

Proposed Revisions

**County Ordinance - Article 6-10**

Solid Waste Ordinance

July 27, 2015

The Plumas County Code of Ordinances contains a section (Article 6-10) dedicated to the collection and disposal of solid waste within the County's unincorporated area (everything outside of the City of Portola).

Recent changes in State law and the renegotiation of the County's franchise agreements with its two franchise contractors have precipitated the need for several changes to the solid waste ordinance that would update the Code and bring it into line with the latest regulations and operations.

The proposed changes follow, and the differences between the existing ordinance and the proposed ordinance are shown thus:

Text shown in **black** represents language from the existing ordinance.

Text shown in **red** represents proposed changes or additions.

## ORDINANCE NO. 15- \_\_\_\_\_

### AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, REPLACING CHAPTER 10 OF TITLE 6 OF THE PLUMAS COUNTY CODE

#### SECTION 1.

*Purpose.* The purpose of this Section is to:

- (a) Protect and preserve Plumas County's environment and the economic interests, health, safety and quality of life of the residents of and visitors to Plumas County.
- (b) Update local regulations regarding the administration of the solid waste and recyclables collection and disposal system so that it continues to provide the best possible service to residents of and visitors to Plumas County.
- (c) Promote recycling and the diversion of recyclable materials from the waste stream, and in doing so, comply with the California Integrated Waste Management Act of 1989 (AB 939), Chapter 476, Statutes of 2011 (Chesbro, AB 341), and other applicable laws.
- (d) Establish and refine Plumas County's requirements and guidelines for the collection and disposal of solid waste, including green waste, construction & demolition debris (C & D), and the diversion and recycling of recyclable materials.
- (e) Provide an enforcement mechanism to help ensure that residents of and visitors to Plumas County engage in the proper collection and disposal of solid waste and recyclable materials and provide protections against illegal scavenging of materials.
- (f) Provide an exemption from the provisions of Chapter 476, Statutes of 2011 (Chesbro, AB 341) for qualified generators that self-haul, donate or sell their recyclables, and provide an exemption from same for those businesses that have major constraints or generate an amount of solid waste that does not meet the minimum thresholds contained in that law.
- (g) Provide fiscal oversight to ensure that all fees collected in conjunction with the solid waste program are in conformance with Plumas County's Integrated Solid Waste Plan, Article XIII A of the California Constitution (Proposition 13), which limits annual increases to property taxes paid by California residents and establishes a requirement that all property taxes and fees collected from California property owners must incorporate a direct correlation with a service provided to the property being taxed, and Article XIII C & XIII D of the California Constitution (Proposition 218), which requires not only that fees charged for provided services shall be established at a level that does not exceed the actual costs for providing those services, but also provides a public hearing mechanism to review and protest any increases in those fees.

*Findings.* The Board of Supervisors of Plumas County (hereinafter **Board**) hereby **FINDS** that, in order to conserve water and energy, protect the environment and preserve the economic interests, health, safety and quality of life of the residents of and visitors to Plumas County, it must provide for an efficient and integrated solid waste collection and disposal system, and

Furthermore, the **Board** hereby **FINDS**, that in order to comply with State and Federal mandates, particularly the California Integrated Waste Management Act of 1989 (AB 939), and the State's Mandatory

Commercial Recycling Law (AB 341) regarding the collection and disposal of solid waste, which laws require cities and counties to reduce, reuse and recycle solid waste generated in California to the maximum extent feasible before disposal of solid waste, Plumas County must strengthen its diversion and recycling policy by enhancing its efforts to encourage and incentivize the diversion of recyclable materials from the waste stream, and

Furthermore, the **Board** hereby **FINDS** that the timely and efficient collection and disposal of solid waste and recyclable materials within unincorporated Plumas County is an essential aspect of the County's integrated solid waste collection and disposal system, and that the economic interests of the residents of and visitors to Plumas County are best served by awarding contract(s) for the collection and disposal of solid waste and recyclable materials to private solid waste collector(s) in the form of franchise agreement(s) to accomplish this goal, and

Furthermore, the **Board** hereby **FINDS** that, in order to ensure that all rates and fees collected in conjunction with the solid waste program are in conformance with Plumas County's Integrated Solid Waste Plan, Proposition 13 and Proposition 218, responsible fiscal oversight by Plumas County shall continue to be the preeminent principle in setting or adjusting rates and fees for solid waste collection and disposal services, and

Furthermore, the **Board** hereby **FINDS** that the existing provisions of Chapter 10 of Title 6 of the Plumas County Code require substantial revision to meet the needs of the current administration of the Plumas County solid waste and recyclable materials collection and disposal program.

Now, therefore, the Board of Supervisors of the County of Plumas, State of California, hereby **ORDAINS** as follows:

**Section 6-10, "Solid Waste Control"** of the Plumas County Code of Ordinances is hereby deleted in its entirety, and is replaced as follows:

**Article 1. - General Provisions**

Sec. 6-10.101 - Title and Citation.

Sec. 6-10.102 – General.

Sec. 6-10.103 – Definitions.

Sec. 6-10.104 – Depositing Solid Waste; Littering

Sec. 6-10.105 - Removal of Solid Waste.

Sec. 6-10.106 - Special Arrangements for Solid Waste Removal.

Sec. 6-10.107 - Transporting Solid Waste.

Sec. 6-10.108 - Containers.

Sec. 6-10.109 - Prohibited Locations of Containers.

Sec. 6-10.110 - Containers and Bins: Inspections and Tagging for Violations.

Sec. 6-10.111 - Beneficial Use of Solid Waste.

**Sec. 6-10.112 - Recycling: Residential, Commercial, Public Venues & Events.**

Sec. 6-10.113 - Recycling Services.

Sec. 6-10.114 - Interfering with Collection.

Sec. 6-10.115 - Ownership of Solid Waste.

Sec. 6-10.116 - Animal Waste.

Sec. 6-10.117 - Hazardous Materials.

## **Article 2. - Regulation of Solid Waste Collectors**

Sec. 6-10.201 - Franchises or Permits Required.

Sec. 6-10.202 - Granting Solid Waste Franchises.

Sec. 6-10.203 - Granting Solid Waste Permits.

Sec. 6-10.204 - Permits: Applications, Fees.

Sec. 6-10.205 - Collection Areas Assigned.

Sec. 6-10.206 - All Requests for Service to be Met.

Sec. 6-10.207 - Fee Schedule for Collection, Transfer, and Related Services.

Sec. 6-10.208 – Franchise Agreements

## **Article 3. - Disposal Sites Within Plumas County**

Sec. 6-10.301 – Permits; Operation

## **Article 4. - Enforcement and Procedural Provisions**

Sec. 6-10.401 - Clearing of Solid Waste from Private Property.

Sec. 6-10.402 - Right of Entry.

Sec. 6-10.403 - Suspension or Revocation of Franchises and Permits.

Sec. 6-10.404 - Responsibility of Environmental Health Department.

Sec. 6-10.405 - Responsibility of Public Works Department.

Sec. 6-10.406 – Responsibility of Franchise Contractor(s)

Sec. 6-10.407 - Service of Notices.

Sec. 6-10.408 - Administrative Remedies.

Sec. 6-10.409 - Supplemental Regulations.

Sec. 6-10.410 - Enforcement.

Sec. 6-10.411 – Violations; Penalties.

## **ARTICLE 1 – General Provisions**

**Section 6-10.101 Title and Citation.** This Chapter shall be known and may be cited as “Plumas County Solid Waste Control”.

**Section 6-10.102 General** The solid waste collection and disposal program for the unincorporated part of Plumas County is administered jointly by the Departments of Environmental Health and Public Works. Their joint and individual responsibilities address the protection of Plumas County’s environment and natural resources, and the preservation of the economic interests, health, safety and quality of life of the residents of, and visitors to Plumas County, as well as the changing regulatory landscape of Federal and State law. This has been accomplished to date by awarding franchise contracts for solid waste services to private solid waste collectors and regulating the means by which solid waste is collected and disposed of, implementing State and Federal regulations as they are enacted, and providing fiduciary control over the rates that solid waste customers must pay for these services.

