

# ORDINANCE NO. \_\_\_\_\_

## BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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### ORDINANCE AMENDING: TITLE 4. SANITATION AND HEALTH, CHAPTER 4.04 SOLID WASTE COLLECTION, TRANSPORT, STORAGE, AND DISPOSAL

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The Board of Supervisors of the County of San Mateo, State of California, that

**ORDAINS** as follows:

**TITLE 4 Sanitation and Health.** Chapter 4.04 Solid Waste Collection, Transport, Storage, and Disposal is hereby amended in its entirety to read as follows:

#### **4.04.005 Purpose.**

California Public Resources Code (PRC), Division 30. Waste Management, Part 1. Integrated Waste Management, Chapter 1. General Provisions, Section 40059 authorizes a local agency to determine all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services within its jurisdiction. PRC, Division 30. Waste Management, Part 1. Integrated Waste Management, Chapter 1. General Provisions, Section 40051 (2) provides that a local agency, in implementing its responsibilities for solid waste management, shall, among other things, promote source reduction, recycling and composting. The purpose of this chapter is to provide for the orderly regulation of collecting, transporting, processing, and disposing of solid waste, recyclable materials, organic materials, which is kept, accumulated, or produced within the unincorporated area of the County. This list is not exhaustive, and the County retains the right to regulate all forms of waste within its jurisdiction.

The Board of Supervisors (Board) finds that solid waste, recyclable materials, organic materials, shall be regulated to the extent necessary to protect the health, safety, and welfare of the public, to conserve disposal capacity, and to meet State laws. The Board determines that these goals may best be accomplished by issuance of exclusive and non-exclusive franchise agreements to persons collecting materials to regulate solid waste, recyclable materials, organic materials, transportation, processing, and disposal, and to regulate a comprehensive system for storage, collection, removal, and transport.

#### **4.04.010 Definitions—Solid Waste Collection, Transport, Storage and Disposal.**

For the purpose of this chapter the following definitions shall apply:

- (a) "Backyard collection service" means the provision of solid waste collection service in the rear or side of the premises.
- (b) "Back-haul" means generating and transporting Organic Materials to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (c) "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) (subject to 14 CCR Section 19894.7) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials, including Single-stream targeted recyclable materials.
- (d) "Board" means the Board of Supervisors of the County.
- (e) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations.
- (f) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g. CCR Title 14: Natural Resources, Division 7, Chapter 12, Section listed).
- (g) "Collection" means the act of collecting solid waste at the place of waste generation by an approved Solid waste hauler (public or private) and is a form of removal.
- (h) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential dwelling with five or more units, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (i) "Commingled recyclable materials" means recyclable materials that are Source Separated at the point of generation but placed into a single container. commingled Blue container recyclable materials shall not contain organic waste.
- (j) "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 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (k) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream including vegetable and green materials, but not including hazardous waste, and which yields a safe and nuisance-free product.

- (l) "Construction and demolition debris" as defined in County ordinance code Chapter 4.105 Recycling and Diversion of Debris from Construction and demolition, Section 4.105.010(a). Construction and demolition debris mean and includes but is not limited to:
  - 1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;
  - 2. Remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
- (m) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (n) "County Health Officer" shall be the person appointed by the San Mateo County Board of Supervisors pursuant to the California Health and Safety Code or his/her duly authorized representative.
- (o) County Service Area No. 8. (North Fair Oaks)
- (p) "Curbside collection services" means the provision of solid waste collection service at the curb or within five feet of the right of way of the premises, unless otherwise specified by mutual agreement with the hauler.
- (q) "Densely-populated areas" mean geographic areas of the unincorporated County that are not covered by low population waiver(s) issued by the State pursuant to 14 CCR Section 18984.12 or as determined by the County Office of Sustainability Director or duly authorized representative.
- (r) "Edible Food" has the same meaning as in ordinance code Chapter 4.106.020.
- (s) "Franchised Area" is the unincorporated County area within the South Bayside Waste Management Authority area excluding CSA-8 (North Fair Oaks) and West Bay Sanitary District, and its boundaries are defined by the incorporated city boundaries, which are contiguous with the unincorporated County boundaries.
- (t) "Food Scraps" means all food typically found in a green container such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

- (u) "Food Waste" means Food Scraps, food-soiled paper products, and bio-plastics labeled "BPI Certified Compostable".
- (v) "Generator" means a person or entity that is responsible for the initial creation of any waste regulated in this ordinance or by State law.
- (w) "Gray Container" or "Gray/Black Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) (subject to 14 CCR Section 19894.7) and shall be used for the purpose of storage and collection of materials which are neither designated for the County's applicable Blue or Green Container programs(s), nor Excluded Waste. Gray containers may be differing shades of the color gray, including black.
- (x) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) (subject to 14 CCR Section 19894.7) and shall be used for the purpose of storage and collection of Source Separated Organic Waste.
- (y) "Hauler" means a person who collects material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract Franchised and Non-Franchised haulers, private contract haulers, Food Waste Self-Haulers, and Self-Haulers. A person who transports material from a reporting entity to another person is not a Hauler.
- (z) "Hauler Route" means a Solid waste hauler's designated itinerary or sequence of stops for each segment of the County collection area, or as otherwise defined in 14 CCR Section 18982(a), (31.5).
- (aa) "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (bb) "Low-populated areas" mean geographic areas of unincorporated County that are covered by low population waiver(s) approved by the State, pursuant to 14 CCR section 18984.12, as determined by the County Office of Sustainability Director or duly authorized representative.
- (cc) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses. Under the SB 1383 Regulations and in this Ordinance, Multi-Family Residential Dwellings with five (5) or more units are included under the definition of a Commercial Business per 14 CCR Section 18982(a)(6).
- (dd) "Non-exclusive franchise agreement" (NEFA) means a non-exclusive franchise agreement entered into between a Hauler and the County where the Hauler agrees to collect solid waste and or discarded materials and subsequently

transports, transfers, processes, and/or disposes of the discarded materials, as appropriate for the material type; that Hauler issued a NEFA has collected in the unincorporated areas of the County. NEFAs shall be required for Haulers commencing July 1, 2022.

