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RONALD D. McELROY
Assistant Director

MEMORANDUM

DATE: April 30, 1997

TO: Butte County Integrated Waste Management Local Task Force (LTF) Members & Local Solid Waste Collectors

FROM: Eric Miller, Solid Waste Manager *EAM*

SUBJECT: Report to the Board (for May 13, 1997 meeting) - Proposed New Chapter 31 Entitled "Solid Waste Collection, Management, and Recycling" (File 552.1)

Provided herewith is a copy of a Board Report from Public Works for an item to be placed on the May 13, 1997 agenda. This agenda item addresses the proposed new ordinance concerning Chapter 31 of the Butte County Code and is entitled "Solid Waste Collection, Management and Recycling." This information is being provided to you in accord with the LTF's recommendation as discussed during the October 23, 1996 LTF meeting. A copy of the minutes from the October 23 LTF meeting is attached for your convenience.

You have all been a tremendous help in providing comments and in preparing this new ordinance which is proposed to repeal and replace the existing Chapter 31 entitled "Refuse Collection and Removal."

Public Works anticipates that this proposed ordinance will be presented to the Board as a regular agenda item. Interested LTF members and local waste collectors are welcome and encouraged to attend this Board meeting.

If you have any questions please feel free to call me. Thanks again for your assistance.

- Attachments (2):
1. Minutes from October 23, 1996 LTF meeting (2 pp)
 2. Report to the Board (59 pp)

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MINUTES
INTEGRATED WASTE MANAGEMENT
LOCAL TASK FORCE MEETING
October 23, 1996

MEMBERS PRESENT

Al McGreehan, Town of Paradise
Bob Koch, City of Chico
Dale Wangberg, Industry Rep., Chico
Jerry Morano, Public Rep. County
Dean Hill, City of Oroville
Sid Clarkson, Public Rep., County
Sue Hofius, Public Rep., Chico
Joe Matz, Industry Rep., Oroville
Bill Mannel, Industry Rep., Paradise

GUESTS

John Nicoletti, Butte Disposal and Recycling
Richard Gross, North Valley Disposal
Bill Wellington, Oroville Solid Waste

MEMBERS ABSENT:

Debbie Presson
Ken McDonald
Jo Sherman

STAFF:

Mike Crump, Butte County Public Works
Eric Miller, Butte County Public Works
Neil McCabe, Office of County Counsel
Cyndi Mann, Butte County Administration
Charles Bird, Butte County Environmental Health
Linda Herman, City of Chico

Dean Hill, LTF Chair, began the meeting at 3:10 p.m. A quorum was present.

1. Consideration of the Draft County-wide Solid Waste Collection,
Management and Recycling Ordinance

Eric Miller gave a brief over view of this draft ordinance and explained that the development of this ordinance has been a work-in-progress for the LTF for several years. The LTF most recently discussed the contents and policies of the ordinance at its September 1996 meeting but discussions were tabled until the October meeting since there were so many comments. The underlying theme and purpose for the ordinance was to develop waste collection and recycling performance standards for the local waste collection companies to comply to. Creating performance standards would help to level the competitive "playing field". The local waste collectors would still compete for business but would now need to implement recycling programs that are consistent with the recycling requirements of AB 939. A revised solid waste ordinance would also assist the County towards its compliance with regards to AB 939.

Much discussion centered on the definitions section of the ordinance and there were also general editorial comments. Additional discussion focused on the following:

Regarding license requirements: Al McGreehan asked why the solid waste license renewal process covered only one year renewals. Would the County consider issuing longer term licenses, to maybe 2 or 5 years? Bob Koch asked the purpose of the annual licensing fee, and what needs occur annually for the Butte County Environmental Health Division (EHD) to review licenses. (Butte County E.H.D. currently issues one year licenses that are renewed annually). Charlie Bird responded that the purpose to issue one year licenses is to allow the E.H.D. a

mechanism to inspect solid waste collection vehicles on a regular basis. Fees are charged based on the number of collection vehicles inspected. Vehicles are inspected for mechanical safety and facilities maintained by the waste collection companies are inspected for related environmental protection issues, and public safety issues. The issuance of a longer term license would need to be considered by the Director of the Butte County E.H.D. Cyndi Mann added that a change in fees would need to be clarified in the Public Health Fee component of the Butte County Code. The County Administrator's office is presently reviewing adjustments to other health fees.

Al McGreehan motioned that County staff consider structuring the ordinance so that licenses that are issued, are issued for longer time periods, possibly up to 3 years, and that the separate service fees for inspection and for reviewing of the licenses, be subject to annual review. Sid Clarkson seconded the motion but the motion died.

Discussion continued regarding the concept of issuing longer term licenses and regarding inspection fees. Dean Hill mentioned that the County should be able to continue charging fees for services. Several representatives of the local waste haulers stated that a longer term license would allow the collection companies to recover their program investments. However, County staff stated that annual inspections and license renewals provided a mechanism to keep the local waste collection industry in check, especially now that performance standards are being developed.

Al McGreehan motioned that County staff consider in the final version of the ordinance, that the licensing period be extended from one year to two years. Sid Clarkson seconded and the motion carried unanimously.