**Section 6-10.103 Definitions.**

(a) Unless otherwise apparent from the context, for the purposes of this Chapter and franchise agreement(s) between solid waste collector(s) and the County pertaining to the collection and disposal of solid waste in Plumas County, certain words and phrases are defined as follows:

- (1) “Act” means the California Integrated Waste Management Act of 1989 (AB 939) Public Resources Code, Section 40000 et seq. as currently in force or as hereafter amended.
- (2) “Administrator” means the Plumas County (hereinafter “County”) employee who manages the solid waste agreement(s) and superintends the Solid Waste Program. The Director of Public Works of the Department of Public Works is Plumas County’s designated Administrator, however the Administrator may appoint, in writing, a Solid Waste Manager to assist in the management of the County’s Solid Waste Program.
- (3) "Agreement" means the current Solid Waste Franchise Agreement, including all attachments, between one or more solid waste franchise contractor(s) and the County.
- (4) “Approved Disposal Site” means any designated Disposal site in the State of California or Nevada holding a valid permit to permanently deposit municipal solid waste (see “MSW”), hazardous waste, or infectious waste in accordance with all applicable laws and regulations of the United States and the State of California or the State of Nevada and all federal, State and local agencies having lawful jurisdiction.
- (5) “Applicable Law” means all federal, State, and local laws, regulations, rules, orders, judgments, decrees, permits, approvals, or other requirements of any governmental agency having jurisdiction over the collection, transportation, processing, and disposal of solid waste, targeted recyclable materials and other materials collected pursuant to this agreement that are in force on the effective date and as they may be enacted, issued or amended during the term of the agreement(s).
- (6) “Backyard Collection Service” means the provision of collection services to a single family dwelling (hereinafter “SFD”) in the rear or side premises.

- (7) "Billings" means statements of charges for services rendered by the contractor, to owners or occupants of property, including residential and commercial premises, for the collection of solid waste, targeted recyclable materials and other materials collected pursuant to the agreement(s).
- (8) "Bin" means a metal container designed for mechanical emptying with a close-fitting hinged cover and a capacity of approximately one (1) to eight (8) cubic yards, with or without wheels, typically serviced by a front-loading collection vehicle.
- (9) "Board of Supervisors" or "Board" means the Board of Supervisors of Plumas County, California.
- (10) "Bulky Items" or "Bulky Waste" means large items including, but not limited to major appliances which have had CFCs and/or mercury switches removed by a certified technician, furniture, tires (with rims removed), carpets, mattresses, and other oversize materials whose large size precludes or complicates their handling by normal collection. Bulky items or bulky waste does not include abandoned automobiles, large auto parts, or trees.
- (11) "CalRecycle" (formerly known as the California Integrated Waste Management Board) means the department within the State of California primarily responsible for administering the "Act." Per their website, "CalRecycle is the state's leading authority on recycling, waste reduction, and product reuse. Officially known as the Department of Resources Recycling and Recovery, CalRecycle plays an important role in the stewardship of California's vast resources and promotes innovation in technology to encourage economic and environmental sustainability."
- (12) "C & D" means construction and demolition debris. See "Construction and Demolition Debris".
- (13) "Can" shall mean a standard 32 to 35 gallon metal or plastic customer-owned trash container.
- (14) "Cart" means a contractor-owned plastic container with a hinged lid and two wheels that is serviced by an automated or semi-automated collection vehicle. A cart has capacity of 32, 64, or 96 gallons (or similar volumes).
- (15) "Cell Phones" means all telephones used for mobile or cellular communications including batteries used to power cell phones.
- (16) "CERCLA", also known as "Superfund", means the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- (17) "Collect" or "Collection" means to take physical possession, transport, and remove solid waste, targeted recyclable materials or other materials pursuant to the agreement(s) from the contractor's service area within Plumas County.

- (18) "Collection Container" means any container provided by the customer or contractor(s) to store and collect solid waste, targeted recyclable materials or any other material targeted for collection by the contractor(s) or a subcontractor of the contractor(s).
- (19) "Commercial" means a business activity including, but not limited to, retail sales, wholesale sales, services, research and development, government, education, non-profit, hospital, manufacturing, institutional and industrial operations, but excluding businesses conducted upon residential property which are permitted under applicable zoning regulations and are not the primary use of the property. Commercial collection includes service provided to multi-family dwelling customers and County facilities.
- (20) "Commercial Diversion Level" means the sum of all commercial recyclable materials collected by the contractor(s) divided by the sum of all commercial materials collected by the contractor(s).
- (21) "Comingle" means to mix, mingle, or combine targeted recyclable materials in a collection container. See "Single-Stream Targeted Recyclable Materials".
- (22) "Complaint" means written or orally communicated statements made by members of the public, customers, owners, or occupants of properties served by the contractor(s), by officers, employees or agents of the County alleging non-performance of, or deficiencies in the contractor(s) performance of, its duties under this agreement, or a violation by the contractor(s) of this agreement.
- (23) "Compost" or "Composting" means the biological decomposition into a soil amendment of certain vegetable solid wastes under controlled conditions, including leaves, grass clippings, pine needles, brush and food waste, but excluding meat and dairy wastes and other wastes which may have a propensity to attract vectors as determined by Environmental Health.
- (24) "Construction and Demolition Debris" or "C&D" means solid waste in an amount exceeding an average of 500 pounds per operating day produced by any person(s) engaged in the business of building construction, renovation, remodeling, repair, or demolition operations on any residential, commercial or other structure or pavement. This solid waste shall include, but not be limited to concrete, rock, brick, concrete block (CMU), framing and finish lumber, insulation, sheathing, sheetrock (gypsum board), lath plaster, plumbing and electrical fixtures and appurtenances, floor covering, cabinets and doors.
- (25) "Container" means any receptacle used for storage of solid waste, targeted recyclable materials and other materials collected including, but not limited to, metal or plastic cans, carts, bins, tubs, and drop boxes. See "Collection Container".
- (26) "Contractor" means a solid waste franchise contractor serving a service area in Plumas County.

- (27) “County” means County of Plumas, California.
- (28) “County Manager” means the Administrator or his designee (see “Administrator”, above),
- (29) “CRV” means *California Redemption Value*, which is a regulatory fee collected for the purpose of assuring that a greater percentage of the beverage containers sold in California are returned for recycling.
- (30) “CRV Program” means the California Beverage Container Recycling and Litter Reduction Act (AB 2020) and the program elements established by the County in response thereto. The “CRV Program” is an integral component of the County’s solid waste program.
- (31) “Curbside” means the location for collection, where collection containers or loose materials are placed on the street or alley against the face of the curb, or, where no curb exists, placed not more than five (5) feet from the outside edge of the street or alley.
- (32) “Customer” means the person receiving solid waste collection services pursuant to the provisions of this Chapter, and to whom the contractor(s) submits billing invoices for collection services provided to a premise. The customer may be the occupant or owner of the premises provided that the owner of the premise shall be responsible for payment of collection services if an occupant of the premise fails to make such payment.
- (33) “Designated Transfer, Processing and Disposal Facility” means the various recycling and disposal centers within Plumas County, which are owned by the County. See also “Transfer Station”.
- (34) “Director” or “Director of Public Works” means the Director of the Plumas County Department of Public Works. See “Administrator”.
- (35) “Discarded Material” means solid waste and/or targeted recyclable materials placed by a generator in a container and/or at a location that is designated for collection pursuant to the Plumas County Code. Discarded material shall become the property of the contractor(s) pursuant to California Public Resources Code Section 41950 until delivery to the designated transfer, processing and disposal facility.
- (36) "Disposal" means the ultimate disposition of solid waste collected by the contractor(s) at a disposal site.
- (37) "Disposal Site" shall mean the Lockwood Landfill for so long as the contractor(s) are subject to a disposal agreement with such landfill, and otherwise an area or location used for the ultimate disposal of solid waste designated by the Board and approved by the LEA.

