Multi-Family or Single-Family Premises, or of a mobile home park; or a Commercial Premises upon which is conducted any business, occupation, or activity which results in the production or accumulation of Discarded Materials. (Ord. CS 797, §2, 2002; previously in §9.04.010 O.; Ord. CS 326 §7, 1989; prior code §3-130).

Processing.

“Processing” or any variation thereof, means the controlled separation, Recovery, volume reduction, conversion, Composting, or Recycling of Discarded Materials including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of Recovery, and/or includes the use of conveyor belts, sorting lines, or volume reduction equipment, or as otherwise defined in 14 CCR Section 17402(a)(20). (Ord. CS 797, §2, 2002).

Processing Facility.

“Processing Facility” includes those facilities utilized to separate, convert, or otherwise Process Recyclable Materials or Mixed Waste for the purpose of making such material available for Recycling or Composting, or the facility for the Processing and/or Composting of Organic Materials. (Ord. CS 797, §2, 2002).

Prohibited Container Contaminants.

“Prohibited Container Contaminants” means the following:

A. For Generators receiving Three-Container Service

1. Discarded Materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the County’s Three-Container Service;
2. Discarded Materials placed in the Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the County’s Three-Container Service;
3. Discarded Materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic

Materials to be placed in Organic Materials Container and/or Recyclable Materials Container; and,

4. Excluded Waste placed in any Container.
- B. For Generators receiving Two-Container Service for Source Separated Organic Materials and Mixed Waste:
1. Discarded Materials placed in an Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the County's Two-Container Service;
 2. Discarded Materials placed in the Mixed Waste Container that are identified as acceptable Source Separated Organic Materials, which are to be separately Collected in County's Two-Container Service; and,
 3. Excluded Waste placed in any Container.
- C. For Generators receiving Mixed Waste Service
1. Excluded Waste placed in any Container.

Recovery.

"Recovery," or any variation, thereof 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 or Recyclable Materials.

"Recyclables" or "Recyclable Material" means materials not intended for Disposal, that are set aside, handled, packaged, offered for Collection, or Processed in a manner different from Solid Waste for the purpose of Recycling. The list of Recyclable Materials accepted in the County's Collection Service program shall be determined by the Department and may be amended from time to time. (Ord. CS 797, §2, 2002).

Recycle or Recycling.

"Recycle" or "Recycling" means the process of Collecting, sorting, separating, cleansing, treating, and reconstituting materials for reuse that would otherwise become Solid Waste, and returning 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. (Ord. CS 797, §2, 2002).

Renewable Natural Gas or RNG.

"Renewable Natural Gas" or "RNG" 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.

“Residential” means of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including Single-Family homes, apartments, condominiums, Townhouse complexes, mobile home parks, and cooperative apartments.

Responsible Party.

“Responsible Party” means the Owner, property manager, tenant, lessee, Occupant, or other Person that manages the Discarded Materials Service for a Premises in the County, or, if there is no such individual designated, the Owner or property manager of a Single-Family Premises, Multi-Family Premises, or Commercial Premises. In instances of dispute or uncertainty regarding who is the Responsible Party for a Premises, Responsible Party shall mean the Owner of a Single-Family Premises, Multi-Family Premises, or Commercial Premises.

SB 1383.

“SB 1383” means Senate Bill 1383 of 2016 approved by Governor Brown on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

Self-Haul.

“Self-Haul” means to act as a Self-Hauler.

Self-Hauler.

“Self-Hauler” means a Person, who hauls Solid Waste, Mixed Waste, Organic Waste or Recyclable Materials they have generated to another Person or facility. Self-Hauler also includes a landscaper, or a Person who back-hauls waste. Back-haul means generating and Transporting Recyclable Materials or Organic Waste to a destination owned and operated by the Generator or Responsible Party using the Generator’s or Responsible Party’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

Single-Family.

“Single-Family” means of, from, or pertaining to any Residential Premises with fewer than five Dwelling Units.

Solid Waste.

“Solid Waste” means Solid Waste as defined in California Public Resources Code, Division 30, Part 1, Chapter 2, §40191 and regulations promulgated hereunder. For the purposes of Chapters 9.02 through 9.12, Solid Waste does not include hazardous waste, radioactive waste, medical waste, Source Separated Recyclable Materials, Source Separated Organic Materials, or Mixed Waste that is intended for Collection through One-

Container Service or Two-Container Service. Notwithstanding any provision to the contrary, Solid Waste may include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, Recycling, treatment, and Disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. (Ord. CS 797, §2, 2002).

Source Separated.

“Source Separated” means Recyclable Materials, including commingled Recyclables, or Organic Materials that have been separated or kept separate from the Solid Waste stream or the Mixed Waste stream by a Generator for the purpose of Recycling, Composting, or reuse. (Ord. CS 797, §2, 2002).

Three-Container Service.

“Three-Container Service” means Discarded Materials Collection Service provided by an Authorized Collector in which Source-Separated Recyclable Materials, Source-Separated Organic Materials, and Solid Waste are Collected in three separate Collection Containers for Processing and/or Disposal.

Tier One Commercial Edible Food Generator.

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following, each as defined in 14 CCR Section 18982:

- A. Supermarket.
- B. Grocery store with a total facility size equal to or greater than ten thousand square feet.
- C. Food service provider.
- D. Food distributor.
- E. Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

Tier Two Commercial Edible Food Generator.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following, each as defined in 14 CCR Section 18982:

- A. Restaurant with two hundred and fifty or more seats, or a total facility size equal to or greater than 5,000 square feet.
- B. Hotel with an on-site Food Facility and two hundred or more rooms.

- C. Health facility with an on-site Food Facility and one hundred or more beds.
- D. Large Venue.
- E. Large Event.
- F. A state agency with a cafeteria with two hundred and fifty or more seats or total cafeteria facility size equal to or greater than five thousand square feet.
- G. A local education agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

Transfer.

“Transfer” means the act of Transferring the materials Collected by an Authorized Collector from its Collection vehicles into larger vehicles for Transport to other facilities for the purpose of Recycling, Composting, or Disposing of such materials. Transfer Station.

Transfer Station.

“Transfer Station” includes those facilities utilized to receive Discarded Materials, temporarily store, separate, convert, or otherwise Process the materials, and/or Transfer materials directly from smaller to larger vehicles for Transport to a Processing or Disposal Facility.

Transformation.

“Transformation” means incineration, pyrolysis, distillation, gasification, or biological conversion other than Composting. Transformation does not include Composting or biomass conversion. (Ord. CS 797, §2, 2002).

Transformation Facility.

“Transformation Facility” includes a facility utilized to receive Discarded Materials for the purpose of Transformation.

Transportation or Transport.

“Transportation” or “Transport” means the act of conveying Collected materials from one location to another.

Two-Container Service.

“Two-Container Service” means Discarded Materials Service provided by an Authorized Collector in which two types of Discarded Materials are comingled for Collection in a single Container and Processed at a High Diversion Organic Waste Processing Facility, or another Approved Facility as determined by the Department in accordance with

Applicable Law, and Source Separated materials are Collected in a different Container for Processing at an Approved Processing Facility to recover those materials.

Working Day(s).

“Working Day(s)” means any day, Monday through Saturday, that Collection service is provided.

Chapter 9.04 GENERAL PROVISIONS

9.04.010 Franchise or permit—Required.

Except as may have been authorized pursuant to Section 9.04.100, no Person shall Collect, handle, Transfer, store, Process, Transport or use Discarded Materials in the unincorporated area of the County without first receiving a franchise or permit to engage in such activity. The provisions of this Section shall not apply to any Person who Self-Hauls their Discarded Materials from their own Premises in accordance with Section 9.04.050.(Ord. CS 797, §2, 2002; previously in §9.08.010; Ord. CS 326 §22; prior code §3-150).

9.04.015 Means of Collection.

Pursuant to Public Resources Code Sections 40002 and 40057, the Board is authorized to and shall provide for Discarded Materials Service, including without limitation source reduction, Recycling, Composting, and the Collection, Transfer, Processing, and Disposal of Discarded Materials within the unincorporated area of the County by any means authorized by Public Resources Code Sections 40058 and 40059 and Applicable Law. (Ord. CS 797, §2, 2002; previously in §9.08.030; Ord. NS 1049 §1, 1982; prior code §3-151 (c)).

9.04.020 Dumping—Private Property.

No Owner or Occupant shall throw, drop, leave, dump, bury, place or otherwise Dispose of any Discarded Materials upon their Premises, or allow any other Person to Dispose of Discarded Materials, upon their Premises except as approved by the Department. Building materials may be kept on Premises during a period of active construction, reconstruction, or repair of a building or structure thereon under a valid building permit, and wood may be kept neatly piled upon Premises for household use; and Organic Waste may be managed in a manner approved by the Department and Applicable Law. Nothing in this Section intends to prohibit a Generator from preventing or reducing Discarded Materials generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c). (Ord. CS 797, §2, 2002; Ord. CS 326 §8, 1989; prior code §3-131 (a)).

9.04.030 Dumping—Land Reclamation Permit.

No Person shall throw or deposit or cause to be thrown or deposited, any Discarded Materials or abandon any material whatsoever in or upon any public property, public right-of-way, watercourse, or banks of any watercourse, or upon the Premises of any other Person, except at a Disposal or Processing Facility approved by the Department.

However, a temporary permit for a land reclamation operation which utilizes Inert Wastes approved by the Department and which is designated for land reclamation may be issued by the Department provided the intended use is authorized by the basic zoning ordinance of the County. The permit shall be for a limited time and for a limited land area and subject to conditions set forth by the Department. (Ord. CS 797, §2, 2002; Ord. CS 326 §9, 1989; prior code §3-131(b)).

9.04.035 Discarded Materials Transportation—Litter Control.

No Person shall Transport Discarded Materials, of any type, upon any public property, public right-of-way, watercourse, or bank of any watercourse, or upon the Premises of any other Person, except at a Disposal or Processing Facility approved by the Department, without covering or enclosing the Discarded Materials, and taking effective measures to prevent any Discarded Materials from blowing, leaking, or dropping from the vehicle during Transport. Adequacy of load covers and control measures shall be determined by the Department. (Ord. CS 797, §2, 2002).

9.04.040 Discarded Materials service—Required.

- A. The Owner or Occupant, of each Residential or Commercial Premises within the Mandatory Collection Service Areas of the unincorporated County shall subscribe, at minimum, to weekly Collection Service for Discarded Materials with the appropriate Franchise Collector, from the first through the last date of occupancy. The Department may change the required number of Containers, type or size of Containers, or Collection frequency as it deems necessary.
- B. The Owner or Occupant of each Residential or Commercial Premises, within all Exempt Collection Service Areas, shall subscribe, at minimum, to weekly Solid Waste Collection through an Authorized Collector. Additional Discarded Materials may be Recycled, Composted, or Disposed of in a manner approved by the Department and in accordance with Chapters 9.04 through 9.12 of the County Code. The Department may change the required number of Containers, type or size of Containers, or Collection frequency as it deems necessary. (Ord. CS 797, §2; Ord. CS 326 §10, 1989 prior code §3-132(a)).
- C. Nothing in this Section prohibits a Responsible Party or a Generator of a Residential Premises or Commercial business from preventing or reducing Discarded Materials generation, managing Organic Waste on site pursuant to the provisions of the County Code, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

9.04.050 Discarded Materials Removal—Self-Haulers.

- A. Subject to the provisions of Chapters 9.02 through 9.12, a Person may Self-Haul Discarded Materials created, produced or accumulated upon the Premises they own or occupy or on unoccupied Premises they own without the necessity of a permit therefor; provided a Generator of Industrial Waste shall obtain a permit to remove, Process, and Dispose of such waste. Any Person who chooses to Self-Haul their

Discarded Materials shall do so in accordance with this Section and any other requirements specified by the Department.