- (ee) "Non-Local Entity" means the following entities that are not subject to the County's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42); Special Districts (that provide solid waste collection services), Federal Facilities, Facilities operated by the State Park System, Public Universities, County Fairgrounds, and/or State Agencies.
- (ff) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (gg) "Organic waste Generator" means a person or entity that is responsible for the initial creation of organic waste.
- (hh) "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (ii) "Person" shall mean and include any County, City, municipal corporation, district, corporation, firm or person, or their agents or employees.
- (jj) "Post consumer material, also known as "post-consumer waste," is any product which has served its intended use by a business or a consumer and has been disposed and subsequently separated from solid waste for use as a constituent in a new product. Post-consumer material consists of but is not limited to: paper, plastics, glass, aluminum and metal cans, rubber, packaging materials, etc.
- (kk) "Prohibited Container Contaminants" for those Generators provided with a three-container collection system (blue, green and gray/black): "Prohibited Container Contaminants" means the following:
  1. Discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the County's applicable Blue Container program,
  2. Discarded materials placed in the Green Container that are not identified as acceptable Source Separated Organic Waste for the County's applicable Green container program,
  3. Discarded materials placed in the Gray/Black Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Wastes that belong in County's Green or Blue Container,

4. Excluded Waste placed in any container.
- (ll) "Prohibited Container Contaminants" for those Generators provided with a two-container (blue/black) collection service for Source Separated Recyclable Materials and mixed materials) "Prohibited Container Contaminants" means the following:
1. Discarded materials placed in a Blue Container that are not identified as acceptable Source Separated Recyclable Materials for County's applicable Blue Container program;
  2. Discarded materials placed in the Gray/Black Container that are identified as acceptable Source Separated Recyclable Materials, which are to be separately collected in County's applicable Blue Container program; and,
  3. Excluded Waste placed in any container.
- (mm) "Putrescible waste" includes waste that is capable of becoming putrid, spoils, or is decomposed by microorganisms with sufficient rapidity to cause a nuisance because of odors, gases, or other offensive conditions.
- (nn) "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become disposed, 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. Recycling does not include transformation.
- (oo) "Recyclable materials" means discarded materials, Source Separated at the point of generation, that can be re-used, remanufactured, reconstituted, recycled or composted.
- (pp) "SB 1383 Inspection" means a site visit where the County or its designee, reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as defined in 14 CCR Section 18982 (a) (35).
- (qq) "Solid waste hauler" shall mean a person who has been awarded an official franchise, or Non-Exclusive Franchise Agreement, and/or permit with the County that is not suspended or revoked, to operate an enterprise to collect and subsequently arrange for transport, processing, and/or disposal of solid waste generated within the unincorporated areas of the County.
- (rr) "Report" means the report referred to in County ordinance code Section 4.04.250 "Report for the CSA No. 8 (North Fair Oaks)."
- (ss) "Route Review(s)" means a visual SB 1383 Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (tt) "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor 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.
- (uu) "Self-Hauler" means a person who hauls Solid Waste, Organic Materials or recyclable material he or she has generated to another person. Self-hauler also includes a person who Back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66).
- (vv) "Service charges" means fees or other charges for services furnished or offered in connection with the Weekly Collection Service.
- (ww) "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (xx) "Single-family hauler" means a Hauler that has been authorized to provide collection services and other related services to Single-Family premises in accordance with a Non-Exclusive Franchise Agreement, or a Franchise Agreement.
- (yy) "Single-stream targeted recyclable materials" shall mean recyclable materials that have been targeted by the Solid waste hauler and placed commingled by the Generator into containers provided by the Solid waste hauler for the purposes of collection.
- (zz) "Solid Waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, organic materials, recyclables, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid Waste does not include excluded waste:
1. Hazardous waste, as defined in Public Resource Code.
  2. Radioactive waste, as regulated pursuant to the Radiation Control Law.
  3. Medical waste, as regulated pursuant to the Medical Waste Management Act.
- (aaa) "Solid waste facility" includes but is not limited to Solid Waste transfer station or a construction, demolition, and inert debris processing/disposal facility, a compostable materials handling facility, a transformation facility, an incinerator, or a disposal facility.
- (bbb) "Source Separated" means and refers to materials, including Commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing of those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

(ccc) "Weekly Collection Service" means collection service that is scheduled in advance and provided once-per-week on the same day or days each week by a Solid waste hauler's vehicle or equipment.

#### **4.04.020 Permit required to transport Solid Waste.**

It shall be unlawful for any Generator, directly or indirectly, to bring or cause to be brought or conveyed, into or through the unincorporated territory six or more cubic yards of Solid Waste without first applying to the County Health Officer and procuring from the County Health Officer a permit to do so as hereinafter provided. Notwithstanding this requirement, nothing in this section should be construed to prevent individuals in low population census tracts from self-hauling Solid Waste provided they comply with Article 7 of California Code of Regulation 1, Division. 7, Chapter 3.

#### **4.04.025 County Approval of Solid Waste Hauler and Permitted Haulers in Densely Populated Area.**

The County shall require a Solid waste hauler providing residential, commercial, or industrial organic waste, construction and demolition waste collection services to Generators within its Densely- populated areas to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste.

