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§ 521-1

FEB 17 1995

TITLE V - HEALTH AND SAFETY

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

DIVISION 2

SOLID WASTE AND SOURCE SEPARATED MATERIALS

CHAPTER 1

REGULATION OF THE STORAGE, COLLECTION, TRANSPORTATION
AND DISPOSAL OF SOLID WASTE AND SOURCE SEPARATED MATERIALS

521-1. GENERAL.

Except as provided in this chapter, the provisions of Sections 17301 through 17751 of Title 14 of the California Code of Regulations are hereby adopted as the minimum standards for storage, collection, transportation, and disposal of solid waste and source-separated materials in Humboldt County. It shall be unlawful for persons to engage in storage, collection, transportation, or disposal practices for solid waste and source separated materials that do not meet those minimum standards, and the standards herein set forth.

521-2. PURPOSE AND INTENT.

The purpose of this Ordinance is to promote the health, safety and welfare of the people of Humboldt County, and to protect the environment by establishing and maintaining a dynamic and flexible system for the management of solid wastes and waste resources which encompasses the storage, collection, transportation, separation, processing, waste reduction, recycling, recovery and marketing of diverted materials, and disposal of solid waste for the County of Humboldt.

It is the intent of this Ordinance to achieve these purposes while reducing the amount and toxicity of waste generated in the county to the greatest degree possible, and by maximizing the use of source-separated materials as a resource for local businesses and manufacturers.

521-3. DEFINITIONS.

Unless otherwise stated, the terms used in this ordinance shall have the same meaning as provided by the definitions set forth in Section 17225 of Title 14 of the California Code of Regulations and the appropriate subsections of Division 30, Part 1, Chapter 2 of the California Public Resources Code.

(a) "Authorized Collection Agent" means a person or business that a local governing body or private commercial entity authorizes or contracts with to collect source-separated materials. An authorized agent may be a governmental collection service, a private refuse collector, private recycling enterprise, or private non-profit corporation or association.

(b) "Centralized Drop-Off Location" means a designated source-separated materials collection location used by multiple generators.

(c) "Designated Source-separated Materials Collection Location" means the place where an authorized collection agent has contracted with either the local governing body or a private entity to pick up source-separated recyclable or compostable material. "Designated source-separated collection location"

includes, but is not limited to, the curb- or roadside of a residential neighborhood, or the service alley of a commercial establishment.

(d) "Franchise" as used in this ordinance means a written agreement between a refuse or source-separated materials collector and the County of Humboldt which grants to the collector the right to provide a specified service and which imposes upon the collector certain responsibilities as specified in the agreement. Such franchises shall be granted by the Board of Supervisors as specified in section 521-6 (a).

(e) "Franchise Contract Administrator" as used in this ordinance means the person(s) or department(s) responsible for the administration of solid waste disposal and/or source-separated materials collection contracts.

(f) "Non-putrescible Wastes" are materials not capable of being decomposed by micro-organisms with sufficient rapidity so as to create nuisances such as odors, gases or other offensive conditions, and include but are not limited to materials such as ashes, paper, cardboard, cans, wood, glass, bedding, crockery, plastics, or rubber by-products.

(g) "Permit" as used in this ordinance means a written approval for operation and/or use of solid waste disposal facilities, or for the collection of source separated materials, as specified in sections 521-5 (a), 521-6 (a), and 521-10.

(h) "Putrescible Wastes" are wastes that are capable of being decomposed by micro-organisms with sufficient rapidity so as to create nuisances such as odors, gases or other offensive conditions, and include but are not limited to materials such as food wastes, offal and dead animals.

(i) "Refuse Collector" shall mean any person engaged in the business of collecting or transporting solid waste for the purpose of disposal.

(j) "Solid Waste" shall mean all putrescible and nonputrescible solid, semisolid, and liquid wastes; including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. "Solid waste" does not include hazardous, low-level radioactive, or medical waste. "Solid waste" as herein defined shall not include materials source-separated by the generator for the purpose of recycling, reuse, repair or composting.

(k) "Source-separated materials" shall mean any recyclable, reusable, repairable or compostable materials stored by the generator separately from the storage of solid waste.

(l) "Source-separated Materials Collector" shall mean any person engaged in the business of collecting or transporting, on a regularly scheduled basis, recyclable or compostable materials which have been separated by the generator for reuse or processing, and diversion from disposal. "Source-separated materials collector" does not include non-profit community service organizations for which the primary function of the organization is neither the collection nor the processing of recyclable or compostable materials.

TITLE V - HEALTH AND SAFETY

DIVISION 2

SOLID WASTE AND SOURCE SEPARATED MATERIALS

This Division Repealed and Reenacted by Ord. 1339, 7/10/79.