- B. Self-Haulers that Source Separate their Recyclable Materials and/or their Organic Waste shall haul their Source Separated Recyclable Materials to an Approved Facility that Recovers those materials, haul their Source Separated Organic Waste to a an Approved Facility that Processes or Recovers Source Separated Organic Waste, haul their Solid Waste to an Approved Disposal Facility, and Transport manure to a facility that manages manure in conformance with 14 CCR Article 12 and such that the manure is not landfilled, used as Alternative Daily Cover (ADC), or used as Alternative Intermediate Cover (AIC). Alternatively, Self-Haulers may choose to not Source Separate Recyclable Materials and Organic Materials and shall haul their Mixed Waste to a High Diversion Organic Waste Processing Facility that is approved by the County.
- C. Self-Haulers that are Responsible Parties of Commercial businesses or Multi-Family Premises shall keep records of the amount of Recyclable Materials, Organic Waste, and Solid Waste delivered to each facility, operation, activity, or property that Processes or Recovers Recyclable Materials or Organic Waste and that Processes or Disposes of Solid Waste, or shall keep records of Mixed Waste delivered to High Diversion Organic Waste Processing Facilities. These records shall be subject to Inspection by the County or its Designee. The records shall include, at a minimum, the following information:
 - 1. Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Waste, Mixed Waste, and/or Solid Waste.
 - 2. The amount of material in cubic yards or tons Transported by the Generator or Responsible Party to each entity.
 - 3. 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 Recyclable Materials, Organic Waste, Mixed Waste and/or Solid Waste.
 - 4. Any records as required by Applicable Law including 14 CCR Section 18988.3 as it may be amended from time to time or requested by the Department.
- D. Self-Haulers residing in a Mandatory Collection Service Area shall not be exempt from subscribing to a Discarded Materials Collection Service as required in Section 9.04.040. (Ord. CS 797 §2, 2002; Ord. CS 326 §11, 1989; prior code §3-132(b)).
- E. Self-Haulers in Exempt Collection Service Areas are encouraged, but not required, to Source Separate materials they Self-Haul in accordance with subsections B and C of this Section. Any Discarded Materials not Source Separated shall be Disposed of at an Approved Disposal Facility and in accordance with Applicable Law.

9.04.060 Services Required - Exempt Collection Service Area.

- A. The Responsible Party of a Residential or Commercial Premises in an Exempt Collection Service Area shall subscribe to and pay for Solid Waste Collection Service or Self-Haul their Solid Waste in accordance with Sections 9.04.040 through 9.04.070.

Generators in an Exempt Collection Service Area shall not be required to subscribe to Source Separated Organic Materials or Recyclable Materials Collection Service, with the exception of the Generators specified in subsections B and C below or as otherwise required by Applicable Law.

- B. The Responsible Party of a Multi-Family or Commercial Premises in an Exempt Collection Service Area that is regulated by California Public Resources Code Section 42649.2 (a) shall comply with the Recycling, Diversion, Source Separation, service subscription, and other requirements of California Public Resources Code Section 42649.2 (b) and any further guidance or regulations from CalRecycle; and, shall comply with the associated Collection Service requirements set forth in this Chapter, as applicable.
- C. The Responsible Party of a Multi-Family or Commercial Premises in an Exempt Collection Service Area that is regulated by California Public Resources Code Section 42649.81 shall comply with the Organic Waste Diversion, Source Separation, service subscription, and other requirements of California Public Resources Code Section 42649.81, and any further guidance or regulations from CalRecycle; and, shall comply with the associated Collection Service requirements set forth in this Chapter, as applicable.

9.04.070 Containers—Required and Use.

- A. A Responsible Party of any Premises of the unincorporated County shall subscribe to applicable Discarded Materials Collection Service as required under this Chapter using Containers provided by the Franchise Collector with a sufficient number of Containers for receiving and holding, with the Container lid fully closed, all Discarded Materials produced, created, deposited, or accumulated upon their Premises during the intervals between Collection, Transport, Processing, or Disposal, and all such Discarded Materials shall be deposited in such Containers. No Person, except for the Owner or Occupant of the Premises, shall Dispose of, place, or deposit Discarded Materials in such Containers, without the express permission of the Owner or Occupant. Containers shall be kept continuously closed, except when Discarded Materials are being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents, and other animals. The Department may require adjustments to the size, type, design, or quantity of Containers at any Premises to meet the requirements of this Section and Applicable Law.
- B. Responsible Parties of Multi-Family and Commercial Premises in the Mandatory Collection Service Area shall ensure Containers can be easily identified and

accessible to tenants, employees, vendors, contractors, visitors, and Customers, and display proper signage of the approved and prohibited Discarded Material types for that Container according to their subscribed Discarded Materials Collection Service. Such Containers shall be provided and maintained by the Authorized Collector, County, or Designee. Generators shall be required to exclusively use Containers provided by the Franchise Collector, County, or Designee, in order to ensure that the Containers are compatible with Collection equipment and Applicable Law. The Department retains the right to require Containers to meet certain standards, such as Container color, labels, or other specifications, including, but not limited to, those specified in 14 CCR, Division 7, Chapter 12, Article 3 and Chapter 9.08. The Responsible Party of the Premises shall keep all Containers closed or covered at all times, sanitary, and emptied on a regular schedule as required by the Department. (Ord. CS 797 §2, 2002; Ord. CS 326 §13, 1989; prior code §3-133).

- C. In addition to the requirements of subsection A, the Responsible Party of a Commercial Business in the Mandatory Collection Service Area shall meet the following requirements.
1. For Three-Container Service, provide Containers for the Collection of Source Separated Organic Materials and Source Separated Recyclable Materials where Solid Waste Containers are provided for Customers, except restrooms.
 2. For Two-Container Service, provide Containers for the Collection of Source Separated Organic Materials or Source Separated Recyclable Materials, as applicable to the materials Collected in the Two-Container Service, where Mixed Waste Containers are provided for Customers, except restrooms.
 3. If a Commercial business does not generate any of the Discarded Materials that would be Collected in one type of Container, then the business shall not be required to provide that Container type for customers in all areas where Solid Waste or Mixed Waste Containers are provided.
 4. The Collection Containers provided to Customers shall have one or both of the following: (a) a body and lid that conforms with the colors of the Containers provided through the County's Discarded Materials Service, as applicable; and/or, (b) highly-visible Container labels that include language, graphic images, or both indicating the primary materials accepted and the primary materials prohibited in each Container; or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in each Container. A Commercial Business is not required to replace functional Containers that do not comply with these color and labeling requirements prior to the end of the useful life of the Containers, or prior to January 1, 2036, whichever date comes first.

9.04.100 Special Arrangements for Discarded Materials Removal.

The Owner(s), within a Mandatory Collection Service Area, or the Owner(s) and/or Occupant(s), within an Exempt Collection Service Area, may request the Department to approve a plan whereby special arrangements are made for effective and efficient

Discarded Materials removal. The proposed plan must comply with all Applicable Law and shall include a statement of expected charges, not to exceed the maximum rates approved by the Board, and such other comments as the Authorized Collector whose services will be utilized considers appropriate. The Department is authorized to grant variances to any provision of this Chapter and to approve the proposed plan with such conditions as are deemed necessary. (Ord. CS 797 §2, 2002; Ord. CS 326 §15, 1989; prior code §3-135).

9.04.110 Containers—Location.

Discarded Materials Containers shall not be placed or allowed to remain in or on any street or alley right-of-way more than twenty-four hours prior to, or after, the scheduled Collection day unless authorized by the Department. Except when Containers are set out for Collection in accordance with Section 9.04.120, Containers shall be screened from public view in a manner approved by the Department. If suitable screening is not feasible, the Department may approve an unscreened location. (Ord. CS 797 §2, 2002; prior code §3-136).

9.04.120 Collection and Diversion—Single - Family Premises.

- A. Subject to the prohibitions of Section 9.04.110, Discarded Materials in proper Containers shall be placed for Collection, in the following manner for Single – Family Premises:
 - 1. Where alleys exist with well-maintained, all-weather surfaces, upon the Customer's Premises, Containers shall be placed immediately adjacent to and accessible from the alley without the necessity of entering the Premises;
 - 2. Where alleys do not exist or do not meet the criteria in subsection A.1, upon the Customer's Premises, Containers shall be placed immediately adjacent to the nearest County or state maintained road, and accessible to the Authorized Collector without the necessity of entering a fenced yard; and further provided, that the Department may approve an agreement between the Customer and the Authorized Collector as to the location of Discarded Materials Containers for Collection.
 - 3. Drop Boxes and Bins shall be located for easy access and as agreed upon between the Customer and the Authorized Collector. In case of dispute, the location shall be as determined by the Department. (Ord. CS 797 §2, 2002; Ord. CS 326 §16, 1989; prior code §3-137 (a)).
- B. All Generators of Single-Family Premises shall separate Discarded Material types for Collection, in accordance with their subscribed Discarded Materials Service, and shall not place Prohibited Container Contaminants in any Collection Container.
- C. Generators who Self-Haul their materials shall do so in accordance with Section 9.04.050.

9.04.130 Collection and Diversion—Multi-Family and Commercial Premises.

- A. Carts for Discarded Materials Collection Service to Multi-Family and Commercial Premises shall be placed upon the Customer's Premises immediately adjacent to and accessible from the nearest state or County maintained road, or in locations that are mutually agreed upon by the Owner and the Authorized Collector. Drop Boxes and Bins shall be located for easy access and as agreed upon between the Customer and the Authorized Collector. In case of dispute, the location shall be as determined by the Department. (Ord. CS 797 §2, 2002; Ord. CS 326 §17, 1989; prior code §3-137[b]).
- B. All Generators of Multi-Family and Commercial Premises shall separate Discarded Material types for Collection, in accordance with their subscribed Discarded Materials Collection Service, and shall not place Prohibited Container Contaminants in any Collection Container. Generators who Self-Haul their materials shall abide by the provisions set forth in Section 9.04.050 for sorting, diverting, and recovering their Discarded Materials.
- C. Responsible Parties of Multi-Family and Commercial Premises shall educate and provide information to employees, contractors, and tenants about diversion requirements and proper sorting, at least annually. Such education information shall also be provided to any new employees or contractors upon employment and any new tenants upon occupation of the Premises before or within fourteen Calendar Days of employment or occupation of the Premises.
- D. The Responsible Party of a Commercial business shall, in addition to the requirements in subsections A through C, direct its employees to properly Source Separate Discarded Materials for Collection according to their subscribed Discarded Materials Service and prohibit employees from placing Prohibited Container Contaminants in any Container; periodically inspect Containers for contamination by Prohibited Container Contaminants; and, if contamination by Prohibited Container Contaminants is found, inform employees of the observed Prohibited Container Contaminants and the proper use of Discarded Materials Containers.

9.04.140 Collection—Exceptions.

Containers set for Collection may be placed on Premises at a location other than as provided in Sections 9.04.120 and 9.04.130 if the Customer so desires and agrees to pay an additional charge according to a fee schedule, which has been approved by the Board. (Ord. CS 797 §2, 2002; prior code §3-137(c)).

9.04.150 Excluded Waste.

No Person shall knowingly deposit in any Container used for Discarded Materials Collection Service any Excluded Waste. No Person shall knowingly deposit any such Excluded Waste at a Disposal or Processing Facility or unless such facility is permitted to handle, Process, or Dispose of such waste. (Ord. CS 797 §2, 2002; prior code §3-138).