(a) Requirements for Solid waste haulers:

1. Exclusive franchised Haulers and Non-exclusive franchised Haulers that are permitted and providing residential, Commercial, Construction and Demolition waste collection services to Generators within the County's Densely- populated areas shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the County to collect Organic Waste:
  - i) Through written notice to the County annually on or before January 1, 2022 identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Organic Waste and Mixed Waste.
  - ii) Transport Source Separated Recyclable Materials Source Separated Organic Waste and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - iii) Obtain approval from the County to haul Organic Waste through an agreement, contract and permit, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting Construction and Demolition in a manner that complies with 14 CCR Section 18989.1, and County Ordinance Chapter 4.105 Recycling and Diversion of Debris from Construction and Demolition.
2. Exclusive franchised Haulers and Non-exclusive franchised Haulers that are permitted Haulers, or authorized to collect Organic Waste in the Densely-populated areas shall comply with education, equipment, signage, container



labeling, container color, contamination monitoring, reporting, and other requirements contained within this Chapter and per CCR Title 14: Natural Resources, Division 7, Chapter 12.

#### **4.04.026 Residential Self-Haulers of Organic Waste.**

A residential organic waste Generator that self-hauls organic waste in accordance with County ordinance code Section 4.04.090 is not required to record or report the information described in Section 4.04.027 below. Nothing in this section shall be construed as authorizing the Department to impose penalties on residential organic waste Generators.

#### **4.04.027 Commercial Self-Haulers of Organic Waste.**

Generators of organic waste may, in compliance with CCR Title 14, Division 2, Chapter 12, self-haul their own organic waste. Pursuant to CCR Title 14, Division 2, Chapter 12, Single-Family residential organic waste Generators must subscribe to a minimum level of on-going Curbside collection service even if they choose to self-haul. However, commercial organic waste Generators, including those at multi-family residential properties, may choose to self-haul without subscribing to a minimum level of Curbside collection service as long as they do so pursuant to Article 7 of CCR Title 14, Division 7, Chapter 3. A Generator who is a Self-Hauler of organic waste shall comply with the following:

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul source separated organic waste to a Solid Waste facility operation, activity, or property that processes or recovers source separated organic waste, and, shall haul their Source Separated Recyclable Materials to a facility that recovers those materials.
- (c) Pursuant to CCR Title 14, Division 7, Chapter 12, Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to SB 1383 Inspection by the County. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste.
  2. The amount of material in cubic yards or tons transported by the Generator 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 Organic Waste.

- (d) A Self-Hauler that is located in a Low-populated area and is not a business subject to the requirements of County ordinance section 4.04.030 is not required to comply with the requirements of this section.
- (e) The County may waive a multi-family, or commercial business's obligations to comply with some or all designated organic materials recycling requirements if the Generator provides adequate documentation that its source separated organic material is being managed through on-site Composting or other on-site management practices that are consistent with applicable laws or regulations.

#### **4.04.028 Requirements for Facility Operators and Community Composting Operations.**

Requirements for Facility Operators and Community Composting Operations:

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

#### **4.04.030 Permit required to transport Solid Waste, exemptions.**

Transportation of Single-stream targeted recyclable materials as defined in County ordinance code Section 4.04.010 of this chapter, shall be exempt from permitting requirements of this section provided that the Single-stream targeted material is conveyed in a manner to safeguard public health and safety of the inhabitants of the County of San Mateo and in compliance with all applicable state laws and the materials are brought to an approved processing facility.

#### **4.04.040 Permit required to dump Solid Waste.**

It shall be unlawful for any Generator, directly or indirectly, to dump, deposit, bury or landfill or cause to be dumped or deposited, or assist in dumping or depositing, any Solid Waste, within the territorial limits of the County of San Mateo, including the San Francisco Bay and tide lands thereof within the boundaries of said County of San Mateo, without having first applied to the County Health Officer and procured a permit to do so as hereinafter provided. All Densely- populated areas require Haulers to comply with Chapter 4.04.025 of this ordinance.

#### **4.04.050 Application.**

Applications for permits to do the acts described in County ordinance code Sections 4.04.020 and 4.04.040, shall be filed with the County Health Officer and contain the following information:

- (a) The name and address of the applicant; and if a private corporation, the names and addresses of the officers of the corporation and the members of the firm; and if an individual person is applying, the names and addresses of all persons directly interested in securing the permit.
- (b) The nature and source of the Solid Waste.
- (c) If the Solid Waste is brought into the County of San Mateo from a point outside of its boundaries, the purpose of bringing the same into the County; and if for the purpose of dumping and depositing in said County, a description of the place of deposit and its location.
- (d) A description of the means and method of conveying such Solid Waste, and a description of the manner and method of deposit and the manner and method which will be used to keep the means of conveyance and the place of deposit sanitary and to prevent odor and the existence and breeding of flies, insects and rodents upon and in such Solid Waste, while being conveyed to and placed in or upon and in such dump or place of deposit.
- (e) The approximate amount of Solid Waste to be conveyed or deposited daily.
- (f) Demonstrate compliance with CCR Title 14, Division 7, Chapter 3.

#### **4.04.060 Referral of application.**

Upon the filing of the application, the County Health Officer shall refer the application to the Environmental Health Division to make a thorough investigation of the matters set forth in the application and all other circumstances and conditions by him/her deemed material and to make a full and complete report, together with recommendations, to the County Health Officer.

#### **4.04.070 Granting or denying permit.**

The County Health Officer may deny or grant such permit, which shall be in writing, for such time and under such conditions and regulations deemed consistent with the safeguarding of the public health and safety of the inhabitants of the County of San Mateo, or any portion thereof; said conditions and regulations shall be incorporated in such permit.