Chapter 1 - Regulation of the Storage, Collection, Transportation and Disposal of Solid Waste and Source Separated Materials

- § 521-1. General.
- § 521-2. Purpose and Intent.
- § 521-3. Definitions.
- § 521-4. Standards for Storage and Removal of Solid Waste and Source-Separated Materials.
- § 521-5. Collection of Solid Waste and Source-Separated Material.
- § 521-6. Granting of Franchises and Permits.
- § 521-7. Assigning Permits and Franchises.
- § 521-8. Fees for Collection, Disposal, Handling and Enforcement.
- § 521-9. Audits, Payments and Credits.
- § 521-10. Disposal and Handling of Solid Waste for Disposal.
- § 521-11. Enforcement Agency.
- § 521-12. Remedies.

Chapter 2 - Littering

- § 522-1. Prohibition Against Littering.
- § 522-2. Remedies.

Chapter 3 - Regulating of the Use of County Dumps

- § 523-1. Prohibited Dumping.
- § 523-2. Remedies.

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ORDINANCE NO. 2063

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL

~~AN ORDINANCE~~ REPEALING AND RE-ENACTING CHAPTER 1 OF DIVISION 2 OF TITLE V OF THE HUMBOLDT COUNTY CODE RELATING TO SOLID WASTE AND SOURCE SEPARATED MATERIALS.

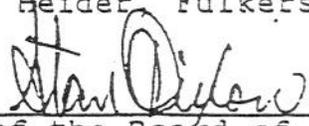
The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Sections 521-1 through 521-12, of Chapter 1 of Division 2 of Title V of the Humboldt County Code is hereby repealed and re-enacted as shown on the attached pages 385 through 391.6.

SECTION 2. This ordinance shall take full force and effect thirty (30) days after its passage. A summary shall be published at least 5 days before the date set for adoption and again within fifteen (15) days after passage of this ordinance. It shall be published once with the names of members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 14th day of February, 1995, on the following vote, to wit:

AYES: Supervisors: Dixon, Heider, Fulkerson, Neely, and Kirk
NOES: Supervisors: None
ABSENT: Supervisors: None



Chair of the Board of Supervisors of the of the County of Humboldt, State of California.

(SEAL)

ATTEST:

Lora Frediani, Clerk of the Board of Supervisors
County of Humboldt, State of California



FEB 14 1995

521-8. FEES AND RATES FOR COLLECTION, DISPOSAL, HANDLING AND ENFORCEMENT.

(a) The Board shall by ordinance set and charge fees for the disposal of solid waste and the collection and/or processing of source related materials at County owned or operated facilities and programs. The Board may, in addition, charge and collect fees and other charges from solid waste facilities operators or persons who conduct solid waste handling, consistent with the provisions of state or local law. The setting of fees and the increasing of existing fees shall require the Board to call and hold a public hearing, for which publication of notice shall be made by the Board of Supervisors pursuant to Section 6066 of the Government Code.

(b) The Board of Supervisors shall control the rates to be charged customers by the exclusive franchise holder, which rates, except for annual Consumer Price-Indexed (CPI) increases as guaranteed by contract, shall not be increased without the holding of a public hearing, for which publication of notice shall be made by the Board of Supervisors pursuant to Section 6066 of the Government Code. It is the policy of the Board of Supervisors to consider rate adjustment requests only on an annual basis.

521-9. AUDITS, PAYMENTS AND CREDITS.

(a) Each refuse collector who is granted an exclusive franchise by the Board of Supervisors to collect solid waste shall pay the County for the privilege of said franchise an amount equivalent to two percent (2%) of the gross revenue received by the refuse collector in the exercise of the franchise agreement.

(b) Each collector who is granted a non-exclusive franchise by the Board of Supervisors shall pay the County for the privilege of said franchise an amount equivalent to one percent (1 %) of the gross revenue received from collection, exclusive of revenue received from the sale of collected materials.

(c) Payment shall be made on a monthly basis with payment for each calendar month due on the fifteenth (15th) day of the following month. Payments made later than the twenty-fifth (25th) day of the following month shall be subject to a 10% penalty on the amount due.

(d) Each collector shall keep records of the gross receipts obtained in the exercise of the contracts, and the County shall have the right to audit and examine such records, or the collector may elect to hire an independent certified public accountant approved by the Auditor-Controller to perform an audit, as an alternative to examination by the County.

521-10. DISPOSAL AND HANDLING OF SOLID WASTE FOR DISPOSAL.

It shall be unlawful for any person to deposit, bury, burn, or otherwise dispose of any solid waste, other than the composting on-site of small quantities of non-hazardous organic materials produced on the premises, or the burning of authorized materials under a valid burn permit, at any place other than a permitted solid waste facility. It shall be unlawful for any person to operate any solid waste facility within the County without first having obtained a permit to do so from the County.