9.04.151 Tires and/or hard-to-handle waste.

No Person shall knowingly deposit in any Container used for Discarded Materials, any tires and/or hard-to-handle waste without having first made special arrangements for the Disposal thereof with the Authorized Collector. No Person shall knowingly deposit any tires and/or hard-to-handle waste in or at any Disposal or Processing Facility without having first made special arrangements with the facility operator. (Ord. CS 797 §2, 2002; Ord. CS 326 §18, 1989).

9.04.170 Hours of Collection.

No Discarded Materials Collection shall be made in a Residential district, as shown on the zoning map of the County, prior to five a.m. or after six p.m. No Discarded Materials Collection shall be made at schools, churches, hospitals, offices, or Commercial establishments in or adjacent to said Residential districts prior to five a.m. or after nine p.m. (Ord. CS 797 §2, 2002; prior code §3-140).

9.04.180 Use of Discarded Materials.

Notwithstanding the provisions of Sections 9.04.020 and 9.04.030, Discarded Materials may be used for activities deemed to be a reduction in Landfill Disposal as defined in 14 CCR Section 18983.1(b), provided such use complies with this Chapter and all other Applicable Laws. Except as may have been authorized pursuant to Section 9.04.100 or 9.12.110, no Person shall use, Recycle, Process, store, or Transport Discarded Materials for any beneficial purpose without having a valid permit, contract, or agreement therefor issued by the Department or in accordance with the Self-Haul requirements as outlined in Section 9.04.050. The Department shall issue or amend a permit upon such terms and conditions as are determined to be necessary to ensure that the use or the proposed use complies with Applicable Laws and regulations and does not create a health menace or a nuisance. (Ord. CS 797 §2, 2002; prior code §3-141).

9.04.190 Manner of Collection.

All Collections by an Authorized Collector shall be made with vehicles and equipment meeting the minimum standards as set forth in Sections 9.08.340 through 9.08.350 and 9.09.340 through 9.09.350. Vehicles shall be of a design approved by the Department. Equipment shall be designed and operated such that no Discarded Materials are allowed to blow or drop from vehicles during Collection or Transport. Adequacy of load covers or control measures, shall be determined by the Department. All Collections shall be made as quietly as possible, and the use of any unnecessarily noisy, trucks or equipment is declared unlawful. (Ord. CS 797 §2, 2002; Ord. CS 326 §19, 1989; prior code §3-142).

9.04.200 Ownership of Discarded Materials.

All Discarded Materials prior to being legally Collected from a Premises by an Authorized Collector shall be the property of the Generator of the Discarded Materials, if such Generator is known. In the event said Generator of the Discarded Materials is unknown, the Discarded Materials shall become the property of the Owner of the Premises upon which said Discarded Materials have been deposited. All Discarded Materials upon being legally Collected by an Authorized Collector from the Premises where produced or

accumulated shall become and be the property of the Authorized Collector and upon being legally deposited at a Disposal or Processing Facility, which site or facility shall be permitted in accordance with Applicable Law and the use of which shall be approved by the Department, shall forthwith become the property of the permitted operator of the Approved Facility. (Ord. CS 797 §2, 2002; Ord. CS 326 §20, 1989; prior code §3-143).

9.04.210 Interfering with Containers Prohibited.

No Person other than the Owner or Occupant, an employee of the County or their Designee, or an employee of the Authorized Collector shall tamper with or interfere in any manner with any Discarded Materials Container or the contents thereof. (Ord. CS 797 §2, 2002; prior code §3-144 (a)).

9.04.220 Interfering with Removal Prohibited.

No Person shall by any means hinder, obstruct or interfere with the Collection or Transportation of Discarded Materials by an Authorized Collector. (Ord. CS 797 §2, 2002; prior code §3-144(b)).

9.04.221 Fee—Deposit.

All fees, except Solid Waste Disposal fees, shall be paid to the Department which shall deposit them to the general fund or to such other fund as the Board may designate. (Ord. CS 797 §2, 2002; previously in §9.08.220; prior code §3-157(e)).

9.04.225 Fee—Solid Waste Disposal.

Any Person, business, or entity who is required to obtain a franchise or permit under Section 9.04.010, and Disposes of Solid Waste or causes Solid Waste to be Disposed at a County owned or operated Disposal Facility, must pay Solid Waste Disposal fees or other charges incurred for such Disposal within the period of time set forth in subsection B of Section 9.04.230. Any Person that Self-Hauls Solid Waste from their own Premises as provided in Section 9.04.050 must pay the charges for Disposal of Solid Waste at County Disposal Facilities at the time of Disposal of the Solid Waste. (Ord. CS 797 §2, 2002; previously in §9.08.225).

9.04.230 Fee—Delinquency.

- A. Franchise fees and industrial fees which are based on a percentage of gross revenues, are due quarterly on or before September 30, December 31, March 31, and June 30 and, thereafter, are delinquent if unpaid within thirty days after the due date. Other fees, as authorized pursuant to Sections 9.08.180, 9.09.190, and 9.10.210, are due and payable thirty days after the assigned due date and, thereafter, are deemed to be delinquent until paid.
- B. Solid Waste Disposal fees under Section 9.04.225 are due and payable on or before the thirtieth day after the date an invoice is issued for the Solid Waste Disposal fees and, thereafter, are deemed to be delinquent until paid.

- C. All fees referred to in this Section shall be promptly paid in lawful money of the United States on or before the date such fees are due and payable. A late payment charge equal to one and a half percent of the unpaid amount shall accrue and shall be added to the total amount of fees due on the first day that the fee is delinquent and on each month thereafter until paid in full.
- D. In addition to late payment charges, Persons that have not promptly paid fees when due and payable shall be subject to any or all of the following actions as imposed at the discretion of the Department:
 - 1. The temporary suspension or permanent revocation of privileges to Dispose of Solid Waste at County owned or operated Disposal Facilities.
 - 2. The posting of security in an amount determined by the Department to be necessary and reasonable to offset additional delinquencies plus estimated Collection costs, including reasonable attorney fees. The security may be in the form of a cash deposit, an irrevocable letter of credit, or a corporate surety bond. The issuer of a letter of credit or bond shall be admitted to do business in California and shall be acceptable to the Department.
 - 3. The revocation of a franchise or permit under Sections 9.12.030, 9.12.040, and 9.12.050. (Ord. CS 797, §2, 2002; previously in §9.08.230; Ord. CS 326 §36, 1989; prior code §3-157(f)).
 - 4. The imposition of liquidated damages or other remedies as set forth in the franchise, agreement, or permit with an Authorized Collector.

9.04.235 Inspections.

- A. The Department or their Designee may inspect or cause to be inspected, at regular intervals, Discarded Materials Containers and shall be the sole judge of the condition of such Containers as to their fitness for use and their compliance with the Container color and labeling requirements and other standards set forth by the Department (Ord. CS 797, §2, 2002; previously in §9.04.230; prior code §3-145(a)).
- B. No Person shall deny or restrict access to their property by the Department, or their Designee, for the purpose of Inspections conducted in accordance with this Section or Chapter 9.12 to confirm compliance with the requirements of Chapters 9.02 through 9.12.

9.04.240 Bonds.

Each Franchise Collector or Industrial Collector shall post with the Department a cash bond, irrevocable commercial letter of credit, or a surety bond furnished by a corporate surety authorized to do business in the state. The amount will be set by the Department and payable to the County. The bond, commercial letter of credit, or surety bond shall be conditioned upon the full and faithful performance of the applicable provisions of this Chapter and the franchise agreement or contract with the Franchise or Industrial Collector and shall be kept in full force and effect at all times. Other Permitted Collectors shall file with the Department a faithful performance bond or other form of security satisfactory to

the Department, in an amount determined by the Department. (Ord. CS 797, §2, 2002; previously in §9.08.240; Ord. CS 326 §37, 1989; prior code §3-158 (a)).

9.04.250 Insurance.

- A. No Authorized Collector shall be issued a franchise or permit under the provisions of this Chapter, nor shall any such franchise or permit be valid after issuance, unless there is at all times in force and effect, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Authorized Collector, in amounts to be determined by the Department and issued by an insurance company authorized to do business in the state.
- B. Each Franchise Collector shall procure and maintain insurance coverages in amounts as established from time to time by the Department. All such insurance shall remain in effect, uninterrupted, through the term of the Franchise Agreement.
- C. Satisfactory evidence in the form of a certificate of liability insurance shall be furnished to the Department by each Authorized Collector required to provide such insurance.
- D. Permitted Collectors under Chapter 9.10 shall provide a certificate of insurance for each vehicle for which a permit is held/being sought. Permitted Collectors shall provide additional insurance as may be required by the Department. In the event that the Permitted Collector enters into an agreement with the County to provide regular Discarded Materials Collection Service to Residential and Commercial Generators within the unincorporated County, the Department may require increased amounts of insurance coverage.
- E. All Authorized Collectors employing anyone in addition to themselves shall maintain worker's compensation insurance as required by the Labor Code of the State of California.
- F. Each insurance policy required under this Chapter shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty days prior written notice has been given to the County.
- G. Authorized Collectors' insurance policies shall provide a specific endorsement to all required insurance policies, except worker's compensation insurance and professional liability insurance, if any, naming the County and its officers, officials and employees as additional named insureds regarding: (a) liability arising from or in connection with the performance or omission to perform any term or condition of this Chapter, or franchise agreement, permit or contract, (b) services, products and completed operations of the Authorized Collector (c) Premises owned, occupied or used by the Authorized Collector and (d) automobiles owned, leased, hired or borrowed by the Authorized Collector. For worker's compensation insurance, the insurance carrier shall agree to waive all rights of subrogation against the County

and its officers, officials and employees for losses arising from the performance of or the omission to perform any term or condition of this agreement by the Authorized Collector.

9.04.260 Employee Identification.

The County may, at its option, require photographing and fingerprinting of applicants for a franchise or permit and of the employees of the Franchise Collector or Permitted Collector. (Ord. CS 797, §2, 2002; previously in §9.08.260; prior code §3-159).

9.04.270 Franchise or Permit—Transfer Approval Required.

No franchise granted pursuant to the provisions of this Chapter and no ownership interest in any Franchise Collector shall be sold, transferred, leased, assigned, mortgaged, pledged, hypothecated, or otherwise encumbered or Disposed of in whole or in part, directly or indirectly, whether voluntarily or by operation of law or through any stock transfer, transfer in trust, change in control, consolidation or merger, without the prior written consent of the Board. The Board may grant or deny such a request and may impose such conditions as it may deem to be in the public interest. Any disposition made without such consent shall constitute good cause for revocation of the affected franchise. Permits shall not be transferred without written approval of the Department. (Ord. CS 797, §2, 2002; previously in §9.08.270; Ord. CS 326 §39, 1989; prior code §3-160).

9.04.360 Vehicles and Equipment—Inspection.

All vehicles and equipment of a Franchise or Permitted Collector may be inspected by the Department at a place designated by the Department at least once each year. Vehicles and equipment shall conform to the requirements of the California Vehicle Code, this Chapter, and rules or regulations of the Board. (Ord. CS 797, §2, 2002; previously in §9.08.360; prior code §3-165 (b)).

9.04.370 Vehicle—Shovel, Broom and Fire Extinguisher Required.

The holder of a franchise or permit shall equip each vehicle hauling Discarded Materials with a shovel, broom, and fire extinguisher of a type approved by the Department. (Ord. CS 797, §2, 2002; previously in §9.08.370; prior code §3-165 (c)).

9.04.380 – Facility Operators

- A. Owners of facilities, operations, and activities located in the County's boundaries that recover Organic Waste, including, but not limited to, Organic Waste Processing Facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon County 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 Department or its Designee shall respond within sixty days.
- B. Community Composting operators with operations located in the County's boundaries, upon County 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 Department or its Designee shall respond within sixty days.