- (38) “Drop Box” means an open-top container with a typical capacity of ten (10) to fifty (50) cubic yards (CY) that is serviced by a drop box or roll-off collection vehicle.
- (39) “Electronic Waste” or “E-Waste” means “Covered Electronic Wastes” as defined in the Act (Section 42463 of Public Resources Code) in addition to discarded electronic equipment such as, but not limited to, television sets, computer monitors, central processing units (CPUs), laptop computers, and peripherals (e.g., external computer hard drives, computer keyboards, computer mice, and computer printers). E-Waste does not include those items defined herein as targeted recyclable materials.
- (40) “Environmental Health” means the Plumas County Department of Environmental Health or the Director of that Department
- (41) "Environmental Laws" means all federal and State statutes and County ordinances concerning public health, safety and the environment including, by way of example and not limitation:

- California Integrated Waste Management Act of 1989 (AB 939), Public Resources Code, Section 40000 et seq.;
- the California Hazardous Waste Control Act, California Health and Safety Code §25100 et seq.;
- the California Toxic Substances Control Act, California Health and Safety Code §25300 et seq.;
- the Porter-Cologne Water Quality Control Act, California Water Code §13000 et seq.;
- the Safe Drinking Water and Toxic Enforcement Act, California Health and Safety Code §25249.5 et seq.;
- the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) 42 USC §9601 et seq.(better known as the Superfund Act);
- the Resource Conservation and Recovery Act; 42 USC §6901 et seq.;
- the Federal Clean Water Act 33 USC §1251 et seq.;
- the Toxic Substances Control Act 15 USC §2601 et seq.;
- the Occupational Safety and Health Act, 29 USC §651 et seq.,

all as currently in force or as hereafter amended, and all rules and regulations promulgated thereunder.

- (42) “Event” includes but is not limited to “large events” as defined in the Act (Public Resources Code Section 42648), any event that serves an average of at least

2,000 attendees and workers per day, and County-sponsored community events.

- (43) "Exclusive Franchise" means a system in which the franchisor licenses the franchisee, for a payment, the right to provide services on an exclusive or semi-exclusive basis.
- (44) "Facility/Facilities" means any plant or site, owned or leased and maintained, operated or used by the contractor(s) for purposes of performing the contractor(s)' obligations under the agreement(s) e.g., facilities for parking and maintaining vehicles, administration offices, and customer service offices, etc.).
- (45) "Franchise Area" shall mean a certain portion of unincorporated Plumas County shown as a Service Area in Attachment B of the agreement(s).
- (46) "Franchisee" means Contractor.
- (47) "Franchise Fee" means the fee(s) paid by contractor(s) to the County pursuant to the agreement(s).
- (48) "Garbage" means all putrescible waste and animal or vegetable waste or residue produced or accumulated from the preparation, processing, handling or consumption of foodstuff.
- (49) "Generator" means any person whose act or process produces solid waste or targeted recyclable materials or whose act first causes solid waste or targeted recyclable materials to become subject to regulation.
- (50) "Green Waste" means a biodegradable waste that can be comprised of landscaping waste from gardens, lawns or parks, including pine needles, leaves, grass clippings, flower or plant cuttings or branches, hedge trimmings and similar plant materials. Green waste does not include food material, municipal solid waste, wood containing, or painted with lead-based paint, wood preservatives, or mixed demolition waste. For the purposes of this ordinance, green waste shall be divided into the following categories:
- (i) "Woody Green Waste" is a green waste that has a high energy potential and which may be used as a source for conversion into fuel or electricity, i.e. woody debris such as dry pine cones, brush and tree trunks, limbs and branches.
- (ii) "Non-Woody Green Waste" is a green waste that has a low energy potential such as pine needles, garden waste, leaves, green pine cones, weeds and grass clippings.
- (51) "Hazardous Substance" means any of the following:
- (i) Any substances defined, regulated or listed (directly or by reference) as "Hazardous Substances", "hazardous materials", "Hazardous Wastes", "toxic waste", "Biological Waste", "Medical Waste", "pollutant" or "toxic substances" or similarly identified as hazardous to human

health or the environment, in or  
in Section 6-10.103 (P), and:

pursuant to the laws referred to

- (aa) the Hazardous Materials Transportation Act, 49 USC §1802, et seq.;
  - (ab) California Health and Safety Code §§25115-25117, 25249.8, 25281 and 25316;
  - (ac) the California Code of Regulations, Title 22, Division 4.5, Chapter 11 et seq.;
  - (ad) the Clean Air Act, 42 USC §7901 et seq.; and
  - (ae) the California Water Code §13050; or
- (ii) Any amendments, rules or regulations promulgated thereunder to such numerated statutes or acts currently existing or hereafter enacted; and
  - (iii) Any other hazardous or toxic substance or material such as a chemical, acid, base, oxidizer, paint, stain, adhesive, tar, petroleum distillate, or any waste or pollutant identified as hazardous or toxic or regulated under any other applicable federal, State or local environmental laws currently existing or hereinafter enacted, including, without limitation, household hazardous waste, friable asbestos, polychlorinated biphenyl's ("PCBs"), petroleum, natural gas and synthetic fuel products, and by-products.
- (52) "Hazardous Waste" means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State in Health and Safety Code §25110.02, §25115, and §25117 or in any future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (53) "Holiday" or "Holidays" means New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day.
- (54) "Holiday Schedule" means the modified service schedule for the days following a holiday. If a holiday falls on Monday, Tuesday, Wednesday, Thursday or Friday, the service is provided the immediately following day, unless previously noticed otherwise in a publication of general circulation.
- (55) "Household Batteries" means disposable or rechargeable dry cells (e.g., A, AA, AAA, B, C, D, 9- volt, button-type) commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, nickel metal hydride, alkaline, mercury, mercuric oxide, silver oxide, zinc oxide, nickel-zinc, nickel iron, lithium, lithium ion, magnesium,

- manganese, and carbon-zinc batteries, but excluding automotive lead acid batteries.
- (56) “Household Hazardous Waste” means hazardous waste generated at residential premises. Household hazardous waste does not include those items defined as targeted recyclable materials.
- (57) “Industrial Solid Waste” means solid waste in an amount exceeding an average of 500 pounds per operating day, produced by a person engaged in the business of processing or manufacturing agricultural, animal-related products or other products or materials whose principle outlet for such products is wholesale rather than retail; and solid waste produced by any person engaged in the business of building construction or demolition; and solid waste produced within federal, State or private campgrounds.
- (58) “Infectious Waste” means biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities, and other similar establishments that are identified in *State Health and Safety Code Section 25117.5*.
- (59) “LEA” means the Local Enforcement Agency of CalRecycle. LEA responsibilities include oversight (inspection) of the operation of solid waste facilities, storage and transportation of solid wastes by the contractor(s).
- (60) “Major Appliances” means any device including, but not limited to, washing machines, clothes dryer, hot water heaters, dehumidifiers, conventional ovens, microwave ovens, stoves, refrigerators, freezers, air-conditioners, trash compactors, and residential furnaces discarded by customers. Major appliances are commonly referred to as white goods.
- (61) "Materials Recovery Facility" means a permitted facility where solid waste, targeted recyclable materials, and other materials are processed, sorted or separated for the purposes of recovering reusable or targeted recyclable materials.
- (62) “Medical Waste” means waste generated in a health care setting for the care of humans or animals. These include, but are not limited to sharps, blood products, containers and equipment containing blood as a fluid.
- (63) “Multi-Family,” “Multi-Family Dwelling” or “MFD” means an individual residential premises in a multi-family residential complex.
- (64) “Multi-Family Residential Complex” means the building(s) containing three (3) or more individual residential premises.
- (65) “Municipal Solid Waste” (MSW), commonly known as trash or garbage, means a broad waste type that includes predominantly household waste (domestic waste or garbage) and organic materials or rubbish, in either solid or semisolid form. The federal and/or State governments regulate items that are to be excluded from the MSW stream.
- (66) “MSW” means municipal solid waste.