#### **4.04.080 Conditions of permit.**

Such permit shall not be construed to permit any act forbidden by any law; provided further that all such permits issued hereunder shall be revocable and subject to suspension by the County Health Officer at any time after a hearing if the County Health Officer determines that the permittee has not complied, or is not complying with the conditions and regulations under which such permit was granted, or if for any reason, the permitted act or acts is or are injurious or detrimental to public health and

safety. The Health Officer shall provide five days' written notice by mail of the hearing to the permittee.

#### **4.04.085 Solid Waste Management to Collect Solid Waste.**

- (a) It is unlawful for a person to engage in the business of collection of Solid Waste kept, accumulated, or produced in the County, unless the person has a Franchise Agreement or Non-Exclusive Franchise Agreement (NEFA) with the County Office of Sustainability Director or duly authorized representative, for the right to collect discarded materials as a Single-family hauler, or multi-family/commercial Hauler in the Densely-populated areas. This does not apply to self-hauling by Generators who self-Haul consistent with CCR Title14.
- (b) Companies that do not hold Franchise Agreements or NEFAs may apply for a NEFA to collect. The combined number of Haulers authorized to service Single-Family, multi-family, and commercial Generators shall be limited to the number of such NEFAs in effect on July 1, 2022. After July 1, 2022, the number of NEFAs authorizing Single-family haulers and multi-family/commercial Haulers will decrease if, and when, any NEFAs authorizing Single-family haulers and multi-family/commercial Haulers are no longer valid due to revocation or termination, or the Hauler(s) opts not to renew the NEFA, or other cause.
- (c) The County Office of Sustainability Director or duly authorized representative of the County has the right to adjust the number of NEFAs authorizing Single-family haulers and multi-family/commercial Haulers if it finds that it is in the public health, safety, or welfare of the citizens of the unincorporated area of the County to increase or decrease the maximum number of Single-family haulers and multifamily/commercial Haulers. The number of NEFAs for Construction and Demolition Waste Haulers shall not be limited.

#### **4.04.090 Disposal of Solid Waste and recyclable materials from one's own premises.**

All residential properties in the Densely-populated areas must subscribe to a Hauler's services as specified in County ordinance code Section 4.04.140. The provisions of this chapter shall not be construed to prevent a person from disposing of additional Solid Waste and recyclable materials in an amount of up to 6 cubic yards accumulating upon, and its source being from, one's own premises in the manner provided in County ordinance code Sections 4.04.100, 4.04.110, 4.04.130 through 4.04.160 of this chapter.

#### **4.04.100 Solid Waste and recyclable materials in transit.**

All Solid Waste and recyclable materials in the process of being conveyed into, through, or within the County shall be properly covered and conveyed in a manner to safeguard the public health and safety of the inhabitants of the County of San Mateo, and in compliance with all applicable state laws, and all loads should be covered.

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#### **4.04.110 Placement of receptacles.**

All carts, bins and receptacles shall be placed on the premises at ground level so as to be readily accessible for removing and emptying by the Solid waste hauler. Any disputes or complaints arising from or concerning the placement of receptacles, size of containers, or quantities of Solid Waste to be removed, may be referred to the appropriate County agency for nuisance abatement.

#### **4.04.120 Solid Waste to be kept in receptacles, carts or bins.**

All Solid Waste and recyclable materials shall be placed by the person(s) occupying the premises upon which such Solid Waste and recyclable materials are created in a watertight plastic or metal receptacle, or in carts and bins with tight fitting lids provided by the Solid waste hauler, of not less than 20-gallon capacity. All carts, bins and receptacles placed for collection by a Solid waste hauler must be placed for collection not more than 24 hours preceding the Weekly Collection Service day. Following removal of the Solid Waste and recyclable materials, all carts, bins and receptacles must be stored within 24 hours in a less conspicuous area of the premises so as not to create a nuisance to the occupants of neighboring premises and to safeguard the public health and safety of the inhabitants of the County of San Mateo.

Generator-provided receptacles will only be allowed in the low population areas; all other Densely- populated areas must meet the requirements in Chapter 4.04.140. For all cart and bin labeling requirements in the Densely-populated areas refer to CCR Title 14, Division 7, Chapter 3, Section 18984.7 and 18984.8.

All violations of this Section shall constitute a nuisance and may be referred to the appropriate County agency for nuisance abatement and/or County of San Mateo Administrative Remedies Chapter 1.40.

#### **4.04.130 Destruction or disposal of Solid Waste.**

- (a) All premises within the County of San Mateo shall dispose of Solid Waste by removal to an authorized disposal area or facility at least once per week (seven days), or more frequently than once per week, to prevent the accumulation of Solid Waste in quantities in excess of those customarily handled by a Solid waste hauler , and to safeguard the public health and safety of the inhabitants of the County of San Mateo as determined by the County Health Officer.
- (b) All premises within the County of San Mateo situated in an area served by a Solid waste hauler must use such service for the Weekly Collection Service of organic/putrescible waste, except as hereinafter otherwise provided.
- (c) All premises within the County of San Mateo not in an area served by a Solid waste hauler in low populated areas, must dispose of Solid Waste as specified in Section 4.04.130(a) of this Section and in a manner in compliance with all provisions of this chapter and state laws pertaining to the disposal of Solid Waste and as determined by the County Health Officer.

- (d) All businesses in the County Unincorporated Areas must either subscribe to Hauler collection services and/or self-haul organic waste to a facility that processes source separated organic waste or taken to a high diversion organic waste processing facility, unless exempted from such requirements by the County in accordance with Section 4.04.025.
- (e) Curbside collection service shall be subject to the annual review, SB 1383 inspection compliance and enforcement provisions in CCR Title 14: Natural Resources, Division 7, Chapter 12.
- (f) The property owner will pay to the Solid waste hauler authorized by the agreements for collection and removal of Solid Waste and recyclable materials and shall pay the garbage and recyclables collection rate or rates. Notwithstanding the requirements of this Section, the County Health Officer may require greater service levels at specific properties if deemed appropriate or necessary for health or safety reasons.