- C. Owners of facilities, operations, and activities located in the County's boundaries that receive Recyclable Materials, Organic Materials, and/or Solid Waste shall provide to the Department on a quarterly basis copies of all reports they are required to report to CalRecycle, including at minimum, those required by AB 901 and SB 1383, the amount in tons of materials delivered to their facilities by Self-Haulers, and any other reports as requested by the Department or its Designee.
- D. Owners of facilities, operations, and activities located in the County's boundaries that receive Recyclable Materials, Organic Materials, Mixed Waste, and/or Solid Waste shall comply with all the operating, sampling, and other requirements of the SB 1383 regulations.

Chapter 9.08 FRANCHISE COLLECTORS

9.08.020 Collection service required.

The Board shall provide for the Discarded Materials Service in each Franchise Area. (Ord. CS 797 §2, 2002; Ord. NS 1049 §1, 1982; prior code §3-151 (a)).

9.08.040 Franchise—Limited to two areas.

No Persons shall be granted a franchise to perform Discarded Materials Service in more than two Franchise Areas unless otherwise determined by the Board. (Ord. CS 1052 §1, 2009; Ord. CS 797 §2, 2002; Ord. NS 1049 §1, 1982; prior code §3-151 (c)).

9.08.050 Franchise—Ownership independence.

Each Franchise Collector shall be entirely independent of every other Franchise Collector. Franchise holders shall be independent as to ownership, operational capability, and financial support. Prior to the granting of a franchise, and on July 1 of each year after the grant, each Franchise Collector shall file a statement of ownership, operational capability, and financial support and shall verify the same as being true and correct under the penalty of perjury. The statement shall be in such form as may be prescribed therefor by the Department. (Ord. CS 797 §2, 2002; Ord. NS 1049 §1, 1982; prior code §3-151 (d)).

9.08.060 Franchise—Exclusive.

- A. Within their Franchise Area, the Franchise Collector shall have the exclusive right to perform Discarded Materials Service, in accordance with this Chapter, subject to the limitations described in Section 9.08.060.B and except where otherwise precluded by Applicable Law. However, as provided by Sections 9.09.080 through 9.09.100 and 9.10.080 through 9.10.100, other Persons may be issued permits which can be exercised in a Franchise Area. (Ord. CS 797 §2, 2002; Ord. CS 326 §23, 1989; Ord. NS 1049 §1, 1982; prior code §3-151(e)).

- B. The award of a franchise to a Franchise Collector shall not preclude the categories of Discarded Materials listed in subsections B.1 through B.11 below from being delivered to and Collected and Transported by others, provided that nothing in this Section is intended to or shall be construed to excuse any Person from obtaining an authorization from the County which is otherwise required by this County Code or Applicable Law. The County may permit other Persons besides the Contractor to Collect any and all types of materials excluded from the scope of its Franchise, as set forth below, without seeking or obtaining approval of Franchise Collector:
1. **Self-Hauled Materials.** A Generator may Transport Discarded Materials generated in or on their own Premises by themselves or their employees and with their own vehicle and equipment to a Processing or Disposal facility in accordance with Section 9.04.050.
 2. **Donated or Sold Materials.** Collection and Transport of Recyclable Materials and Organic Materials other than Edible Food which are Source Separated from Solid Waste at any Premises by the Generator and that: (a) Generator sells or donates to any other Persons, including youth, civic, or charitable organizations, provided that there is no net payment made by the Generator to such other Person; or (b) have value equal to or more than the cost of Collection
 3. **Edible Food.** A Person, such as a Person from a Food Recovery Organization or Food Recovery Service, that removes Edible Food from a Generator and Transports Edible Food for the purpose of human consumption regardless of whether Generator donates, sells, or pays a fee to the Food Recovery Organization or Food Recovery Service for such service.
 4. **Food Scraps.** Food Scraps that are separated by the Generator and used by the Generator or distributed to other Person(s) for lawful use as animal feed, in accordance with 14 CCR Section 18983.1(b)(7). Food Scraps intended for animal feed may be Self-Hauled by Generator or hauled by another party.
 5. **Beverage Containers.** Containers delivered for Recycling under the California Beverage Container Recycling and Litter Reduction Act, Section 14500, et seq. California Public Resources Code.
 6. **Materials Removed by Customer's Contractor as Incidental Part of Services.** Recyclable Materials, Organic Materials, Solid Waste, Construction and Demolition Debris (C&D), and Bulky Items removed from a Premises by a contractor (e.g., gardener, landscaper, tree-trimming service, construction contractor, Residential clean-out service) as an incidental part of the service being performed, rather than as a separately contracted or subcontracted hauling service.
 7. **On-site or Community Composting.** Organic Materials Composted or otherwise legally managed at the site where it is generated (e.g., backyard Composting, on-site anaerobic digestion), or at a Community Composting site.
 8. **Animal, Grease Waste, and Used Cooking Oil.** Animal waste and remains from slaughterhouse or butcher shops, grease, or used cooking oil.

9. **Sewage Treatment By-Product.** By-products of sewage treatment, including sludge, sludge ash, grit, and screenings.
 10. **Excluded Waste.** Excluded Waste regardless of its source.
 11. **Materials Generated by State Facilities.** Materials generated by State facilities located in the County, including but not limited to any public school district, provided that the Generator has arranged services with other Persons or has arranged services with the Contractor through a separate agreement.
- C. Franchise Collectors acknowledge and agree that the City may permit other Persons besides the Contractor to Collect any and all types of materials excluded from the scope of its Franchise, as set forth above, without seeking or obtaining approval of Franchise Collector.

9.08.070 Franchise—Approved Facilities.

- A. The Franchise Collector acknowledges the County's commitment for delivery of Solid Waste to specified facilities and the County's right to direct material for Disposal as capacity allows.
- B. In a Mandatory Collection Service Area, Franchise Collectors shall transport all Discarded Materials Collected in its service area to an Approved Facility as designated by the Department to Process or Dispose of each Discarded Material type, in accordance with the requirements of Chapter 9.04. (Ord. CS 797 §2, 2002; Ord. CS 326 §24, 1989; Ord. NS 1049 §1, 1982; prior code §3-151(f)).
- C. In an Exempt Collection Service Area, Franchise Collectors shall Transport all Discarded Materials Collected in its service area to a Disposal Facility or other Approved Facility as designated by the Department.

9.08.120 Collection area assignment.

The Board may, by resolution, establish Discarded Materials Franchise Areas in the unincorporated area of the county. The Board shall specify in all franchises the Collection area within which the Franchise Collector may provide Discarded Materials Service within the county. No Franchise Collector shall at any time Collect, Transport, or use Discarded Materials in the County outside the limits or the area fixed in the franchise agreement unless expressly permitted by the County. The intent of this provision is that services as required by Chapters 9.02 through 9.12 and the franchise regulations shall be performed in the Franchise Area by the Franchise Collector. The area so specified in any franchise may be modified at any time should the Board find such modification necessary for the efficient administration of Chapters 9.02 through 9.12 and in the public interest; or, in response to changes in Applicable Law. In the event of such a modification, the holder of a franchise shall be given a ninety-day written notice thereof before the modification shall become effective. (Ord. CS 797 §2, 2002; Ord. CS 326 §27, 1989; prior code §3-154).

9.08.130 Service required.

A Franchise Collector shall provide Discarded Materials Service to all Premises situated within the Franchise Area specified in its franchise agreement and in accordance with the

service requirements of Chapters 9.02 through 9.12. A Franchise Collector shall not be required to service oversize, overweight or unsafe containers, or Containers meeting criteria otherwise specified by the Department. In the event that a Customer has failed to pay the charges for such Discarded Materials Service for a period of thirty days after the due date of the charges, the Franchise Collector may seek remedies permitted by the Department, in accordance with a process determined by the Department. (Ord. CS 797 §2, 2002; Ord. CS 326 §28, 1989; prior code §3-155).

9.08.135 Bulky Item service.

- A. During each calendar year, all Franchise Collectors shall offer each Residential Customer within their Franchise Area two Bulky Item Collection service opportunities at no additional cost to the Customer. Materials eligible for Bulky Item Collection must be generated at the same Premises where the Collection occurs. Bulky Item Collection services shall be performed in the manner described below or as otherwise approved by the Department.
 - 1. Residents shall schedule their Bulky Item Collection with their appropriate Franchise Collector a minimum of two weeks prior to the date of Collection.
 - 2. Residents may place any number of acceptable Bulky Items out on their scheduled Collection day granted the total dimensions of all the material does not exceed six feet long by six feet wide by six feet high.
 - 3. Items placed for Collection shall be placed at the front of Residential Premises at the edge of the nearest County or state-maintained road, no earlier than 6:00 pm on the day prior to the scheduled Collection day. Items placed for Collection shall in no way impede traffic or block mailboxes, driveways, or sidewalks and shall be at least three feet from any Discarded Materials Container.
 - 4. Unacceptable items, as determined by the County, shall not be placed for Collection. Unacceptable items include, but are not limited to, tires, automobile parts, Hazardous Materials, chemicals, toxic materials, liquids, paints, solvents, plate glass, T.V.s, computer monitors, concrete, asphalt, fencing, construction debris, demolition debris, wood, Garden Waste, tree stumps, items associated with business, dead animals, fluorescent light tubes, sod, glass, mirrors, or household materials accepted in the County's One, Two, or Three-Container Collection Service.

9.08.140 Charges—franchise holder.

- A. Charges to Residential and Commercial Customers of a Franchise Collector for Discarded Materials Service shall be determined by the Board. The charges may be revised by the Board from time to time after a public hearing hereon and a determination by the Board that a change is in the public interest.
- B. The Department may authorize a Customer to receive reduced service for a reduced charge, provided that service is provided at a level that meets or exceeds the minimum service level requirements of the County Code and Applicable Law. The Board may, but shall not be obligated to, establish other criteria at a later date for

reduction in charges for Customers, such as income-based reductions. (Ord. CS 1024 §2, 2008; Ord. CS 797 §2, 2002; Ord. CS 326 §29, 1989; Ord. NS 1049 §1, 1982; prior code §3-156 (a)).

9.08.160 Charges—uniformity—overcharge complaint.

All charges or fees for service by a Franchise Collector shall be uniform within the Franchise Collector's Franchise Area for the same services as fixed and approved by the Board. Any Customer contending that they have been required to pay an unreasonable charge for any service, or has in any manner been subject to an overcharge, may file a written complaint with the Department. Such complaint shall set forth the facts of such alleged overcharge and the Department shall notify the Franchise Collector of the complaint and shall investigate the matter of the complaint and shall determine the charge. (Ord. CS 797, §2, 2002; Ord. CS 326 §30, 1989; Ord. NS 1049 §1, 1982; prior code §3-156 (c)).

9.08.180 Fee—franchise.

The Franchise Collector shall pay an annual fee in a sum determined by the Board payable each year on the first day of July. In addition to the annual fee, the Franchise Collector shall pay a franchise fee quarterly to the County based on a percentage of the gross revenues realized from services required to be furnished by Chapters 9.02 through 9.12 or other reasonable basis. The franchise fee may be revised by the Board from time to time after a public hearing thereon and a determination by the Board that a change is in the public interest. (Ord. CS 797, §2, 2002; Ord. CS 326 §32, 1989; prior code §3-157 (a)).

9.08.220 Contamination monitoring.

- A. Generators shall not place Prohibited Container Contaminants in a Collection Container.
- B. A Franchise Collector providing Two-Container Service or Three-Container Service, shall, at its sole expense, conduct route reviews of Containers for Prohibited Container Contaminants in a manner that is approved by the Department and complies with the minimum requirements of 14 CCR Section 18984.5. The Franchise Collector shall develop a specific route review methodology and schedule to accomplish the above Container Inspection requirements and such methodology shall comply with the requirements of 14 CCR Section 18984.5(b). Franchise Collector shall submit its proposed route review methodology for the coming year to the Department no later than January 15 of each year describing its proposed methodology for the calendar year and schedule for performance of each route's annual review. The Department, or its Designee, shall review the proposed methodology for approval. Franchise Collectors may commence with the proposed methodology upon approval. Alternatively, the Department retains the right to create and prescribe the route review methodology. The Department may request, and Franchise Collector shall accept, modifications to the schedule to permit observation of the route reviews by the Department or its Designee.