- (67) "Occupant" means the person in possession or control of the premises, such as the lessee, licensee, manager, custodian, or caretaker.
- (68) "Operator" means "Contractor."
- (69) "Other Recyclable Material" means a subset of recyclable materials that are collected which include, but are not limited to: household batteries, cell phones, used motor oil, used motor oil filters, bulky items that are recycled, major appliances, E-Waste, and U-Waste. The purpose of differentiating other recyclable material is to describe a category used to calculate the overall diversion level.
- (70) "Overage" means the amount of solid waste placed in or adjacent to a collection container that is in excess of the container capacity.
- (71) "Overall Diversion Level" means the sum of all recyclable materials collected by the contractor(s) divided by the sum of all materials collected by the contractor(s) in a calendar year.
- (72) "Owner" means the person having dominion of or title to the premises.
- (73) "Person" means any individual, firm, corporation, association, group, or combination and the plural as well as the singular.
- (74) "Pharmaceutical Waste" means a waste generated from prescription or over-the-counter human or veterinary drugs.
- (75) "Plumas County Integrated Waste Management Task Force" or "PCIWMTF" means an advisory committee appointed by the Plumas County Board of Supervisors to advise them on solid waste management matters.
- (76) "Premise or Premises" shall mean the following:
- (i) *Residential unit.* A parcel of real property, located in the unincorporated area of the County, upon which is situated any dwelling house or other place of human habitation, including each unit of a multiple occupancy up to and including four (4) separate living units.
  - (ii) *Commercial unit.* A parcel of real estate upon which is conducted any business, occupation, or activity which results in the production or accumulation of refuse. Five (5) or more separate living units at one location shall constitute a commercial enterprise.
- (77) "Public Works" means the Solid Waste Division of the Plumas County Department of Public Works or its Director (see "Administrator")
- (78) "Qualified Generator" means a commercial generator of solid waste and/or targeted recyclable materials who generates four (4) cubic yards (CY) of combined solid

waste and/or targeted recyclable materials who is subject to the provisions of the Mandatory Commercial Recycling Law.

- (79) "Rates" means the monetary amounts to be charged a customer by the contractor(s) for providing collection of solid waste, recyclable materials and other materials.
- (80) "Recycling" means the process of sorting, cleansing, treating and reconstituting materials that would otherwise be disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused or reconstituted products. The term "Recycling" shall be construed to include both residential and commercial recyclable material handling.
- (81) "Recyclable Containers" means food and beverage packaging receptacles including but not limited to packaging that has California redemption value.
- (82) "Recyclable Materials" or "Recyclables" means those discarded materials that can be re-used, remanufactured, reconstituted, or recycled. See "Targeted Recyclable Materials".
- (83) "Residential" means of, from, or pertaining to single-family dwellings, and multi-family residential complexes, including single-family homes, apartments, condominiums, townhouse complexes, mobile home parks, cooperative apartments, and yacht harbors and marinas where residents live aboard boats.
- (84) "Residential Diversion Level" means the sum of all residential recyclable materials collected by the contractor(s) divided by the sum of all residential materials collected by the contractor(s).
- (85) "Residential Premises" means individual dwelling units such as single-family dwelling units, multi-family dwelling units (such as townhouses, apartments, and condominiums), mobile home park dwelling units, cooperative apartments, and dwelling units at yacht harbors and marinas where residents live aboard boats.
- (86) "Residential Property" means property used for residential purposes.
- (87) "Residential Recyclable Materials" means targeted recyclable materials collected from both single-family dwelling customers and multi-family residential complexes.
- (88) "Rubbish" means non-putrescible waste or discarded or abandoned material, including, but not limited to paper, cardboard, rugs, rags, clothing, straw, wood, crockery, glass, rubber, metal, plastic and construction debris (C&D).
- (89) "Service Area" means the area within, and, if applicable, outside the County's jurisdictional boundaries with respect to which the County exercises franchising authority for the collection of solid waste, targeted recyclable materials or other materials pursuant to the agreement(s).
- (90) "Service Day" means Monday through Sunday excluding holidays.

- (91) “Service Sector” means collection services for each of the following types of services: single-family; multi-family; and commercial facilities. .
- (92) "Single-Family," “Single-Family Dwelling,” or “SFD” means a premise used as a residential dwelling and includes each unit of a duplex, at which there are no more than two dwelling units where individual solid waste and targeted recyclable materials collection is provided separately to each dwelling unit.
- (93) “Single-Stream Targeted Recyclable Materials” means targeted recyclable materials which have been commingled by the generator and placed in a container for the purposes of collection.
- (94) “Solid Waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes (commonly called, but not limited to garbage, rubbish, trash, C & D, and green waste) as defined in *California Public Resources Code* Section 40191. Solid Waste does not include abandoned vehicles and parts thereof, hazardous waste, infectious waste or low-level radioactive waste, medical waste, source separated targeted recyclable materials.
- (95) “Solid Waste Collector” means a person, including their agents and employees, who collects or transports solid waste under authority granted by the Board. See “Franchisee” and “Contractor”.
- (96) "Source Separated" means materials which otherwise would become solid waste, but have been segregated by the generator, such as targeted recyclable materials, for the purpose of reuse, recycling, or composting, to be collected by the contractor(s) or others.
- (97) “Special Handling Service” means the provision of collection service to a SFD in the rear or side of the premises. Customers eligible for this service include only those that submit documentation (e.g., a form signed by a doctor) of their inability to perform the generally applicable curbside collection set-out requirements.
- (98) “Specialty Recyclable or Reusable Material” means recyclable materials that are not targeted recyclable materials but that may be collected for purposes of recycling by any person operating in accordance with the *Plumas County Code*. Such specialty recyclable or reusable materials include, but are not limited to, scrap metal weighing more than ten (10) pounds, pallets, plastic film, and reusable furniture.
- (99) “Spills of Discarded Materials” means any solid waste or targeted recyclable materials spilled or left at established collection sites by the contractor(s) after collection, other than small particles of grass clippings and leaves of the size and volume which may be left behind that may be collected by regular street sweeping operations.
- (100) “State” means the State of California, and in the context of this ordinance, the California Department of Resources, Recycling and Recovery (See “CalRecycle”).

- (101) “Subcontractor” means a person who has entered into a contract with the contractor(s) for the performance of work that is necessary for the contractor(s)’ fulfillment of their obligations under the agreement(s).
- (102) “Subscription Collection Route Area” means that area within the solid waste franchise contractor’s Franchise Area that curbside collection is offered.
- (103) “Targeted Recyclable Materials” means a subset of recyclable materials that includes: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, paperboard, paper egg cartons, telephone books, books, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes); chipboard; corrugated cardboard; paper milk cartons; glass containers of any color (including brown, blue, clear, and green); aluminum (including food and beverage containers, foil, small pieces of scrap metal); small pieces of scrap metal weighing less than ten (10) pounds and fitting into the targeted recyclable materials collection container (excluding chain, cable, wire, banding, hand tools, and automotive parts); steel, tin or bi-metal containers; plastic containers (i.e., all plastic containers stamped with the Society for the Plastics Industry (SPI) code #1 through #7; and plastic containers that are not stamped but clearly can be identified as PET, HDPE, polypropylene), and all other similar items that are mutually agreed upon by the County and the contractor(s). For single-family and multi-family dwellings, targeted recyclable materials also include used motor oil, used motor oil filters, household batteries, and cell phones.
- (104) “Tire Amnesty Program” means the periodic tire collection program funded by CalRecycle and administered by the County.
- (105) “Ton” or “Tonnage” means a unit of measure for weight equivalent to 2,000 pounds where each pound contains 16 ounces.
- (106) “Transfer Station” means a facility where the public may unload solid waste, and is primarily used for the purpose of transferring solid waste from private and collection vehicles to transfer vehicles (but which may include recovery operations) to more efficiently transport solid waste to the disposal site. See also “Designated Transfer, Processing and Disposal Facility”.
- (107) “Universal Waste,” or “U-Waste,” means all wastes defined by Title 22, Subsections 66273.1 through 66273.9 of the California Code of Regulations. These include, but are not limited to, batteries, fluorescent light bulbs, mercury switches, and electronic waste. U-waste does not include those items defined herein as targeted recyclable materials.
- (108) “Unpermitted Materials” mean wastes or other materials that the designated transfer, processing and disposal facility is not permitted to receive, including hazardous waste, infectious waste and hazardous substances.