#### **4.04.140 Requirements for Single-Family Residential Organic Waste Generators in Densely-Populated Areas.**

Pursuant to CCR Title 14, Division 7, Chapter 12, Single-Family Organic Waste Generators shall comply with the following requirements:

- (a) Single-Family organic waste Generators in Densely- populated areas must subscribe to the County's authorized Solid waste haulers' organic waste collection services for organic waste generated as described in CCR Title 14, Division 7, Chapter 12, and below in this section.
- (b) A duly authorized representative of the County, at its discretion, shall visit all premises from time to time and to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials and determine whether the provisions of this chapter are complied with. Upon his/her notification by authorized representative, the organic waste Generator may be required to adjust their service level for their collection services.
- (c) Organic waste Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a Community composting site pursuant to CCR Title 14: Natural Resources, Division 7, Chapter 12, Section 18984.9(c).
- (d) Shall participate in the County's Organic Waste collection service(s) by placing designated materials in designated containers as described below and shall not place Prohibited Container Contaminants in collection containers.
  - 1. Option 1: A three- and three-plus-container collection service as described in either option 1(i) and 1(ii) below:

- i. Generator shall place Source Separated Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and remaining materials (excluding Excluded Waste) in the Gray/Black Container. Generators shall not place materials designated for the Gray/Black Container into the Green Container or Blue Container.
  - ii. Generator shall place Source Separated Organic Waste, except Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Mixed Waste, including Food Waste, in the Gray/Black Container. Generator shall not place materials designated for the Green Containers or Blue Containers in the Gray/Black Containers.
2. Option 2: Two-container collection service (Green Container/Gray Container system or Blue Container/Gray Container system described in either option 2(i) or 2(ii) below:
  - i. Green Container/Gray Container: Generator shall place only Source Separated Organic Waste in a Green Container. Generator shall place all other materials (Mixed Waste) in a Gray/Black Container.
  - ii. Blue Container/Gray Container: Generator shall place only Source Separated Recyclable Materials in a Blue Container. Generator shall place all other materials (Mixed Waste) in a Gray/Black Container.
3. Option 3: Organic waste may be collected in bags and placed in the Green Container provided that the use of bags and the facilities that recover source separated organic waste for the County provide written notice to the County Office of Sustainability indicating that the hauler and facility can process and remove bags when it recovers source separated organic waste.
4. Option 4: If an un-containerized yard waste collection service is provided intermittently or seasonally or provided year-round, Generators receiving that service must be provided an option to subscribe to collection of other organic waste in a manner that complies with Option 1 or 2 of this section.
5. Option 5: The county may, in its sole discretion, allow other source separation and collection arrangements (for example, the use of split carts), provided that such arrangements comply with CCR Title 14, Division 7, Chapter 12.

#### **4.04.141 Requirements for Commercial Business in Densely-Populated Areas.**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall, pursuant to CCR Title 14, Division 7, Chapter 12:

- (a) Subscribe to and comply with the requirements of the organic waste collection service provided by the County area; or self-hauling organic waste in a manner that complies with the requirements of CCR Title 14, Division 7, Chapter 12.
- (b) Separate recyclable materials from their Solid Waste stream and either self-haul, subscribe to a hauler, or subscribe to a recycling service that includes mixed waste processing so that the separated material is diverted from disposal to recycling, or reuse activities.
- (c) A duly authorized representative of the County, at its discretion, shall visit all premises from time to time to evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials and determine whether the provisions of this chapter are complied with. Upon notification by an authorized representative of the County, Commercial Businesses shall adjust their service level for their collection services.
- (d) Except Commercial Businesses that meet the Self-Hauler requirements in Section 4.04.027 of this ordinance, participate in the County's Organic Waste collection service(s) by placing designated materials in designated containers as described below.
  1. Option 1: A three- and three-plus-container collection service as described in either option 1(i) or 1(ii) below:
    - i. Generator shall place Source Separated Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and remaining materials (excluding "Excluded Waste") in the Gray/Black Container. Generators shall not place materials designated for the Gray/Black Container into the Green Container or Blue Container.
    - ii. Generator shall place Source Separated Organic Waste, except Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Mixed Waste, including Food Waste, in the Gray/Black Container. Generator shall not place materials designated for the Green Containers or Blue Containers in the Gray/Black Containers.
  2. Option 2: Two-container collection service (Green Container/Gray Container system or Blue Container/Gray Container system described in either option 2(i) or 2(ii) below:
    - i. Green Container/Gray Container: Generator shall place only Source Separated Organic Waste in a Green Container. Generator shall place all other materials (Mixed Waste) in a Gray/Black Container.
    - ii. Blue Container/Gray Container: Generator shall place only Source Separated Recyclable Materials in a Blue Container. Generator shall place all other materials (Mixed Waste) in a Gray/Black Container.