- C. Upon identification of Prohibited Container Contaminants in a Customer's Container during the route review, Franchise Collector shall follow the contamination response and noticing protocol specified in Section 9.08.230.

9.08.230 Contamination response.

- A. Upon identification of Prohibited Container Contaminants in a Collection Container, the Franchise Collector shall Collect the Container and provide a courtesy Collection notice as provided in subsection B., or shall provide Customer a non-compliance notice as provided in subsection C. The format, content, and manner of distribution of courtesy Collection notices and of non-compliance notices shall be approved by the Department and shall, at a minimum, comply with the requirements of 14 CCR Section 18984.5(b). Franchise Collectors shall also notify the Customer of any penalties that may be assessed for continued violations as provided in subsection E.
- B. Prior to October 1, 2022, Franchise Collectors shall, for the first and second instances of identified Prohibited Container Contaminants within any consecutive three-month time period, provide courtesy Collections to the Customers and leave a courtesy Collection notice to the Customer in accordance with subsection A.

Beginning October 1, 2022 and thereafter, Franchise Collectors shall, for the first instance of identified Prohibited Container Contaminants within any consecutive three-month time period, provide a courtesy Collection to the Customers and leave a courtesy Collection notice to the Customer in accordance with subsection A.

- C. For any subsequent instances of identified Prohibited Container Contaminants within the same three-month time period for which courtesy Collections were provided in accordance with subsection B, the Franchise Collector may choose to not Collect the contaminated Container and shall issue a non-compliance notification to the Customer in accordance with subsection A. Franchise Collectors shall Transport Collected materials to the appropriate Approved Facility as provided in subsection D. The Franchise Collector shall notify the Department of any instances of non-Collection due to the presence of Prohibited Container Contaminants.
- D. For any instance in which a Franchise Collector Collects a Container with Prohibited Container Contaminants in a three-container system, the Franchise Collector shall Collect the contaminated Recyclable Materials and/or Organic Materials Container and either Transport the material to the appropriate Approved Facility for Processing; or, Collect the contaminated materials with the Solid Waste and Transport the contaminated materials to the Approved Disposal Facility. A courtesy Collection of contaminated Recyclable Materials or Organic Materials where the materials are sent to the Approved Disposal Facility in accordance with this subsection may be made with a Solid Waste Collection vehicle, provided that the contaminants may safely and lawfully be Collected as Solid Waste. For any instance in which a Franchise Collector Collects a Container with Prohibited Container Contaminants in a Two-Container System, the Franchise Collector shall Collect the material from Containers designated for Source Separated Collection and Transport

the material to the appropriate Approved Facility for Processing that Discarded Material type; or, may instead Collect the contaminated Source Separated material Container with the Mixed Waste and Transport to the Approved Facility for Processing or Disposing of Mixed Waste.

- E. Should a Customer continue to remain non-compliant after a Franchise Collector has followed the procedures described in subsection C, the Franchise Collector shall notify the Department and the Department shall determine the appropriate action to ensure compliance with Applicable Law. If requested by the Department, the Franchise Collector shall assist with steps such as, but not limited to, delivering further notices, conducting follow-up visits, assessing County-approved fees, or assisting the County in assessing County-approved fees.

9.08.240 Containers—refusal to pick up.

A Franchise Collector shall record in writing whenever the Franchise Collector has refused to pick up a Container because the Container is unavailable for Collection, blocked, overloaded, contains Excluded Waste, is not a Franchise Collector or County provided Container, the Container has been tipped over and the contents scattered in a manner that prevents Collection of the materials, or due to other criteria determined by the Department. Such records shall be made available to the Department upon request. A Franchise Collector shall notify the Department when they observe or are notified of any violations of Chapters 9.02 through 9.12. Collection issues related to Prohibited Container Contaminants shall be handled in accordance with Section 9.08.230.(Ord. CS 797, §2, 2002; previously in §9.04.240; prior code §3-145 (b)).

9.08.250 Containers— response to violations.

Whenever a Franchise Collector refuses to Collect Discarded Materials due to violations or is providing a warning to the Customer, the Franchise Collector shall place a tag on the Container explaining the violation or reason for non-Collection, any penalties that may be incurred for continuing violations, and other education or information as determined and approved by the Department. Whenever an authorized representative of the Department observes a violation of this Chapter, they shall inform the Owner or Occupant responsible for the violation, and provide notice of the illegal condition in writing. The notice shall have a copy of the penalties set forth in Chapters 9.02 through 9.12 printed upon it, as applicable, and shall inform the Owner or Occupant of the action necessary to correct the illegal condition. The Owner or Occupant shall, within seven days, correct the illegal condition. Collection issues related to Prohibited Container Contaminants shall be handled in accordance with Section 9.08.230. (Ord. CS 797, §2, 2002; previously in §9.04.250; Ord. 326 §21, 1989; prior code §3-145 (c)).

9.08.280 Franchise—revocation—equipment use by County.

In the event of suspension or revocation of a franchise, the County shall have the right forthwith to take possession of, or assume the contractual rights to all trucks and other equipment of the Franchise Collector for the purpose of providing Discarded Materials Service and performing all other duties which the Franchise Collector is obligated to perform. 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, or its Designee, for such purpose. The County shall pay the Franchise Collector a reasonable rental for the use of such trucks and equipment. (Ord. CS 797, §2, 2002; prior code §3-161).

9.08.290 Labor dispute—County assumption of duties—authorized.

In the event the Discarded Materials Service of a Franchise Collector is interrupted by a labor dispute and scheduled Collections are discontinued for more than seventy-two hours, the County shall have the right to forthwith take temporary possession of, or assume the contractual rights to, all facilities and equipment of the Franchise Collector for the purpose of continuing the service which the Franchise Collector has agreed to provide in order to preserve and protect the public health and safety. The County shall have the right to retain possession of such facilities and equipment and to render the required service, until the Franchise Collector can demonstrate to the satisfaction of the County that required services can be resumed by the Franchise Collector; provided that such temporary assumption of the Franchise Collector's obligations under this franchise shall not be continued by the County for more than one hundred twenty days from the date such operations were undertaken. Should the Franchise Collector fail to demonstrate to the satisfaction of the County that required services can be resumed by the Franchise Collector prior to the expiration of the aforementioned one hundred twenty days, the rights and privileges granted to the Franchise Collector may be forfeited and the franchise granted under this Chapter may be revoked. (Ord. CS 797, §2, 2002; prior code §3-162 [a]).

9.08.300 Labor dispute—County assumption of duties—use of revenue.

During any period in which the County has temporarily assumed the obligations of the Franchise Collector under this Chapter, the County shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses, including a reasonable rental for use of trucks and equipment, applicable or allocable to the period. The excess, if any, of revenue over applicable or allocable costs and expenses during such period shall be deposited in the treasury to the County to the credit of the general fund. Final adjustment and allocation of gross revenue, costs and expenses to the period during which the County temporarily assumed the obligations of the Franchise Collector shall be determined by an audit, by a certified public accountant, or licensed public accountant, and prepared in report form with their unqualified opinion annexed thereto. (Ord. CS 797, §2, 2002; prior code §3-162 (b)).

9.08.310 Labor dispute—County assumption of duties—employees.

Employees of the Franchise Collector may be employed by the County during any period in which the County temporarily assumes the obligations of the Franchise Collector under the franchise; provided that the rate of compensation to be paid the employees, or any other employees, shall be the rate or rates in effect at the time the Franchise Collector's service was interrupted by the labor dispute, and the terms and conditions of employment shall be the same as provided by the Franchise Collector. (Ord. CS 797, §2, 2002; prior code §3-162 (c)).

9.08.315 – Labor – displacement of employees.

Franchise Collectors shall comply with the requirements of, and duties imposed by, Sections 1072 and 1075 of the California Labor Code regarding offers of employment to any displaced employees resulting from a change in service provider, if any, resulting from its franchise agreement or upon the expiration of their franchise agreement with the County.

9.08.320 Record keeping and Inspection.

Each Franchise Collector granted a franchise pursuant to the provisions of this Chapter shall maintain detailed Customer contact and account data, Customer service, accounting, billing, statistical, operational, programmatic, and other records, and associated documentation, related to its performance as shall be necessary to provide detailed and accurate reports to the County, and to demonstrate compliance with the County Code, its franchise agreement with the County, and Applicable Law. Unless otherwise specified by the Department, Franchise Collectors shall retain all required records and data for the term of its franchise agreement with the County, plus five years after the expiration or earlier termination of the agreement. The Franchise Collector's records shall be stored in one central location, physical or electronic, that can be readily accessed by the Franchise Collector. Upon request, any such records shall be retrieved in a timely manner, not to exceed five Working Days of a request by the Department and made available to the Department, or its Designee; including any record or documentation that the County, in its sole discretion, may deem necessary for the county to fulfill obligations under Applicable Law including, but not limited to, AB 939, AB 341, AB 1826, AB 876, AB 901, SB 1383, and other current or future Applicable Law, as amended.

The County, its officers and employees, or Designee shall be entitled to inspect, audit, and copy such books and records upon reasonable notice during normal business hours. (Ord. CS 797, §2, 2002; prior code §3-163 (a)).

9.08.330 Reporting.

- A. **Annual financial report.** Annually, on October 31, Franchise Collectors shall provide the Department with three copies of an audited financial statement for the fiscal year having ended on June 30. The audited financial statement shall be prepared by a certified public accountant or licensed public accountant. The accountant shall be entirely independent of the Franchise Collector, and shall have no financial interest whatsoever in the business of the Franchise Collector. The Department shall specify the form and detail of the annual audited financial statement. In the event of failure to provide any such report, the Department may employ a qualified accountant or the County auditor to prepare the report, and the Franchise Collector in such case, shall be liable for the pay, costs, and other expenses of the accountant or County auditor. (Ord. CS 797, §2, 2002; Ord. CS 326 §40, 1989; prior code §3-163 (b)).
- B. **Other Reporting.** Franchise Collectors shall provide reports or documents as the Department reasonably determines to be required for the administration of its franchise agreement, compliance with the County Code, or compliance with other

Applicable Law, including, but not limited to, activities delegated to the Franchise Collector that are necessary for the County's compliance with the SB 1383 regulations. Franchise Collectors shall submit reports to the Department in a manner and format specified by the Department. The Department shall provide Franchise Collectors with a written notice of the specific required report content and submittal requirements, which may be amended periodically in the sole discretion of the Department.

- C. **Required Forms.** Annually, or as required by the Department, Franchise Collectors shall provide to the Department a notarized Management Representation Affidavit and Non-Collusion Affidavit for the upcoming calendar year. Each affidavit shall be composed and in a format as determined by the Department. Such affidavits shall be submitted to the Department by October 31 with the reports submitted under this Section, unless otherwise specified by the Department.