- (109) “Used Motor Oil” means used motor oil from automobiles and other light duty vehicles intended for personal use which is removed from cars at a residential premises and not as a part of a for-profit or other business activity.
- (110) “Used Motor Oil Filter” means a used motor oil filter from automobiles and other light duty vehicles intended for personal use which is removed from the vehicle at a residential premises and not as a part of a for-profit or other business activity.
- (111) “Venue” means a permanent facility that during any year seats or serves an average of more than 2,000 individuals per day of operation. All persons attending the event and those working at it, including volunteers, are included in this number.
- (112) “Waste Type” means listings (categories of waste) that are created by federal and State agencies, but for purposes of the agreement(s), the Plumas County Solid Waste Plan identifies the following waste types:
- Municipal Solid Waste
  - Tire Waste
  - White Goods
  - Building and Demolition Debris (see “C and D”)
  - Medical Waste
  - e-Waste
  - Household Hazardous Waste
  - Bulky Waste
  - Commercial Waste
  - Pharmaceutical Waste
  - Green Waste
  - Universal Waste
- (113) “Weekly Collection Service” means collection service that is scheduled in advance on a day or days from Monday through Friday and provided once-per-week on the same day or days each week.
- (114) “White Goods” means “Major Appliances.”

(b) The definitions listed above are intended to work in concert with definitions found in Attachment “A” of the current solid waste agreement(s). In the event of a conflict between the definition of terms found in this Section and those found in the solid waste agreement(s) between Plumas County and its solid waste franchise contractors, the definitions listed herein shall prevail.

**Sec. 6-10.104 Depositing Solid Waste; Littering.**

(a) No owner or occupant shall abandon, dump, bury, or otherwise dispose of any solid waste or allow any other person to dispose of solid waste upon premises other than a County-designated ultimate disposal site or transfer station site during the site's business hours; provided, however, **that:**

- (1) 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
- (2) Wood may be kept neatly piled upon premises for household use; and
- (3) **Residential (household)** solid waste may be composted in a manner approved by

**Environmental Health.**

- (4) **Clean recyclable materials may be stored on the premises, provided storage of same does not create odors, attract vectors or cause other nuisance conditions.**

(b) No person shall cause to be thrown, deposited, or abandoned any solid waste material on any public property, public right-of-way, watercourse, bank of any watercourse, or on the premises of any other person, except at County-designated disposal sites or transfer station sites.

**Sec. 6-10.105 *Removal of solid waste.***

(a) Residential. The owner or occupant of an occupied dwelling, house, or residence, excluding commercial establishments, shall remove, or have a solid waste collector remove, solid waste from the premises at least once each week; except for solid waste composted on-site in a manner approved by **Environmental Health. Environmental Health**, by special order, may require more frequent removal in specific circumstances threatening health and safety.

(b) Commercial.

(1) The owner or occupant of any commercial, industrial, or other business establishment conducting a business, occupation or commercial activity on the premises shall have a solid waste collector exclusively remove solid waste from the premises at least once each week.

(2) A hotel, restaurant, boardinghouse, or other garbage-producing business shall have the collector remove such garbage at least twice each week. **Environmental Health**, by special order, may require more frequent removal in specific circumstances threatening health and safety.

(3) **The owner or occupant shall deal directly with a solid waste collector for collection and disposal arrangements. Unless expressly permitted by the franchise contractor, commercial customers shall not be permitted to haul solid waste generated on the premises to any transfer station or place of ultimate disposal, excepting those commercial, industrial or other businesses described in Section 6-10.106 (b) (4).**

(4) **The owner or occupant of any commercial, industrial or other business establishment conducting a business that is not conducted on the premises of the owner, particularly those enterprises conducting the business of building construction, remodeling or demolition shall be authorized to remove such solid waste, including C & D generated through the prosecution of such business, occupation or activity to an authorized disposal facility within the franchise area where such solid waste was generated in the**

**County. Construction & demolition debris may be stored at the premises during a period of active construction, reconstruction, repair, remodeling or demolition of a building or buildings that are legally permitted by the Plumas County Department of Planning and Building Services. Removal and disposal of such solid waste must be completed within thirty (30) calendar days from the completion of the work, and such removal and disposal may be performed by the owner or the occupant of the premises where the work is taking place, a licensed contractor under contract to prosecute such construction, reconstruction, repair, remodeling or demolition work, or an authorized solid waste collector. No other persons are authorized to remove or dispose of such solid waste.**

**Sec. 6-10.106 *Special Arrangements for Solid Waste Removal.*** The owner or occupant of any premises, or two (2) or more such persons acting jointly, may request **Public Works** to approve a plan whereby special arrangements are made for effective and efficient solid waste removal. The proposed plan shall include a statement of the expected charges and such other comments as the solid waste collector whose services will be utilized considers appropriate.

**Sec. 6-10.107 *Transporting Solid Waste.***

(a) Solid waste hauled anywhere in the County shall be securely tied or covered. No person shall allow solid waste to leak, spill, blow off, or drop from any vehicle at any time.

(b) No person shall import solid waste into the County **or export solid waste from the County** for the purpose of disposal, without specific authorization from **Public Works** or the Plumas County Board of Supervisors.

**Sec. 6-10.108 *Containers.*** No owner or occupants shall fail or neglect to provide a sufficient number of standard containers, **waste-wheelers (carts or totes)** or bins for holding, without leakage or the escape of odors, all solid waste produced or accumulated upon any premises. All solid waste shall be deposited in such containers. Containers shall be at all times kept in useful and sanitary condition. Containers shall at all times be closed against the access of flies, rodents, and other animals. Garbage, rubbish, and garden refuse may be deposited in the same container.

(a) **Privately-owned** containers shall not exceed thirty-three (33) gallons in volume and shall not exceed forty (40) pounds in weight when filled for removal. **Solid waste collector-owned wastewheelers (carts or totes) or bins** may be used in lieu of **privately-owned** containers, **and shall have the capability of being emptied using truck-mounted mechanical assist.** Such **waste-wheelers (carts or totes) or bins** shall be of a size approved by **Public Works** as being adequate for the particular use or occupancy of the premises using the **waste-wheelers (carts or totes) or bins.**

(b) The owner or occupant of the premises at all times shall keep all **containers, waste-wheelers (carts or totes) or bins** closed, in good condition, identified as to ownership, emptied on a regular schedule as required by **Public Works**, and in compliance with the weight limitations established by **Public Works.**

(c) **Owners or occupants responsible for containers in areas of Plumas County that have experienced intrusion by scavenging wildlife, particularly bears, shall take all precautions necessary to prevent such intrusion, including, but not limited to:**

(1) **Setting out containers on the same day as scheduled collection.**

(2) **Storing containers inside of structures that are sufficiently secure to keep wildlife from entering.**

(3) **Ensuring that all containers are completely and securely covered while awaiting collection.**

(d) **Repeated preventable instances of scavenging by wildlife that have been reported to Public Works or Environmental Health shall be administered in the following manner:**

- (1) After the first reported instance, the owners or occupants responsible for such containers shall be contacted by either Public Works or Environmental Health and counseled on the proper storage and setting-out procedures that will alleviate wildlife scavenging.
- (2) After a second reported instance within a 12 month period of the first report, the owners or occupants responsible for such containers shall be cited for a violation of this Chapter in accordance with Section 6-10.409.
- (3) Any subsequent instance reported within a 12 month period of the second report may result in the termination of route collection service to the owners or occupants responsible for such containers.

**Sec. 6-10.109 *Prohibited Locations of Containers.*** Solid waste containers or garden refuse bundles shall not be placed or allowed to remain in or on any street or alley right-of-way or in any unsightly location.

**Sec. 6-10.110 *Containers and Bins: Inspections and Tagging for Violations.*** Public Works, at its discretion and at any time, may inspect or cause to be inspected solid waste containers or bins. The determination of Public Works of the condition of such containers and bins shall be final, and violations shall be tagged.