3. Option 3: Organic waste may be collected in bags and placed in the Green container provided that the use of bags and the facilities that recover source separated organic waste for the County provide written notice to the County Office of Sustainability indicating that the hauler and facility can process and remove bags when it recovers source separated organic waste.
  4. Option 4: If an un-containerized green waste and yard waste collection service is provided intermittently or seasonally or provided year-round, generators receiving that service must be provided an option to subscribe to collection of other organic waste in a manner that complies with Option 1 or 2 of this section.
- (e) Supply adequate number, size and location of collection containers with labels for employees, contractors, tenants, and customers, consistent with County's Blue Container, Green Container, and/or Gray/Black Container collection service. If self-hauling, Commercial Businesses shall act in accordance with CCR Title 14, Chapter 12, Article 7.
- (f) Provide containers for the collection of Organic Waste and Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that container in all areas where disposal containers are provided for customers. Multi-Family Residential Dwellings are not required to comply with container placement or labeling requirement in this Section. Pursuant to CCR Title 14, Chapter 12, Section 18984.9(b), the containers provided by the business shall have either:
1. A body or lid that conforms with the container colors provided through the commercial businesses' collection service. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container, pursuant CCR Title 14, Chapter 12, Section 18984.8.
- (f) Commercial businesses shall annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of organic waste.
- (g) Commercial businesses shall periodically inspect Containers for contamination and inform employees or tenants if containers are contaminated

and of the requirements to keep contaminants out of those containers pursuant to CCR Title 14, Chapter 12, Section 18984.9(b)(3).

- (h) Commercial businesses shall provide information to new tenants within 14 days of occupation of the premises.
- (i) Provide or arrange for access for the County or its duly authorized representative to their properties during all inspections to confirm compliance with the requirements of this ordinance.
- (j) Nothing in this Section prohibits a generator from self-hauling (Section 4.04.027, preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to CCR Title 14, Chapter 12, Section 18984.9(c).
- (k) The Commercial Business who is self-Hauling shall keep a record of the amount of organic waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the County. The following is the requirements:
  - 1. The records shall include delivery receipts and weight tickets from the entity accepting the waste.
  - 2. The record shall indicate the amount of material in cubic yards or tons transported by the Commercial Business to each facility.
  - 3. If the material is transported to a facility that does not have scales on-site or employs scales incapable of weighing the Commercial Businesses vehicle in a manner that allows it to determine the weight of waste, the Commercial Business is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

#### **4.04.145 Waivers.**

The County may grant the following types of waivers to a generator of organic waste, provided that granting of any such waivers shall not exempt generators from complying with other aspects of applicable law (including the provisions of AB 341 and AB 1826):

(a) De Minimis Waiver.

- 1. Commercial Businesses requesting a de minimis waiver shall demonstrate that:
  - i. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
  - ii. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(b) Physical Space Waiver.

1. The County may waive a commercial business' or property owner's obligation to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the commercial business or property owner provides documentation, or the County has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements.

**4.04.150 Prohibitions.**

No person owning or occupying any building lot or premises in the County shall suffer, allow or permit to collect, and remain on said lot or premises Solid Waste of any kind. However, this provision shall not be construed to interfere with a building under construction.

No person shall dump, place or bury any Solid Waste or recyclable materials in any lot, vacant unimproved property, land, street or alley, or in any water or waterway or public easement elsewhere in the County, or in any location other than authorized disposal areas or facilities.

No person shall burn Solid Waste except as approved and permitted by the Air Quality Management District.

It shall be unlawful for any person, firm or corporation to interfere in any manner with the collection or removal or disposal of Solid Waste by a Solid waste hauler.

No person shall remove any recyclable materials from the Curbside collection service bins or carts, which are the property of the Solid waste hauler.

**4.04.160 Excess Solid Waste or recyclable materials.**

In the event the removal of Solid Waste and recyclable materials is required in quantities in excess of those customarily handled by the Solid waste hauler, or in the case of the removal of Solid Waste or recyclable materials from an area not served by a Solid waste hauler, such removal shall be accomplished in a manner in compliance with all provisions of this chapter and the general laws, and in a manner acceptable to the County Health Officer.

**4.04.170 County Health Officer.**

The County Health Officer or other duly authorized representative of the County, at its discretion, shall conduct assessments, which includes but is not limited to site visits of entities subject to this Chapter to verify and ensure compliance with its provisions.

**4.04.171 SB 1383 Inspections and Investigations.**

Office of Sustainability or County's duly authorized representative will request as necessary an inspection of the container(s) or Bins for Contamination or self-haul records to determine whether the provisions of this ordinance and CCR Title 14, Chapter 12, have been met and the Property Owner or tenant is in compliance with the regulations. Generators shall provide or arrange for access to all containers during all inspections (with the exception of residential property interiors) and if the Commercial

Business or Multifamily dwelling is self-hauling, the property owner or tenant shall provide the records per the requirements in ordinance Section 4.04.141.

#### **4.04.180 Enforcement Actions for Recycling and Organic Waste Generators.**

Enforcement pursuant to this chapter may be undertaken by the duly authorized representative designated by the County.

- (a) The process for enforcement is as follows:
  1. Authorized County representative will monitor regulated entities' compliance with this chapter or will rely on monitoring conducted by its designee or Solid waste hauler. Monitoring activities may include scheduled or random compliance reviews, Route Reviews, and/ or investigation of complaints.
  2. The County may issue official notifications to inform regulated entities of obligations under this chapter and of violations.
  3. For incidences of prohibited container contaminants found in containers, the County, its designee, or Solid waste hauler, may issue a notice to correct to any owner, operator, and/or occupant found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication, immediately upon identification of the prohibited container contaminants.
- (b) As an alternative to or in conjunction with any procedure specified in this chapter, all violations of this chapter may be addressed in accordance with any County enforcement process or compliance mechanism, including without limitation those specified in a violation of this chapter as an infraction and is also punishable by administrative fines as set forth in ordinance code Chapter 1.40.050 Administrative Citations.

#### **4.04.200 Removal of Solid Waste from residential property in CSA No. 8.**

The County has established the minimum Curbside collection service levels set forth in Section 4.04.220 for all properties in the CSA No. 8 that are being used for residential purposes. All service must comply with all regulations established in CCR Title 14, Division 7, Chapter 12 and Section 4.04.140 of this Chapter. Curbside collection service shall be subject to the annual review, SB 1383 Inspection compliance and enforcement provisions in this Ordinance Section 4.04.171 and 4.04.180.