9.08.340 Vehicles and equipment—standards.

- A. All Collections shall be made with vehicles, Containers, and other equipment of a design approved by the Department. All Collections shall be made as quietly as possible and noise abatement shall be a consideration of vehicle and equipment Inspections and approval. All trucks of a Franchise Collector shall be clean, sanitary, and well painted. Those vehicles Transporting Organic Materials, Mixed Waste, or Solid Waste shall be disinfected immediately after being used. (Ord. CS 797, §2, 2002; prior code §3-164).
- B. Vehicles shall meet on-road heavy duty vehicle emissions requirements and comply with all Applicable Law relating to the Franchise Collector's vehicles. Franchise Collectors shall review the potential viability for alternative fueling options for the Collector's fleet on an on-going basis throughout the term of its franchise agreement, such as the procurement of Renewable Natural Gas to support the County's fulfillment of its annual recovered Organic Waste product procurement target in accordance with 14 CCR Section 18993.1. Franchise Collectors shall maintain records of the amount of Renewable Natural Gas purchased, if any, and shall report this information if required by the Department under Section 9.08.330.

9.08.350 Vehicles and equipment—identification.

- A. The Franchise Collector shall have the truck identification number and franchised Collection company's name printed or stenciled, in letters at least four inches in height, in a prominent place on both exterior sides of each vehicle used for Discarded Materials Service.
- B. Containers shall have the franchised Collection company's name printed or stenciled, in letters at least two inches in height, in a prominent place. All printing or stenciling must be clearly legible. Additionally, on and after January 1, 2022, all new Containers shall comply with the labeling requirements set forth in 14 CCR Section 18984.8. Franchise Collectors shall provide all Customers with Collection Containers that comply with the Container color requirements specified in 14 CCR

Section 18982 and 14 CCR, Division 7, Chapter 12, Article 3, in accordance with the timeline specified in 14 CCR Section 18984.7. Franchise Collectors shall obtain the Department's written approval of Container material, design, colors, labeling, and other specifications before acquisition, painting, labeling, or distribution of Containers occurs.

(Ord. CS 797, §2, 2002; prior code §3-165 (a)).

9.08.380 Name and office hours.

A Franchise Collector shall not use a firm name containing the words "County" or "Stanislaus" or other words implying County ownership. The Franchise Collector shall establish and maintain an office where service may be applied for and complaints made. Such office shall be equipped with a listed telephone to which calls from County residents may be placed without payment of toll charge, and shall have a sufficient number of office personnel to handle all service calls without delay between the hours of eight a.m. and five p.m. of each day, except Saturdays, Sundays, and holidays, during which a voicemail system shall be available. Any employee or subcontractor of the Franchise Collector shall at all times maintain a professional and courteous disposition when interacting with Customers. Franchise Collectors shall be responsible for the prompt and courteous attention to, and prompt and reasonable resolution of, all Customer service requests and complaints. (Ord. CS 797, §2, 2002; prior code §3-166 (a)).

9.08.390 Customer list and routes.

A Franchise Collector shall supply the Department with the name of the Owner or Occupant of each Premises served, the address of the property, current maps and schedules of Collection routes, and any other information requested by the Department for administration of the franchise agreement or compliance with Applicable Law. (Ord. CS 797, §2, 2002; prior code §3-166 (b)).

9.08.400 Public education.

A. A Franchise Collector shall supply every Occupant of Premises served under its franchise with public education and outreach materials, as specified in this Section. Public education materials shall include, at a minimum: printed information stating the amounts and service levels of Discarded Materials which will be Collected, rates, regulations affecting Collections, days of Collections and holiday information, complaint procedures, and the information required by 14 CCR 18985.1(a). Notwithstanding this Section, Franchise Collectors providing One-Container Service in Mandatory Collection Service Areas are not required to include the Source Separation information required under 14 CCR Section 1895.1(a)(1) in the education materials provided to Customers receiving One-Container Collection Service, but shall include information indicating that Mixed Waste is Processed at a High Diversion Organic Waste Processing Facility. The Department retains the right to modify the list of required education content, and shall notify the Franchise Collector of such modification requests in a timely manner.

- B. Franchise Collectors shall, at a minimum, provide public education materials in accordance with this Section on an annual basis, as well as when service is initiated and in advance of any changes of Collection days, rates, regulations, or Applicable Law affecting Discarded Materials Service. Education materials provided by the Franchise Collector shall comply with the language requirements set forth in 14 CCR 18985.1(e), which may be further defined by the Department.
- C. Franchise Collectors shall maintain a publicly accessible website or webpage that is specific to the services provided in the County. Such website shall include, at a minimum, information on the topics listed above in Section 9.08.400(A). Upon request from the Department, the Franchise Collectors shall include links to applicable County webpages, or Designee webpages, for further information regarding topics described in this Section. If directed by the Department, inclusion of such external links may be used in addition to, or in lieu of, Franchise Collector-created website content required by this subsection.
- D. Franchise Collectors shall obtain approval from the Department on all Franchise Collector-provided educational, advertising, promotional, or service-related materials or messaging used within its Franchise Area before publication, distribution, or release. Franchise Collectors shall cooperate and coordinate with the Department, or its Designees, on public education activities to minimize duplicative, inconsistent, or inappropriately timed education campaigns.

(Ord. CS 797, §2, 2002; Ord. 326 §41, 1989; prior code §3-166 (c)).

9.08.410 Billing procedure.

- A. Within Mandatory Collection Service Areas the property Owner, or by special arrangement with the Department, the Occupant, shall be required to contract and pay for Collection Services.
- B. Franchise Collectors may bill the property Owner, or by special arrangement with the Department, the Occupant within Mandatory Collection Service Areas, and property Owners or Occupants within Exempt Collection Service Areas, and collect service charges in accordance with the rates adopted by the Board for Collection Service.
- C. Franchise Collectors may assess one and a half percent per month late charge on Collection Service balances still unpaid thirty days after the completion of services rendered for that billing period only when compliance with the following conditions can be demonstrated:
 - 1. All Customers must be informed of the penalty provision above at least thirty days before such charge is imposed;
 - 2. Customers who are delinquent, but who have not received prior notice of the delinquency penalty, must be notified of the penalty and given thirty days from the date of notice to submit payment before any penalty is applied;

3. The penalty may only be applied to the outstanding balance each month, no penalty may exceed one and a half percent of the outstanding balance in any one month or eighteen percent of the original delinquent balance in any one twelve-month period.
- D. Appropriate penalties for nonpayment may be granted by the Board should the County perform the billing services. (Ord. CS 797, §2, 2002; Ord. CS 326 §42, 1989; prior code §3-167).

Chapter 9.09 INDUSTRIAL COLLECTORS

9.09.020 Collection service required.

The Board shall provide for the Collection of Industrial Waste in the unincorporated area of the County. (Ord. CS 797, §2, 2002; previously in §9.08.020; Ord. NS 1049 §1, 1982; prior code §3-151 (a)).

9.09.070 Industrial—Approved Facilities.

The holder of an industrial permit shall Transport all Industrial Waste, to an Approved Facility. (Ord. CS 797, §2, 2002.)

9.09.080 Industrial permit—authorized.

The Board may grant a permit to Collect, handle, Process, Transfer, Transport or use Industrial Waste upon application whenever in the opinion of the Board the granting of such a permit is in the public interest and welfare. (Ord. CS 797, §2, 2002).

9.09.090 Industrial—permit term.

The term for industrial permits shall be one year, and may be renewed annually upon application to and approval by the Department. Permits may be renewed provided the Department finds that the Permitted Collector is capable of continuing operation in conformity with the provisions of Chapters 9.02 through 9.12 and the rules and regulations of the Department. (Ord. CS 797, §2, 2002).

9.09.100 Industrial—permit contents.

Every industrial permit granted by the Department shall be subject to the provisions of Chapters 9.02 through 9.12 and the rules and regulations of the Board. The permit shall state:

- A. The name and address of the Person to whom the permit is issued;
- B. The activity authorized;
- C. The term for which the permit is granted;
- D. The approved Disposal and Processing Facilities at which wastes will be Processed or Disposed; and

- E. Such other conditions as the Board or the Department may provide. (Ord. CS 797, §2, 2002).

9.09.110 Industrial permit—application contents.

Applicants for an industrial permit or for the renewal of an industrial permit to provide Industrial Waste Collection Service shall file with the Department a verified application in writing which shall give the following information:

- A. Name and description of the applicant, including without limitation trade names, firm names, and names that applicant is doing business as, and description of the form of business, if any, of the applicant;
- B. Facts to allow the Department to communicate with the applicant or otherwise notify the applicant regarding the industrial permit, including without limitation (a) permanent street and mailing address of the applicant and, as applicable, the applicant's principal place of business and local office, if any, and (b) business telephone, emergency phone number and facsimile phone number;
- C. The names, permanent address and percentage participation of the individual or individuals authorized to act for the applicant, including without limitation the general and managing partners of a partnership or joint venture, the officers, directors, and chief operating officer of a corporation, and manager or managers and the chief executive officer, if any, of a limited liability company or, if there is no manager, each member of such company;
- D. A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;
- E. The applicant's arrangements for the Processing of all Organic Waste, Recyclable Materials, and construction and demolition debris, and the Disposal of all Solid Waste Collected, Transferred, Transported, Processed or otherwise handled by the applicant;
- F. Facts showing that the applicant is able to render efficient Discarded Materials Service;
- G. Facts showing that the applicant owns, possesses or has the ability to control, sufficient equipment, in good mechanical condition, to adequately conduct the business or activity for which a permit is requested;
- H. Facts showing that the applicant's vehicles and equipment conform to all applicable provisions of Chapters 9.02 through 9.12 and all Applicable Law, regulations, and ordinances related to the ownership and operation of such vehicles and equipment;
- I. That the applicant shows to the satisfaction of the Department that the issuance of a permit is in the public interest and there is a need for a permit to be issued;

- J. Facts demonstrating that the applicant's services are in full compliance with Applicable Law relating to Diversion programs and Discarded Materials Service, including, but not limited to, SB 1383; and, a statement acknowledging that the applicant shall continue to comply with Applicable Law, as it may be amended.
- K. Such other facts or information as the Department may require. (Ord. CS 797, §2, 2002).

9.09.170 Charges—Industrial Waste.

Charges for Industrial Waste Collection service shall be negotiated between the Industrial Collector and the Customer. (Ord. CS 797, §2, 2002; previously in §9.08.170; Ord. CS 326 §31, 1989; Ord. NS 1049 §1, 1982; prior code §3-156 (d)).

9.09.190 Fee—permit—Industrial Waste Collection.

- A. The permit fee for engaging in the business of Industrial Waste Collection Service shall be the amount specified in the Department fee schedule as approved by the Board, payable on July 1 of each year. In addition to the annual fee, the holder of a permit, for engaging in the business of Industrial Waste Collection Service, shall pay quarterly to the County, a percentage of the gross revenues derived from the furnishing of such Industrial Waste Collection Service within the County. The percentage amount shall be determined by the Board.
- B. The business of Collecting Industrial Waste shall include all aspects of providing Industrial Waste Collection Service, including without limitation the rental or lease of Containers, the Collection, Transport, Processing, and handling of Industrial Waste, and the Disposal or Recovery of Industrial Waste at an Approved Facility for each material type.
- C. This Section is a declaration and clarification of existing law. (Ord. CS 797, §2, 2002; previously in §9.08.190; Ord. CS 326 §33, 1989; prior code §3-157 (b)).

9.09.320 Record keeping and Inspection.

Each Person granted an industrial permit pursuant to the provisions of this Chapter shall maintain detailed records of Customer contact and account data, Customer service, accounting, billing, statistical, operational, programmatic, tonnage, and other records, and associated documentation, related to its performance as shall be necessary to provide information requested by the County to demonstrate compliance with the County Code, its permit with the County, and Applicable Law. Upon request, any such records shall be retrieved in a timely manner, not to exceed five Working Days of a request by the Department and made available to the Department, or its Designee, including any record or documentation that the County, in its sole discretion, may deem necessary for the County to fulfill obligations under Applicable Law. The County, its officers and employees, shall be entitled to inspect, audit and copy such books and records upon reasonable notice during normal business hours. (Ord. CS 797, §2, 2002; previously in §9.08.320; prior code §3-163 (a)).