**Sec. 6-10.111 *Beneficial Use of Solid Waste.*** Notwithstanding the provisions of this Chapter, nonhazardous solid waste may be used for animal feed, soil improvement, recycling, or other beneficial purposes provided such use complies with this Chapter and all other laws.

**Sec. 6-10.112 *Recycling: Residential & Small Business, Commercial, Public Venues & Events.*** Most recycling in the unincorporated portion of Plumas County falls within one of the following four (4) classifications:

- (a) Residential and Small Businesses. Residential premises and small businesses may self-haul to a transfer station or other authorized recycling collection center that accepts recyclable materials.
- (b) Commercial.
  - (1) Commercial recycling shall be mandatory for businesses, schools and other public entities - "Qualified Generators" as described in Section 6-10.103(78) - generating four (4) cubic yards of solid waste per week in any week or weeks of the year, and for multi-family residential complexes or buildings of five living units or more, regardless of the amount of waste generated, in accordance with the State's Mandatory Commercial Recycling Law AB 341 (Chesbro), which is now Chapter 476, Statutes of 2011 of the Public Resources Code. Recyclable materials shall be placed in dedicated bin(s) or container(s) clearly marked "Recycling" for disposal.
  - (2) Qualified generators may also "self-haul" their recyclables to a transfer station in Plumas County, where a receipt shall be issued therefor that will constitute proof of compliance with the law.
  - (3) Each qualified generator shall be responsible for ensuring and demonstrating their compliance with the requirements of this ordinance. Each qualified generator shall:
    - (i) Source separate recyclable materials from solid waste, and

- (aa) Subscribe to a basic recycling collection service with a solid waste franchise contractor, or
- (ab) Complete and retain on-site a Self-Hauling form certifying that all Self-Hauling activities will be completed in accordance with this ordinance or other applicable law or regulation, a copy of which shall be available to the Director of Public Works upon request.
- (ii) Use containers to collect and store recyclable materials and shall designate areas to collect and/or store recyclable materials.
- (iii) Prominently post and maintain one or more signs in maintenance or work areas, or common areas where recyclable materials are collected and/or stored that:
  - (aa) Specify the materials to be source-separated
  - (ab) Delineate collection procedures
  - (ac) Prohibit scavenging for such materials.
- (iv) Notify and instruct employees in writing of applicable source-separation requirements, including outreach and training on what materials are required to be source separated and how to source-separate such material. A copy of such instruction or training materials shall be provided to the Director of Public Works or designee upon request.
- (v) Place all recyclable materials in covered containers or in a covered area conforming to the following requirements:
  - (aa) No container shall be overloaded beyond its capacity.
  - (ab) The containers used for the collection and storage of recyclable materials generated on their premises shall be maintained in a clean and sanitary condition.
  - (ac) No material or containers shall be kept or handled in such a manner as to become a nuisance.
  - (ad) No putrescible materials shall be commingled with the recyclables.
  - (ae) No recyclable materials shall be allowed to become odoriferous or a producer of vermin.
  - (af) Lids on containers shall remain closed at all times while stored or placed for collection.
  - (ag) Unwaxed cardboard need not be placed in a container, but must be

flattened and stacked, unless the volume of such flattened material ordinarily exceeds 27 cubic feet (1 cubic yard) on a bi-weekly basis.

- (ah) The Director of Public Works is specifically authorized to promulgate rules and regulations regarding the use of any and all recyclable materials containers, including the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection, and the proper use of said containers.
- (vi) Ensure that recyclable materials generated at their site will be taken only to a recycling or composting facility, or make other arrangements to make sure that the materials are recycled or composted, and not delivered to a transfer station or landfill for disposal. They shall not dispose of, or make arrangements to dispose of recyclable materials by placement in a transfer station or landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determine by the Director of Public Works. Further, all qualified generators are hereby encouraged to consider the recycling of additional materials, whether or not they have been designated by the Director of Public Works.
- (vii) Make the Recycling Service Agreement and any other recycling documents available for inspection by the Director of Public Works or designee at the principle location of the qualified generator's business, commercial facility, special event, multi-family housing unit or non-residential property during normal business hours.
- (4) No franchise contractor shall be held liable for the failure of its customers to comply with such regulations, unless specified in the franchise contract between the contractor and the County.
- (5) Subject to approval by the Director of Public Works and the PCIWMTF, the following shall be exempt from the requirements of this Section:
  - (i) The State of California, a special district or other local public agency other than the County of Plumas, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by an operation or system of a franchise contractor who is under contract with the County of Plumas.
  - (ii) Municipal corporations and governmental agencies other than the County of Plumas using their own vehicles, and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the franchise services areas in Plumas County.
  - (iii) A generator shall not be deemed a qualified generator unless they meet the following requirements:
    - (aa) They must operate a multi-family residential facility of five (5) units or more, using common collection container(s) within a Plumas County contract service area, or

(ab) They must operate a commercial business or institutional facility generating four (4) cubic yards (CY) or more of combined solid waste and recyclable materials within a Plumas County contract service area.

- (iv) An otherwise qualified generator can demonstrate that there is no collection service available or other system available.
- (v) An otherwise qualified generator can demonstrate that there are no recyclable materials being generated by any activities in the generator's business.
- (vi) An otherwise qualified generator can demonstrate that there is no space available on the premises for recyclable materials containers.
- (vii) An otherwise qualified generator can demonstrate that there is no viable market or that there are recycling facilities for the recyclable material generated at their place of business, public facility or multi-family residential housing complex.

In order to receive an exemption based upon the foregoing subsections (i) through (vii), the generator must file an application with the Department of Public Works on a form prescribed by the Director of Public Works. After reviewing the exemption request, and after an on-site review, the Director shall either approve or disapprove the exemption.

(c) **Public Venues.** Parks, sidewalks, public parking lots and other such public gathering places shall have sufficient and equal numbers of waste and dedicated recycling receptacles in good operating condition. Agencies responsible for the administration and maintenance of such public venues shall ensure that solid waste and recyclable materials removal is done in a timely fashion.

(d) **Events.**

(1) The responsible party for all events held in Plumas County that will have an anticipated total attendance greater than two thousand (2,000) persons, including all employees, volunteers, contractors, customers and attendees of the event where solid waste and/or recyclable materials will be generated, either indoors or outdoors, shall complete and submit an "**Event Waste & Recycling Plan**" no later than thirty (30) working days prior to the first day of the event. This Plan shall provide, at a minimum:

- (i) The name, type of event, dates and location(s) of the event,
- (ii) The sponsor and responsible party for the event, along with their mailing addresses, telephone numbers and any other contact information available,
- (iii) The expected number of employees, volunteers, contractors, customers and attendees of the event,
- (iv) The disposal destination for solid waste and recyclable materials generated at the event,

- (v) The number and size of solid waste and recyclable materials disposal containers to be used at the event,
  - (vi) And the estimated types and volumes (in cubic yards) of the recyclable materials expected to be generated at the event.
- (2) The Plan shall be filed with the Plumas County Department of Public Works Solid Waste Division or with the owner of such indoor or outdoor venue(s), who shall forward a copy of the Plan to the Plumas County Department of Public Works Solid Waste Division, together with proof of contract with an approved waste hauler for the event, if required. No permit(s) or contract(s) shall be issued for the occurrence of indoor or outdoor events on public or private property until the Plan has been reviewed and approved.
- (3) Owners of public and private venues where events are to be held in the County shall cooperate with event organizers to ensure that sufficient numbers of waste and dedicated recycling receptacles in good operating condition are available for events. The number of recyclable materials containers shall equal or exceed the number of solid waste receptacles. Recyclable materials containers and solid waste receptacles shall be paired together, or placed as close together as possible. The disposal of waste and recyclables generated at such events shall be done in a timely fashion.
- (4) All of the receptacles must have appropriate signage and be color coded to identify the type of refuse to be deposited within, and meet any other additional design criteria established by the Department of Public Works.
- (5) Food vendors must have at least one separate container for recyclables and trash for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size and placement of containers for recyclables and trash for convenient use by customers and visitors, or have common access to such containers, which shall be located within a reasonable proximity to the vendors. Additional requirements regarding food disposal, which may be more stringent, may be imposed by the Plumas County Department of Environmental Health.
- (6) The types of receptacles for recyclable materials shall include, at a minimum, receptacles for glass bottles and jars (or glass and plastic), cans, and commingled recyclables, which shall include plastic containers, glass bottles and jars, clean paper, non-waxed cardboard and metals.
- (7) The responsible person shall ensure that the recyclable materials deposited into the recycling receptacles are delivered to a recycling facility or picked up for transport by a franchise contractor.