Unpermitted deposits of solid waste containing a minimum of two (2) pieces of addressed mail or other named property shall be judged to be "prima facie" evidence that the named addressee is responsible for the violation hereof, and shall subject the addressee to remedies as specified in Section 521-12 of this chapter.

Permits for the operation of solid waste facilities shall be issued in accordance with the California Public Resources Code by the Humboldt County Health Department, Environmental Health Division, and concurred in by the Rev. California Integrated Waste Management Board. A permit fee may be charged if so established by the Board of Supervisors. Any person operating a solid waste facility not in accordance with a solid waste facility's permit shall be subject to remedies as specified by local ordinance and in California Public Resources Code Section 45000 et seq.

521-11. ENFORCEMENT AGENCY.

The Humboldt County Health Department, Environmental Health Division, shall be the enforcement agency in accordance with the provisions of the California Public Resources Code.

521-12. REMEDIES.

In addition to the remedies otherwise authorized by law, any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00), but not exceeding Five Hundred Dollars (\$500.00) per offense, or by imprisonment in the County jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment.

SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE

--- (The summary shall be published within fifteen (15) days after the adoption of the ordinance.)

SUMMARY

On _____, 1995, the Humboldt County Board of Supervisors adopted ordinance no. _____ which repealed and re-enacted chapter 1 of division 2 of Title V of the Humboldt County Code relating to solid waste and source separated materials.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors.

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FEB 17 1995

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH



COUNTY OF HUMBOLDT

D16

For meeting of: Jan 31, 1995

DATE: December 21, 1994

TO: BOARD OF SUPERVISORS

FROM: Jeff Arnold, Director, Public Health Department

SUBJECT: Adoption of Revised Solid Waste Ordinance Title V, Division 2, Chapter 1, entitled "REGULATION OF THE STORAGE, COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND OF SOURCE SEPARATED MATERIALS"

RECOMMENDATIONS:

That the Board of Supervisors:

1. Accept and file this report.
2. Introduce Ordinance entitled Regulation of the Storage, Collection, Transportation and Disposal of Solid Waste and of Source Separated Materials, amending Ordinance No. 1339; waive the first reading thereof; and set for adoption on Tuesday, February 14, 1995. (Attachment 1)
3. Adopt the Negative Declaration circulated by the Environmental Health Division for the Ordinance, on the basis of the findings made by staff. (Attachment 2)
4. Approve the filing of the Notice of Determination for the project, at the time of adoption. (Attachment 3)

Prepared by: L. Curtis Fulkerson - CAO Approval: Joseph L. Melick

Reviewed by: _____

County Counsel SMW Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

ADVISORY ACTION/REFERRAL:

cc: Health

Env. Health

Clerk of the Board

Hold File

County Counsel

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor **FULKERSON**

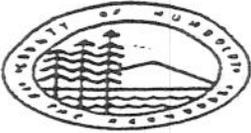
seconded by Supervisor **NEELY**

and unanimously carried by those members present, the Board hereby adopts the recommended action contained in this report.

Dated: JAN 31 1995

Lore Fulkerson, Clerk of the Board

by: Lore Fulkerson



CLERK OF THE BOARD
COUNTY OF HUMBOLDT

622 8TH STREET
EUREKA, CALIFORNIA 96501 PHONE (707) 445-7529

FAX #707-445-7299
FACSIMILE TRANSMISSION COVER SHEET

DESTINATION FAX NO. 441-0565

DATE: 02/14/95 NUMBER OF PAGES BEING TRANSMITTED
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TO: JUDY SNOW FROM: LORA FREDIANI
Legal Notices 445-7529
Times-Standard

MESSAGE:
Re: Summary of Ordinance No. 2063

Publish once on Thursday, February 15, 1995

If all pages are not received, or if copies are illegible, please contact the Humboldt County Clerk or the Board at (707) 445-7529.

TRANSMISSION REPORT

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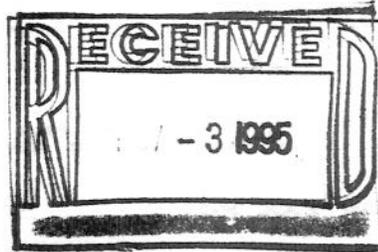
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--HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH



ON FEBRUARY 14, 1995, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS ADOPTED ORDINANCE NO. 2063, WHICH REPEALED AND RE-ENACTED CHAPTER 1 OF DIVISION 2 OF TITLE V OF THE HUMBOLDT COUNTY CODE RELATING TO SOLID WASTE AND SOURCE-SEPARATED MATERIALS.

A COPY OF THE ORDINANCE IS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.

LORA FREDIANI
CLERK OF THE BOARD