9.09.330 Reporting.

- A. Annually, on October 31, each holder of an industrial permit shall provide the Department with financial records of the revenues derived from the furnishing of Industrial Waste Collection Service within the County for the fiscal year having ended on June 30. The Department shall specify the form and detail of the financial records needed by the Department to verify annual revenues. The Department may employ a consultant, a qualified accountant, or the County auditor to conduct a review or an audit of the financial records of the Industrial Collector. The Department may, in its reasonable discretion, charge the industrial Permitted Collector for all of or a portion of the costs and expenses of the review or audit and the Permitted Collector shall promptly pay the amount of charge. (Ord. CS 797, §2, 2002).
- B. The County may require Industrial Collectors to provide reports or documents as the Department reasonably determines to be required for the administration of its permit, compliance with the County Code or other Applicable Law, or other reasons determined by the County. Industrial Collectors shall submit any requested reports to the Department in a manner and format specified by the Department. If applicable, the Department shall provide Industrial Collectors with a written notice of the specific required report content and submittal requirements, which may be amended periodically in the sole discretion of the Department.

9.09.340 Vehicles and equipment—standards.

All Industrial Waste Collections shall be made with a vehicle and equipment of design approved by the Department. All Industrial Waste Collections shall be made as quietly as possible and noise abatement shall be a consideration of vehicle and equipment Inspections and approval. (Ord. CS 797, §2, 2002; previously in §9.08.340; prior code §3-164).

9.09.350 Vehicles and equipment—identification.

The Industrial Collector shall have the truck identification number and the Collection company's name printed or stenciled, in letters at least four inches in height, in a prominent place on both exterior sides of each vehicle used by the Industrial Collector in the Collection of Industrial Waste. Drop Boxes shall have the Collection company's name printed or stenciled, in letters at least two inches in height, in a prominent place. All printing or stenciling must be clearly legible. Additionally, on and after January 1, 2022, all new Containers shall comply with the labeling requirements set forth in 14 CCR Section 18984.8 to the extent that materials Collected by the Industrial Collector in such Containers are regulated under SB 1383. Industrial Collectors shall provide all Customers with Collection Containers that comply with the Container color requirements specified in 14 CCR Section 18982 and 14 CCR, Division 7, Chapter 12, Article 3, in accordance with the timeline specified in 14 CCR Section 18984.7, for Containers used for Collection of materials regulated under SB 1383. Industrial Collectors shall obtain the Department's written approval of Container material, design, colors, labeling, and other specifications before acquisition, painting, labeling, or distribution of Containers occurs. (Ord. CS 797, §2, 2002).

9.09.380 Name and office hours.

An Industrial Collector shall not use a firm name containing the words "County" or "Stanislaus" or other words implying County ownership. The industrial refuse Permitted Collector shall establish and maintain an office where service may be applied for and complaints made. Such office shall be equipped with a listed telephone to which calls from County residents may be placed without payment of toll charge and shall have a responsible Person in charge between the hours of eight a.m. and five p.m. of each day except Saturdays, Sundays, and holidays. (Ord. CS 797, §2, 2002).

9.09.390 Customer list and routes.

Upon request of the Department, a holder of a permit to Collect Industrial Waste shall supply the Department with the name of the Owner or Occupant of each Premises served, the address of the property, the location or locations where Containers are located, or other information required by the Department. (Ord. CS 797, §2, 2002).

Chapter 9.10 PERMITTED COLLECTORS

9.10.070 Permit—Approved Facilities.

The holder of a Collection permit shall Transport all Discarded Materials Collected to the Approved Facility for each material type. (Ord. CS 797, §2, 2002).

9.10.080 Permit—Authorized.

The Department may grant a permit for Collections other than those provided by Sections 9.04.040 through 9.04.050 to provide Discarded Materials Collection Service, upon application therefor whenever in the opinion of the Department the granting of such permit is in the public interest and welfare. (Ord. CS 797, §2, 2002; previously in §9.08.080 (part); Ord. CS 326 §25, 1989; prior code §3-152 (a)).

9.10.090 Permit—Term.

Permits may be granted for any period not to exceed one year. Permits may be renewed upon expiration thereof provided the Department finds that the Permitted Collector is capable of continuing operation in conformity with the provisions of Chapters 9.02 through 9.12 and the rules and regulations of the Department and Applicable Law. (Ord. CS 797, §2, 2002; previously in §9.08.090; prior code §3-152 (b)).

9.10.100 Permit—Contents.

Every permit granted by the Department shall be subject to the provisions of Chapters 9.02 through 9.12 and the rules and regulations of the Board. The permit shall state:

- A. The name and address of the Person to whom the permit is issued;
- B. The activity authorized;
- C. The term for which the permit is granted;

- D. The Approved Facilities at which Discarded Materials will be Processed or Disposed, for each Discarded Material type; and
- E. Such other conditions as the Board or the Department may provide. (Ord. CS 797, §2, 2002; previously in §9.08.100; prior code §3-152 (c)).

9.10.110 Permit—Application Contents.

Applicants for a permit or for the renewal of a permit to provide Discarded Materials Collection Service shall file with the Department a verified application in writing which shall give the following information:

- A. Name and description of the applicant, including without limitation trade names, firm names, and names that applicant is doing business as, and description of the form of business, if any, of the applicant;
- B. Facts to allow the Department to communicate with the applicant or otherwise notify the applicant regarding the permit, including without limitation (a) permanent street and mailing address of the applicant and, as applicable, the applicant's principal place of business and local office, if any, and (b) business telephone, emergency phone number, and facsimile or telecopier phone number;
- C. The names, permanent address and percentage participation of the individual or individuals authorized to act for the applicant, including without limitation the general and managing partners of a partnership or joint venture, the officers, directors, and chief operating officer of a corporation, and manager or managers and the chief executive officer, if any, of a limited liability company or, if there is no manager, each member of such company;
- D. A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;
- E. The applicant's arrangements for the Processing and Disposal of all Discarded Materials Collected, Transferred, Transported, Processed, Disposed, or otherwise handled by the applicant;
- F. Facts showing that the applicant is able to render efficient Discarded Materials Collection Service;
- G. Facts showing that the applicant owns, possesses or has the ability to control, sufficient equipment, in good mechanical condition, to adequately conduct the business or activity for which a permit is requested;
- H. Facts showing that the applicant's vehicles and equipment conform to all applicable provisions of Chapters 9.02 through 9.12 and all Applicable Law, regulations, and ordinances related to the ownership and operation of such vehicles and equipment;

- I. That the applicant shows to the satisfaction of the Department that the issuance of a permit is in the public interest and there is a need for a permit to be issued;
- J. Facts demonstrating that the applicant's services are in full compliance with Applicable Law relating to Diversion programs and Discarded Materials Service, including, but not limited to, SB 1383; and, a statement acknowledging that the applicant shall continue to comply with Applicable Law, as it may be amended.
- K. Such other facts or information as the Department may require. (Ord. CS 797 §2, 2002; previously in §9.08.110; prior code §3-153).

9.10.150 Charges—Permit Holder.

Charges for permitted Discarded Materials Service shall be negotiated between the Permitted Collector and the Customer. The Permitted Collector shall provide service in a manner that complies with the minimum service level requirements set forth in Chapter 9.04, or as otherwise specified by the Department, in accordance with Applicable Law. (Ord. CS 797 §2, 2002; previously in §9.08.150; Ord. CS 326 §31, 1989; Ord. NS 1049 §1, 1982; prior code §3-156(d)).

9.10.210 Fee—Truck over one ton.

For Permitted Collectors, there shall be an annual fee, determined by the Board, for each truck Transporting Discarded Materials, and an additional fee for each truck above a one-ton capacity Transporting Discarded Materials. (Ord. CS 797 §2, 2002; previously in §9.08.210; prior code §3-157(d)).

9.10.320 Record keeping and Inspection.

Each Person granted a permit pursuant to the provisions of this Chapter shall maintain Customer contact and account data, Customer service, accounting, billing, statistical, operational, programmatic, tonnage, and other records and associated documentation, related to its performance as shall be necessary to provide information requested by the County to demonstrate compliance with the County Code, its permit with the County, and Applicable Law. Upon request, any such records shall be retrieved in a timely manner, not to exceed five Working Days of a request by the Department and made available to the Department, or its Designee, including any record or documentation that the County, in its sole discretion, may deem necessary for the County to fulfill obligations under Applicable Law. The County, its officers and employees, or Designee shall be entitled to inspect, audit and copy such books and records upon reasonable notice during normal business hours. (Ord. CS 797 §2, 2002).

9.10.350 Vehicles and Equipment.

- A. The Permitted Collector shall have the truck identification number and the Collection company's name printed or stenciled, in letters at least four inches in height, in a prominent place on both exterior sides of each vehicle used by them in the Collection of Discarded Materials. All printing or stenciling must be clearly legible. (Ord. CS 797 §2, 2002).

- B. All equipment used by a Permitted Collector including, but not limited to, Containers and vehicles shall comply with Applicable Law or any requirements, as directed by the County.

Chapter 9.12 ADMINISTRATION AND ENFORCEMENT

9.12.020 Inspections and right of entry.

- A. County representatives or Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any Premises, Collection Container, Collection vehicle loads, or Transfer, Processing, or Disposal Facility for materials Collected from Generators, Source Separated materials, or other items described in subsection C to confirm compliance with this ordinance by Generators, Responsible Parties of Commercial businesses, Responsible Parties of Multi-Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to Applicable Laws. This Section does not allow County representatives to enter the interior of a private Residential Dwelling Unit for Inspection, except as otherwise permitted by the County Code and Applicable Law.
- B. An authorized representative or Designee of the Department is authorized to enter private property at any reasonable time and inspect the same and to perform any duty imposed upon them by Chapters 9.02 through 9.12, provided they shall first present proper credentials to the Occupant and request entry explaining the reasons therefor. Notwithstanding the foregoing, if the authorized representative or Designee of the Department has reasonable cause to believe that there is an accumulation of Discarded Materials or other unsanitary condition prohibited by Chapters 9.02 through 9.12, on the Premises which could be seriously detrimental to the public health or safety, they shall have the right immediately to enter and inspect the property and may use any reasonable means required to effect such entry and make such Inspection, whether the property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, they shall first present proper credentials to the Occupant and demand entry, explaining the reasons and the purpose of the Inspection. (Ord. CS 797 §2, 2002; prior code §3-181).
- C. Regulated entities shall provide or arrange for access during all Inspections conducted in accordance with this Section, and shall cooperate with the County's representative or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of Chapters 9.02 through 9.12. Failure of a Responsible Party to provide or arrange for: (a) access to an entity's Premises; and, (b) access to records for any Inspection or investigation is a violation and may result in penalties described in this Chapter.

- D. The County shall receive written complaints from Persons regarding an entity that may be potentially non-compliant with the provisions of Chapters 9.02 through 9.12 or Applicable Law, such as SB 1383, including receipt of anonymous complaints. Such complaint procedures may be established by the Department or their Designee.

9.12.030 Franchise or permit revocation—authorized.

Any franchise or permit granted by the Board or the Department pursuant to the provisions of Chapters 9.02 through 9.12 may be suspended or revoked by the Board if the Board finds and determines that the Person doing business by virtue of the franchise or permit has failed to comply with any of the terms of the franchise or permit issued pursuant to Chapters 9.02 through 9.12, or has failed to render satisfactory services authorized by the franchise or permit. (Ord. CS 797 §2, 2002; prior code §3-182(a)).