The County will pay the cost of the minimum service levels set forth in Section 4.04.220 to the company(s) authorized by the Board for collection and removal of Solid Waste and Single-stream targeted recyclable materials in the CSA No. 8. The County will make such payment using funds collected through the Service charges approved by the Board. The Service charges shall be set forth in the Report as required in Section 4.04.250 and collected along with the property tax.

The owners of property in the CSA No. 8 that is being used for residential purposes shall be required to contract with the company(s) authorized by the Board for collection and removal for all service in excess of the service levels set forth in Section 4.04.220 and shall pay therefore the rate or rates set by the Board. Notwithstanding the requirements of this Section, the County Health Officer may require greater service levels at specific properties if deemed appropriate or necessary for health or safety reasons. "Being used for residential purposes" shall include vacant residential structures but not include vacant unimproved property. Exceptions to the Solid Waste collection requirements of this Section may be granted by the County Health Officer pursuant to Section 4.04.390.

#### **4.04.210 Removal of Solid Waste from non-residential property in the CSA No. 8.**

The County has established the minimum service levels set forth in Section 4.04.230 for all properties in the CSA No. 8 that are being used for commercial purposes. All service must comply with all regulations established in CCR Title 14, Division 7, Chapter 12 and Section 4.04.141 of this Chapter. Curbside and Self-Haul shall be subject to the annual review, SB 1383 Inspection compliance and enforcement provisions in this Ordinance Section 4.04.171 and 4.04.180. The owner of property that is being used in whole or in part for non-residential purposes shall be responsible for the collection and removal of all Solid Waste from that property and shall be required to contract with the company(s) authorized by the Board for collection and removal and shall pay therefore the rate or rates set by the Board.

The Solid waste hauler shall collect Single-stream targeted recyclable materials from customers that have source separated the materials from organic waste and placed these materials in the collection containers provided by the Solid waste hauler.

The County Health Officer may require greater service levels at specific properties if deemed appropriate or necessary for health or safety reasons. Exceptions to the Solid Waste collection requirements of this section may be granted by the County Health Officer pursuant to Section 4.04.390.

#### **4.04.220 Minimum residential garbage service levels in the CSA No. 8.**

The Board shall establish minimum Curbside collection services levels per Unit of Pickup for parcel(s) containing dwelling unit(s) within the CSA No. 8 as defined in Section 4.04.220(a). The minimum charge to each parcel will be calculated based on Section 4.04.220(a), (1—3) and the garbage and recyclables rates applicable to the CSA No. 8. The charge will appear on the property tax bill. Services in addition to the minimum service levels shall be billed directly by the Solid waste hauler.

Minimum Units of Pickup:

- (a) For the purposes of Section 4.04.220, "Unit of Pickup" (U.P.) means two (2) 32-gallon carts or cubic yard equivalent or one (1) 64-gallon cart or cubic yard

equivalent located at the curb or within five feet of the right of way for service by the Solid waste hauler.

1. Residential parcels, defined as parcels containing one to four dwelling units, shall have one (1) U.P. per dwelling unit.
2. Apartment House parcels, defined as parcels containing more than four dwelling units shall have ½ U.P. per dwelling unit.
3. Mixed Residential/Commercial-Industrial parcels shall have ½ U.P. per residential dwelling unit and ½ U.P. per business. The residential dwelling unit will be billed on the property tax bill and the commercial business will be billed by the Solid waste hauler.

#### **4.04.230 Minimum non-residential garbage service levels in the CSA No. 8.**

The Board shall establish a minimum Curbside collection service level per Unit of Pickup for commercial parcels within the CSA No. 8 as defined in Section 4.04.230(a). The minimum charge to each parcel will be calculated based on Section 4.04.230(a)(1) and the garbage and recyclables rates applicable to the CSA No. 8. The charge for the minimum level of service and any additional services will be billed directly by the Solid waste hauler.

(a) For the purposes of Section 4.04.230, "Unit of Pickup" (U.P.) means one (1) 32-gallon cart or cubic yard equivalent.

1. Commercial parcels, defined as parcels containing no residential dwelling units, shall have one (1) U.P. per business.

#### **4.04.240 Procedure for garbage collection Service charges in the CSA No. 8.**

The tax roll on which ordinary County ad valorem property taxes are collected shall be used for the collection of current or delinquent Service charges for parcels that contain residential dwelling units as defined in Section 4.04.220 of this chapter for the CSA No. 8.

#### **4.04.250 Report for the CSA No. 8.**

A written Report shall be prepared and filed with the Clerk of the Board of Supervisors. The Report shall contain the Assessor Parcel Number, Situs Address, and the amount of the minimum service charge for each parcel for the forthcoming fiscal year, computed as set forth in Section 4.04.220(a)(1)— (3), and the Board approved garbage and recyclables rates applicable to the CSA No. 8.)

#### **4.04.260 Notice for the CSA No. 8.**

The Clerk of the Board of Supervisors shall cause notice of the filing of the Report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing in a newspaper of general circulation in the CSA No. 8.

#### **4.04.270 Hearing for the CSA No. 8.**

At the time of said hearing the Board shall hear and consider all objections or protests, if any, to said Report referred to in said notice and may continue the hearing.

#### **4.04.280 Final determination of Service charges for the CSA No. 8.**

Upon the conclusion of the hearing on the Report, the Board will adopt, revise, change, reduce or modify any service charge or overrule any or all objections and shall make its determination upon each service charge as described in said Report, which determination shall be final. The Board shall thereafter, by resolution, confirm the Report, and shall direct that said resolution be recorded.