**Sec. 6-10.113 *Recycling Services.*** The recycling services provided by the franchise contractor to qualified customers shall include, at a minimum, all of the following:

- (a) Collection of recyclable materials at a minimum of two (2) times each month, or more as specified in the franchise contract.

- (b) Collection of recyclables as identified by the Director of Public Works.
- (c) Utilization of recycling containers which comply with franchise contract standards.
- (d) Appropriate signage on all recycling containers which allows customers to clearly and easily identify which containers to use for recyclables or trash and be color-coded (blue or a contrasting color from trash for recyclables, green or any other single color for trash).
- (e) Occupant Education: For multi-family facilities, the manager or other responsible party shall provide occupants with the following information about recycling and recycling services:
  - (1) Information and instructions upon occupancy, including the types of recyclable materials accepted, the location of recycling containers and the occupant's responsibility to recycle pursuant to this Chapter. This information shall be distributed to all occupants annually.
  - (2) Updated information and instructions upon any change in the recycling service.
- (f) The Occupant Education Program required by this Section shall be subject to review and approval by the Plumas County Integrated Waste Management Task Force (PCIWMTF) within ninety (90) days of the effective date of this ordinance and every three (3) years thereafter. Any dispute that cannot be resolved by the Director of Public Works or the PCIWMTF regarding the requirements of this Section shall be heard and resolved by the Plumas County Board of Supervisors.
- (g) Franchise contractors shall not take a customer's recyclable materials to a transfer station or landfill for disposal. Such materials shall be taken to a recycling facility. Franchise contractors shall maintain a copy of a service agreement and/or receipts documenting that recyclable materials generated by the qualified generator have been properly delivered, as well as any documentation evidencing an event of *force majeure* which prevented the proper delivery of same. Such documents shall be available for inspection by the Director of Public Works at the principle place of business during normal business hours and maintained for not less than three (3) years.

**Sec. 6-10.114 *Interfering with Collection.*** No person by any means shall hinder, obstruct or interfere with the removal or transportation of solid waste or recyclable materials by a solid waste collector.

**Sec. 6-10.115 *Ownership/Scavenging of Solid Waste.*** All solid waste and recyclable materials placed in any container or receptacle provided by a franchise contractor sufficient to accommodate the quantity and types of materials generated by public venues, events, businesses, multi-family housing facility or other qualifying non-residential facility shall be considered to be owned by and be the property and the responsibility of the franchise contractor until such time as the solid waste or recyclable material has been disposed of at a place of ultimate disposal or sold as a commodity. No person shall scavenge, remove or collect solid waste or recyclable materials from such containers or receptacles without the expressed permission of the franchise contractor.

**Sec. 6-10.116 *Animal waste.***

(a) No person who owns or controls land shall allow any animal waste, including manure, urine, and defecations, to accumulate on the land and cause a public or private nuisance or a danger to public health, such as fly-breeding conditions and offensive odors.

(b) Any person owning or controlling land upon which animals are confined in pens, kennels, stalls, fenced residential back yards, or other small areas shall remove animal waste and dispose of it in an approved manner at least three (3) times each week, or more frequently if so ordered by **Environmental Health**.

**Sec. 6-10.117 Hazardous Materials.** No person shall deposit in any container used for solid waste any explosive, highly flammable, radioactive, toxic, or other hazardous material. No person shall deposit any hazardous material in a solid waste container, transfer station, or disposal site, without having first made special arrangements with Environmental Health, the solid waste collector, and the site operator for disposal of the material.

## **Article 2 - Regulation of Solid Waste Collectors**

**Sec. 6-10.201 Franchises or Permits Required.** No person shall collect, transport, use, or dispose of solid waste 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 authorized to transport solid waste as set forth in Section 6-10.108 of Article 1 of this Chapter.

### **Sec. 6-10.202 Granting *Solid Waste Franchises*.**

(a) Solid waste franchises shall be granted by the Board on the authority of Section 66757 of the Government Code of the State providing that the Board may grant exclusive solid waste franchises, with or without competitive bidding, under such terms and conditions as are prescribed by resolution or ordinance of the Board.

(b) Within its franchise area, a franchisee shall have the exclusive right to make all collections which any owner or occupant may require pursuant to the provisions of this Chapter, subject to **Solid Waste Permit(s)** granted pursuant to Section 6-10.203 of this Article.

(c) The franchisee shall dispose of all collected solid waste at a County-designated ultimate disposal site; provided, however, the franchisee may request, and **Public Works** may issue, a permit for the beneficial use of such solid waste as provided in Section 6-10.111 of Article 1 of this Chapter.

### **Sec. 6-10.203 Granting *Solid Waste Permits*.**

(a) Upon an application, and except as provided in Section 6-10.106 of Article 1 of this Chapter, the Board may grant a **Solid Waste Permit** to collect, transport, or use solid waste whenever the Board finds that the granting of such permit promotes the public health, safety, and welfare.

(b) Such permits may be granted for any period not to exceed **five (5) years**. Such permits may be renewed upon expiration for a similar term provided the Board finds that the permit holder is capable of continuing operation in conformity with the provisions of this Chapter and the rules and regulations of **Environmental Health**.

(c) Every **Solid Waste Permit** granted by the Board shall be subject to the provisions of this Chapter. The permit shall state:

- (1) The name and address of the person to whom the permit is issued;
- (2) The activity authorized;
- (3) The term for which the permit is granted; and
- (4) Such other conditions as the Board may provide.

(d) **Solid Waste Permits** granted pursuant to this section shall be for special or limited uses and shall not be intended for collection, hauling, or disposal in competition with solid waste franchises.

**Sec. 6-10.204 Permits: Applications, Fees.** Applicants for a **Solid Waste Permit** or for the renewal of such a permit to collect, transport, or use solid waste shall file with **Public Works** a verified application in writing which shall give the following information:

- (a) The name and description of the applicant;
- (b) The permanent home and business address and full local address of the applicant;
- (c) The trade and firm name;
- (d) If a joint venture, a partnership, or limited partnership, the names of all partners, their percentage of participation, and their permanent addresses. If a corporation, the names and permanent addresses of all the stockholders and the officers and the percentage of participation of each;
- (e) A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;
- (f) The applicant's arrangements for the disposal of all collected solid waste at a County-designated disposal site; and
- (g) Facts showing that the applicant:
  - (1) Is able to provide efficient and reliable service;
  - (2) Owns or controls sufficient equipment;
  - (3) Has vehicles and equipment conforming to all applicable provisions of local, State, and Federal laws;
  - (4) Shows that there is a need for a permit to be issued; and
  - (5) Shows such other facts or information as **Public Works** may require.

The **Solid Waste Permit** fee shall be Fifty Dollars and no Cents (\$50.00) **per year for a period of time not to exceed five (5) years**, payable to **Public Works** on the **yearly anniversary of the issuance of the permit**.

**Sec. 6-10.205 *Collection Areas Assigned.*** The Board, by resolution, may establish solid waste collection areas (**Franchise Areas**) in the unincorporated area of the County. The Board shall specify in all franchise agreements or permits the collection area within which the franchise or permit holder may collect, transport, or use solid waste within the County. No franchise or permit holder at any time shall collect, transport, or use solid waste in the County outside the limits of the area fixed in the franchise or permit, except as specified by **Public Works**. The area specified in any franchise or permit may be modified at any time should the Board find such modification necessary for the efficient administration of this Chapter and to best serve the public interest. In the event of such a modification by the Board, the holder of the franchise or permit shall be given a sixty (60) day advance written notice of the modification before the County implements and requires the modification.