9.12.040 Franchise or permit revocation—grounds.

- A. The Department or their Designee may suspend, amend or revoke any franchise or permit granted by the Department pursuant to Chapters 9.02 through 9.12 if it finds that the franchise or Permitted Collector has demonstrated an inability to properly perform the franchised or permitted activity, failed to comply with any of the terms or conditions of the franchise or permit, failed to comply with any federal, state, or local laws, ordinances, rules, or regulations pertaining to the franchised or permitted activity, or when the franchised or permitted activity has become a nuisance or is detrimental to the public health, safety, or welfare. A franchise or permit which remains inactive for a period in excess of ninety days may be revoked by the Department.
- B. Prior to suspending, amending or revoking a franchise or permit granted by the Department pursuant to Chapters 9.02 through 9.12, the Department shall provide the franchise or Permitted Collector with written notice of the proposed action and the reasons for it. The notice shall state that prior to the suspension, amendment, or revocation, the franchise or Permitted Collector is entitled to a hearing before the Board if the franchise or Permitted Collector requests such a hearing in writing and the request is received by the clerk of the Board not more than ten days after notice of the proposed action has been mailed to the franchise or Permitted Collector.
- C. The hearing shall be held at least ten days after the date, time, and place of the hearing has been mailed to the franchise or Permitted Collector and published in a newspaper of general circulation within the County. If the clerk of the Board does not receive a request for a hearing within the time prescribed above, the franchise or Permitted Collector is deemed to have waived the right to a hearing and the Department or their Designee may immediately suspend, amend or revoke the franchise or permit on the terms specified in the notice. (Ord. CS 797 §2, 2002; prior code §3-182(b)).

9.12.050 Franchise or permit suspension or amendment—emergency actions.

Notwithstanding the provisions of Sections 9.12.030 and 9.12.040, the Department may suspend, or temporarily amend a franchise or permit without notice or a hearing whenever an emergency exists which threatens the public health, safety, or welfare. In such cases, the Department shall notify the franchise or Permitted Collector prior to the action. The Board shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated, to determine that there is a need to continue the action due to an emergency condition or situation. (Ord. CS 797 §2, 2002; Ord. CS 326 §44, 1989; prior code §3-182(c)).

9.12.060 Administration and enforcement responsibility.

The administration and enforcement of this Chapter shall be the responsibility of the Department or their Designee. (Ord. CS 797 §2, 2002; prior code §3-183).

9.12.070 Notice service.

All notices required or given pursuant to this Chapter shall be deemed properly served when deposited, postage prepaid, in the United States mail, addressed to the address provided to the Department. Notice to the County shall be addressed to the County Department of Environmental Resources. (Ord. CS 797 §2, 2002; prior code §3-184).

9.12.080 Appeals.

Any Person aggrieved by any decision or action resulting from the application of Chapters 9.02 through 9.12 may appeal to the Board. Such appeals must be in writing and must be received by the clerk of the Board not more than fifteen days after such decision or action. Such appeals filed pursuant to this Section shall be accompanied with a fee in an amount set by resolution of the Board. The hearing on such appeals shall be after notice of the time thereof has been mailed to appellant at least seven days before the hearing. Any appeal not accompanied by the required fee within the fifteen-day period described above shall be deemed untimely. This Section does not apply to decisions or actions taken pursuant to Section 9.12.030 or 9.12.040. (Ord. CS 797 §2, 2002; Ord. CS 326 §45, 1989; prior code §3-185).

9.12.090 Establishment of regulations.

The Board may establish, by resolution, regulations for the administration, and implementation of Chapters 9.02 through 9.12 which may include a schedule of charges for services provided by a permit or Franchise Collector. Such regulations, when adopted, shall become and thereafter be a part of Chapters 9.02 through 9.12. A copy of the regulations established by resolution of the Board shall be filed with the clerk of the Board and with the Department. (Ord. CS 797 §2, 2002; prior code §3-186).

9.12.100 Penalty for violation.

- A. Violation of any provision of Chapters 9.02 through 9.12 shall constitute grounds for issuance of a Notice of Violation, issuance of administrative citations, and/or assessment of a fine by a County enforcement official or Designee, in accordance with this Section. as further specified below.

- B. Every violation of any provision of Chapters 9.02 through 9.12 shall be construed as a separate offense and shall be punishable as provided in this Chapter. The County or court may also enjoin the violator to cleanup any illegally deposited waste. The amounts of penalties assessed shall be determined by the County, in accordance with the following:
 - 1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
 - 2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
 - 3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.
- C. All violations of Chapters 9.02 through 9.12 constitute a public nuisance which, in addition to the penalty provisions set forth in this Section, may be abated in any manner set forth in Chapter 2.92 of the County Code. (Ord. CS 797 §2, 2002; Ord. CS 326 §46, 1989; prior code §3-187).
- D. Absent compliance by the respondent within the deadline set forth by the County in a Notice of Violation, the County shall commence an action to impose penalties in accordance with this Section. The County may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Chapter if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, as determined by the Department and in accordance with Applicable Law.
- E. Nothing in this Chapter restricts the County's ability to use other remedies permitted by law, including, but not limited to: civil action or prosecution as misdemeanor or infraction; or, revocation, suspension, or denial of any permit, registration, license, or other authorization related to permitting a Person to conduct activities under this Chapter. The County may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The County may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of County staff and resources.

9.12.110 Exceptions—waivers and exemptions.

- A. Exceptions and/or exemptions from the regulations noted in Chapters 9.02 through 9.12 may be granted by the Department. A request for such exception and/or exemption must be in writing and submitted to the Department, in form and content as determined by the Department. (Ord. CS 797 §2, 2002; Ord. CS 326 §47, 1989).

In determining whether to grant the waiver or exemption, the Department shall evaluate all relevant factors, which may include, but is not limited to: type of Generator; physical space constraints; volume of Discarded Materials generated; Collection frequency needs; occupancy or development of the Premises;

demonstrated extenuating circumstances by the applicant; and, other factors related to exemptions that may be available under Applicable Law. Persons granted a waiver by the County shall follow all terms and conditions incorporated as part of the waiver, or otherwise prescribed by the County, regardless of whether or not those terms have been specified in this Chapter or County Code. The Department or its authorized Designee reserves the right to conduct Inspections to verify compliance with the conditions of any waiver both prior to granting of such waiver and at subsequent times thereafter as determined appropriate by the Department.

- B. The County may grant waivers that impact the service or scope of an Authorized Collector's provision of service for Generators receiving such waivers. When the County grants an applicable waiver, or the status of a waiver changes after a re-verification determination, the County shall notify the applicable Authorized Collectors on any necessary changes to Collection Service requirements. Upon receipt of such notice, Authorized Collectors shall have seven days to modify the affected Generators' service level, account data, and billing statement, as needed. The County or its Designee shall be responsible for initial and on-going verification of waivers. Upon request of the County, Authorized Collectors shall support the County in this re-verification process by providing requested information necessary to verify the conditions of the waiver.

9.12.120 Reward for information leading to arrest and conviction for unlawful dumping.

Every Person giving information leading to the arrest and conviction of a Person for a violation of Stanislaus County Code Sections 9.04.020, 9.04.030, 9.04.035, 9.09.070, 9.10.070 or California Vehicle Code Sections 23111, 23112, or 23113(a) or California Penal Code Section 374.3, upon approval by the Board, shall be entitled to a reward from the County's general fund, in an amount not exceeding one thousand dollars. (Ord. CS 937 §2, 2005).

EXHIBIT 2

Chapter 9.11 EDIBLE FOOD RECOVERY

9.11.010 General provisions.

Nothing in this Chapter 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).

9.11.020 Requirements for Commercial Edible Food Generators.

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. 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.
- C. 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 of.
 - 2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (a) the Collection of Edible Food for Food Recovery; or, (b) acceptance of the Edible Food that the Commercial Edible Food Generator Transports and delivers to the Food Recovery Organization for Food Recovery.
 - 3. 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 to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- 6. Maintain records required by this Section for five years, and make records required by this Section available to the County within ten days of request

9.11.030 Requirements for Food Recovery Organizations and Services.

- A. 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):
 - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the service Collects Edible Food.
 - 2. The quantity in pounds of Edible Food Collected from each Commercial Edible Food Generator per month.
 - 3. The quantity in pounds of Edible Food Transported to each Food Recovery Organization per month.
 - 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service Transports Edible Food to for Food Recovery.
- B. 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):
 - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. Maintain records required by this Section for five years, and make such records available within ten days of request by the County.
- D. 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 the total pounds of Edible Food recovered 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). The annual report shall be submitted each year on a date determined by the County.

9.11.040 Edible Food Recovery capacity planning.

In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County or its Designee, 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 Commercial Edible Food Generators within the County. A Food Recovery Service or Food Recovery Organization contacted by the County shall respond to such request for information within sixty days, unless a shorter timeframe is otherwise specified by the Department or its Designee.

STANISLAUS COUNTY ORDINANCE C.S. 1315

Upon motion of Supervisor Grewal, seconded by Supervisor C. Condit, Ordinance C.S. 1315 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 26th day of April 2022, by the following called vote:

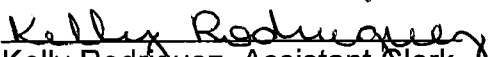
AYES: SUPERVISORS:	B. Condit, Chiesa, Grewal, C. Condit and Chairman Withrow
NOES:	None
ABSENT:	None
ABSTAINING:	None

Ordinance C.S. 1315 repeals and replaces Chapters 9.02, 9.04, 9.08, 9.09, 9.10, 9.12 and adopts a new Chapter 9.11 of the Stanislaus County Code relating to the Stanislaus County Solid Waste Collection Program. The replacement and adoption make changes to waste collection, recycling, and food recovery requirements as required by Senate Bill 1383.

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Will Richards in the Stanislaus County Department of Environmental Resources – Solid Waste Division, at (209) 525-6700 or at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

DATED: April 26, 2022

ATTEST: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Kelly Rodriguez, Assistant Clerk



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

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The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
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Attention: Liz King
CO STAN BOARD OF SUPERVISORS
1010 10TH ST STE 6700
MODESTO, CA 95354

STANISLAUS COUNTY ORDINANCE C.S. 1315

Upon motion of Supervisor Grewal, seconded by Supervisor C. Condit, Ordinance C.S. 1315 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 26th day of April 2022, by the following called vote: AYES: SUPERVISORS: B. Condit, Chilesa, Grewal, C. Condit and Chairman Withrow. NOES: None. ABSENT: None. ABSTAINING: None. Ordinance C.S. 1315 repeals and replaces Chapters 9.02, 9.04, 9.08, 9.09, 9.10, 9.12 and adopts a new Chapter 9.11 of the Stanislaus County Code relating to the Stanislaus County Solid Waste Collection Program. The replacement and adoption make changes to waste collection, recycling, and food recovery requirements as required by Senate Bill 1383. NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Will Richards in the Stanislaus County Department of Environmental Resources - Solid Waste Division, at (209) 525-6700 or at 3800 Cornucopia Way, Suite C, Modesto, CA 95358. DATED: April 26, 2022. ATTEST: Elizabeth A. King, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Kelly Rodriguez, Assistant Clerk IPL0071436 May 5 2022

Declaration of Publication C.C.P. S2015.5

STATE OF CALIFORNIA)
) ss.
County of Stanislaus)

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Modesto Bee, a newspaper of general circulation, printed and published in the city of Modesto, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of February 25, 1951 Action No. 46453 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

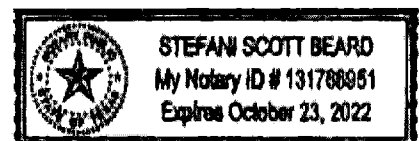
No. of Insertions: 1
Beginning Issue of: 05/05/2022
Ending Issue of: 05/05/2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Dallas, Texas on:

Date: 1st, day of June, 2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!