#### **4.04.290 Filing of Report with County Controller for the CSA No. 8.**

On or before the 10th day of August, unless otherwise extended in accordance with law, in each year following the final determination of the Board, the Clerk of the Board of Supervisors shall file with the Controller a copy of said Report with a statement endorsed thereon over their signatures that the Report has been finally adopted by the Board, and the Controller shall enter the amounts of the charges against the respective lots or parcels of land as they appear in the Report on the current assessment roll.

#### **4.04.300 Lien process for the CSA No. 8.**

The amount of the charges shall constitute a lien against the lot or parcel of land against which the charges have been imposed. The Tax Hauler shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. All tax liens attach annually as of 12:01 a.m. on the first day of January preceding the fiscal year for which the taxes are levied.

#### **4.04.310 Tax bill procedure for the CSA No. 8.**

Thereafter, the amount of the charges shall be collected at the same time and in the same manner, and by the same person as, together with and not separately from the ordinary County ad valorem property taxes and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

#### **4.04.320 Collection Charges for the CSA No. 8.**

All laws applicable to the levy, collection and enforcement of ordinary County ad valorem property taxes including, but not limited to, those pertaining to the matters of

delinquency, correction, cancellation, refund and redemption are applicable to such charges.

#### **4.04.330 Direct service and billing for the CSA No. 8.**

Whenever the use of property not required to receive Weekly Collection Service is altered so as to require such service, or whenever for any other reason property is not set forth in the Report and its minimum Service charges are not collected upon the tax roll, the Solid waste hauler shall serve the property and collect any Service charges by direct billing. Rates for such service shall be the approved garbage and recyclables collection rates applicable to the CSA No. 8.

#### **4.04.340 Removal of Solid Waste from residential property in the Franchised Area.**

The County has established the minimum Curbside collection service levels set forth in Section 4.04.360 for all properties in the Franchised Area that are being used for residential purposes. All service must comply with all regulations established in CCR Title 14, Division 7, Chapter 12 and Section 4.04.140 of this Chapter. Curbside collection service shall be subject to the annual review, SB 1383 Inspection compliance and enforcement provisions in this Ordinance Section 4.04.171 and 4.04.180.

The property owner will pay to the Solid waste hauler authorized by the Board for collection and removal of Solid Waste and Single-stream targeted recyclable materials and shall pay the garbage and recyclables collection rate or rates set by the Board. Notwithstanding the requirements of this Section, the County Health Officer may require greater service levels at specific properties if deemed appropriate or necessary for health or safety reasons.



#### **4.04.350 Removal of Solid Waste from non-residential property in the Franchised Area.**

The County has established the minimum Curbside collection service levels set forth in Section 4.04.370 for all non-residential properties in the Franchised Area that are being used for commercial purposes. All service must comply with all regulations established in CCR Title 14, Division 7, Chapter 12 and Section 4.04.141 of this Chapter. Curbside collection service and Self-Haul shall be subject to the annual review, SB 1383 Inspection compliance and enforcement provisions in this Ordinance Section 4.04.171 and 4.04.180.

The property owner will pay the Solid waste hauler authorized by the Board for collection and removal of Solid Waste in the franchised area and shall pay the garbage and recyclables collection rate or rates set by the Board. The Solid waste haulers shall collect Single-stream targeted recyclable materials from customers that have source separated the materials from organic waste and placed these materials in the collection containers provided by the Solid waste hauler. Notwithstanding the requirements of this Section, the County Health Officer may require greater service levels at specific properties if deemed appropriate or necessary for health or safety reasons.

#### **4.04.370 Minimum non-residential garbage service levels in the Franchised Area.**

The Board shall establish a minimum curbside level of service for commercial parcels within the Franchised Area as defined in Section 4.04.350. All service must comply with all regulations established in CCR Title 14, Division 7, Chapter 12 and Section 4.04.141 of this Chapter. Curbside and Self-Haul shall be subject to the annual review, SB 1383 Inspection compliance and enforcement provisions in this Ordinance Section 4.04.171 and 4.04.180.

The minimum charge to each parcel will be calculated based on Section 4.04.370(a) and the garbage and recyclables rates applicable to the Franchised Area. The charge(s) for the minimum level of service and any additional services will be billed directly by the Solid waste hauler.

- (a) Commercial parcels, defined as parcels containing no residential dwelling units, shall have one (1) 32-gallon cart or cubic yard equivalent per business per Section 4.04.380, contract for excess collection in the CSA No. 8 and Franchised Area.

#### **4.04.380 Contract for excess collection in the CSA No. 8 and Franchised Area.**

Any property owner or occupant of any premises may contract with the Solid waste hauler for special services for the removal of Solid Waste or recyclable materials in excess of the regular Curbside collection services, minimum services as set forth in County ordinance code Sections 4.04.220, 4.04.230, 4.04.360, 4.04.370 4.04.140, and 4.04.141. Rates for such special services shall be as set by the Board. Property owners or their representatives may arrange for a different level, location or type of service beyond the minimum service levels from the Solid waste hauler.

In the CSA No. 8, with respect to any additional services beyond the minimum level service charge collected on the tax bill, the Solid waste hauler will use the minimum charge in the report and as indicated on the tax bill as a credit towards the property owners' garbage and recyclables collection services provided to the parcel.

**4.04.390 Exceptional services in the CSA No. 8.**

In individual cases in the CSA No. 8 where disability, infirmity, or other hardship is determined by the County Health Officer to warrant an exception to the level or location of service specified herein in County ordinance code Sections 4.04.220, 4.04.230 and 4.04.140 or in the franchise agreement, the County Health Officer pursuant to rules and procedures adopted by the Board shall specify the Service charges applicable in those individual cases.

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