**Sec. 6-10.206 *All Requests for Service to be Met.*** A franchisee shall provide solid waste removal service to all premises situated within **their subscription collection route** area as specified in their franchise agreement, upon a request for such service by **a qualified** owner or occupant. A franchisee shall not be required to service oversize, overweight, or unsafe containers, **or containers at premises located outside of their subscription collection route area**. A franchisee shall not be required to continue to provide solid waste removal service if the owner or occupant has failed to pay the charges for such service for a period of **forty-five (45)** days. Prior to terminating service for the nonpayment of charges, the franchisee, at least fifteen (15) days prior to such termination, shall provide written notice of intention to terminate, a copy of which shall be given to **Public Works**.

**Sec. 6-10.207 *Fee Schedule for Collection, Transfer, and Related Services.***

(a) All fees shall be collected by the franchisee(s) on a fair and equitable basis. **There shall be no direct fee for the collection or disposal of recyclable materials, either for recyclables collected at a place of business, or for recyclables self-hauled to any a transfer station or other authorized recycling collection center that accepts recyclable materials. Costs for the collection and disposal of recyclable materials shall be included in the fees charged for the collection and disposal of solid waste.**

(b) The base rates (fees) for collection shall cover door-to-door collection, transfer, hauling, and ultimate disposal activities. **Those rates and all other rates, fees and charges for collection and disposal of residential and commercial solid waste shall be found in Attachment D of the current Solid Waste Franchise Agreement(s), on file in the Plumas County Clerk's Office in Quincy, California.**

(c) Any customer who **believes that they have had** to pay an unfair or unreasonable charge for any service may file a written complaint with **Public Works** setting forth the facts of such alleged overcharge. **Public Works** shall notify the franchisee, investigate the complaint, and determine the appropriate charge. **Public Works'** determination shall be final, unless it is appealed as provided in Section 6-10.407 of this Chapter.

**Sec. 6-10.208 *Franchise Agreements.*** The respective duties and responsibilities of the franchisee(s) and the County shall be further specified in a franchise agreement which is consistent with this Chapter.

### **Article 3 – Disposal Sites Within Plumas County**

**Sec. 6-10.301 *Permits; Operation.*** No permit(s) to operate a solid waste disposal site may be issued by a County department for any location within Plumas County. Such permit(s) may only be issued by the State after approval by the LEA.

#### **Article 4 - Enforcement and Procedural Provisions**

**Sec. 6-10.401 *Clearing of Solid Waste from Private Property.*** **Environmental Health** is authorized to require the owner of any private property within the County to remove and properly dispose of solid waste which constitutes a threat to health and safety. **Environmental Health** is authorized to enforce the provisions of this Chapter.

**Sec. 6-10.402 *Right of Entry.*** **Environmental Health** is authorized to enter private property at any reasonable time to inspect such property and to perform any duty imposed upon him by the provisions of this Chapter provided they shall first present proper credentials to the occupant and request entry, explaining his purpose. Notwithstanding the foregoing, if the authorized representative of **Environmental Health** has reasonable cause to believe that there is an accumulation of solid waste or other unsanitary condition prohibited by this Chapter on the premises which could be seriously detrimental to the public health or safety, they shall have the right immediately to enter and inspect such property and to use any reasonable means required to effect such entry and make such inspection, whether such property shall be occupied or unoccupied and whether or not permission to inspect has been obtained.

**Sec. 6-10.403 *Suspension or Revocation of Franchises and Permits.***

(a) Any franchise granted pursuant to the provisions of this Chapter may be suspended or revoked by the Board upon prior notice and a hearing. **In order to suspend or revoke such franchise**, the Board **must** find that the franchisee has failed to comply with one or more of the terms of such franchise agreement or this Chapter, or has failed to render satisfactory collection services.

(b) **Public Works**, upon prior notice and a hearing, may suspend or revoke any **Solid Waste** Permit granted pursuant to the provisions of this Chapter or the applicable rules or regulations of **Public Works**. A permit which remains inactive for a period in excess of thirty (30) days shall be good cause for revocation. Action to revoke or suspend a permit may be taken by **Public Works** only after ten (10) days' advance written notice to the permittee of the cause and the permittee's right to a hearing thereon within the ten (10) days.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, **Environmental Health** may suspend, or impose special conditions upon, a franchise or permit without prior notice whenever such action is immediately necessary to protect the public health and safety.

**Sec. 6-10.404 *Responsibility of the Environmental Health Department.*** The administration and enforcement of **the health and safety requirements** of this Chapter shall be the responsibility of the **Environmental Health** Department.

**Sec. 6-10.405 *Responsibility of the Public Works Department.*** The administration and enforcement of the operational and permitting requirements of this Chapter shall be the responsibility of the **Public Works** Department.

**Sec. 6-10.406 *Responsibility of the Franchise Contractor(s).*** The timely and efficient collection and disposal of solid waste and recyclable materials within unincorporated Plumas County as specified in the **Plumas County Integrated Solid Waste Program** and in accordance with the terms and conditions of the current franchise agreement(s) shall be the responsibility of the franchise contractor(s).

**Sec. 6-10.407 *Service of Notices.*** All notices required or given pursuant to this Chapter shall be deemed properly served five (5) days after deposit of **certified mail with return receipt**, postage prepaid, in the United

States mail, addressed to the owner at the address provided or to a franchise or permit holder at his local office. Notices to the County shall be addressed to the Solid Waste Division, Plumas County Environmental Health Department, 270 County Hospital Road, #127, Quincy, California 95971, or the Solid Waste Division of the Plumas County Department of Public Works, 1834 East Main Street, Quincy, CA 95971.

**Sec. 6-10.408 Administrative Remedies.** Any person aggrieved by any decision or action resulting from the application of the provisions of this Chapter may appeal to the Board. Such appeals shall be in writing and shall be received by the Clerk of the Board not more than fifteen (15) days after such decision or action. The Board shall delegate the hearing of such appeals to the Board-appointed Plumas County Solid Waste Task Force which shall promptly schedule and conduct a hearing and render a finding of facts and recommended decision to the Board. Thereafter, the Board shall make a final and binding decision on the matter, at which time administrative remedies shall be deemed exhausted.

**Sec. 6-10.409 Supplemental Regulations.** The Board may, by resolution, establish regulations for the administration and implementation of this Chapter. A copy of the regulations established by resolution of the Board shall be filed with the Clerk of the Board and with Public Works and Environmental Health.

**Sec. 6-10.410 Enforcement.** The provisions of this Chapter shall be enforced by any peace officer as defined in Chapter 4.5, Title 3 of Part 2 of the California Penal Code, and by employees of the Environmental Health Department as designated by the Director of Environmental Health. Such designated employees are authorized to make arrests and issue citations for violations of the health and safety regulations of this Chapter.

**Sec. 6-10.411 Violations; Penalties.**

(a) If the Director of Public Works or the Director of Environmental Health finds a violation of any provision of this Chapter, either Director, after notice and an opportunity for hearing, may impose a civil penalty according to the following schedule:

- (1) For the first violation of the provision, \$250;
- (2) For the second violation of the same provision, \$500;
- (3) For the third violation of the same provision, \$1,000; and
- (4) The hearing officer may adjust the penalty, based on evidence presented at a hearing.

(b) The Directors' authority under this section is in addition to any other authority the Directors have to enforce this chapter and election of one remedy by either Director shall not preclude resorting to any other remedy as well.

(c) Either Director may, in addition to taking other collection remedies, certify due and unpaid charges to the Plumas County Treasurer/Tax Collector for collection.

(g) Notice under this subsection shall be delivered by certified mail with return receipt and by posting on the premises.

## **SECTION 2. Effective Date; Publication; Codification.**

This ordinance shall become effective 30 days after its date of final adoption. It shall be published in all newspapers of general circulation in Plumas County published by the Feather River Publishing Company

within 15 days of final adoption. Section 1 of this Ordinance shall be codified, and the remainder shall be uncodified.

Introduced at a regular meeting of the Board of Supervisors on the \_\_\_\_ day of \_\_\_\_\_, 2015, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of the Board of Supervisors