Attention then focused on the performance standards section of the ordinance and free community clean-up events. In the previous draft of the ordinance it was stated that the waste collectors would provide four free clean-up events annually, and shall contribute a minimum of 15 tons of solid waste disposal to their customers per quarter. Oroville Solid Waste representatives stated that they plan to provide their customers with a free disposal pass to use at its MRF. Bill Mannel asked if the intent of the clean-up programs had changed. Is the intent to clean up County roadways, private property, or to just provide a general community service? Public Works staff commented that the County will tend to County roadside clean-ups but reminded the LTF that the intent of this standard is to benefit local solid waste customers. The haulers should provide a minimum level of community service to their customers. It is hoped that good will is established and that illegal dumping activities can be reduced overall. The ordinance now reads that waste haulers provide for a minimum of two free clean-up events annually, and shall contribute a minimum of ten-tons of free disposal annually. Licensees are to coordinate with the County Solid Waste Manager on the dates, locations, and times for clean-up events.

No other discussion was held regarding the proposed ordinance. Eric Miller stated that this proposed ordinance, if adopted by the Board of Supervisors, would become enacted as a new Chapter 31 of the Butte County Code. The ordinance would become operative ninety days after its effective date of adoption.

Bill Mannel motioned that the LTF accept the ordinance, with the editorial revisions presented by the LTF. Sid Clarkson seconded, with the provision that the County consider extending the licensing period from one year to two years. Motion carried unanimously.

Eric Miller congratulated the LTF for its diligence and patience in developing this ordinance. He will work with County Counsel to make the additional changes, and the Public Works Department will present the ordinance at a Board meeting scheduled for either November or December. A copy of the ordinance will be sent to the LTF prior to the Board meeting.

2. Local Program Updates: Carried over until the next LTF meeting.
3. Other Business: No other business was reported.
4. Scheduling of next LTF meeting No meeting has been scheduled. County staff may schedule a meeting in December.

There being no other business the meeting adjourned at 5:05 p.m.

INTER-DEPARTMENTAL MEMORANDUM

DATE: April 28, 1997

TO: Board of Supervisors

FROM: Mike Crump, Director of Public Works
Eric Miller, Solid Waste Manager

SUBJECT: Report to the Board (for May 13, 1997 meeting) - Proposed New Chapter 31 Entitled "Solid Waste Collection, Management, and Recycling" (Public Works File 550.8)

Provided for the Board's consideration is a copy of the proposed new Chapter 31 of the Butte County Code (BCC) entitled "Solid Waste Collection, Management, and Recycling." The new ordinance would replace the existing Chapter 31 of the BCC which is entitled "Refuse Collection and Removal" and was adopted by the Board in 1977.

Development of the new proposed ordinance began in 1993 by the Butte County Integrated Waste Management Local Task Force (LTF), the committee charged to direct policy formation and implementation of the Butte County Integrated Waste Management Plan in accord with the requirements of AB 939, also known as the California Integrated Waste Management Act of 1989.

The primary theme of the proposed ordinance is the creation of performance standards local solid waste collectors must achieve in order to conduct business within Butte County. The performance standards address operational hours, that minimum recycling efforts of 15% must be achieved by the local waste collectors, and that the local waste collectors must provide free clean-up events. Failure to comply with the performance standards may result in the solid waste collector losing its license to operate in Butte County. The proposed ordinance would "level the playing field" and provide the local waste collectors the framework to compete for local market share based on price and customer service.

The key driving force behind this ordinance is AB 939 which requires Butte County and its cities to divert 25% of the solid waste buried in the Neal Road Landfill from 1990 to 1995, and 50% by 2000. Staff estimates that the current diversion rate for unincorporated Butte County to be around 10%. To achieve the 25% waste diversion requirement, Butte County will need to rely on developing AB 939 programs that are consistent with those currently being implemented in the cities and urban areas. Failure to achieve the requirements of AB 939, as enforced by the California Integrated Waste Management Board, may result in financial penalties to the County in the amount of \$10,000 per day for non-compliance.

The development of the proposed ordinance spanned several years and involved input from the LTF, the local waste collectors, the general public, and several County agencies including Risk Management, Public Works, Environmental Health, County Counsel, and the District Attorney's Office. Language provided by the County agencies focused on updating the insurance requirements and indemnity bond, the waste collector's licensing procedure, illegal dumping activities, and the unsafe storage of solid waste which may become eventual public nuisances.

The proposed ordinance does not address mandatory garbage collection in the unincorporated areas, rate control, districting (i.e. creating franchise territories for waste collection), or limit the number of permitted licensees that operate within unincorporated Butte County. The ordinance does not regulate solid waste collection fees, and is exempt from provisions of the California Environmental Quality Act in that it concerns general policy and procedure making. The ordinance is proposed to become operative ninety days after its adoption.

Report to the Board
April 28, 1997
page 2

At its October 23, 1996 meeting, the LTF unanimously adopted a motion approving the final draft of the ordinance, with the provision that the County consider extending the licensing period from one year to two years. Public Works was directed to prepare the ordinance for submittal to the Board.

Attached with this Report for the Board's convenience is a summary of key changes comparing the existing and the proposed ordinance, a copy of the existing Chapter 31, and a copy of the proposed ordinance.

Attachments (3):

1. Summary of changes between the existing and the proposed ordinance (2 pages)
2. Existing Chapter 31 entitled "Refuse Collection and Removal" (9 pages)
3. Proposed Chapter 31 entitled "Solid Waste Collection, Management and Recycling" (40 pages)

ACTION REQUESTED:

Introduce the ordinance and waive the reading of the ordinance.

MC : EAM

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**SUMMARY OF KEY POINTS COMPARING
EXISTING CHAPTER 31 entitled "Refuse Collection and Removal"**

with the

PROPOSED NEW CHAPTER 31 entitled "Solid Waste Collection, Management & Recycling"

The following tables will help to identify the key proposed changes compared to the current Chapter 31 of the Butte County Code entitled "Refuse Collection and Removal." The existing Chapter 31 has been in place since 1977.

Table 1 addresses key inputs from Butte County Public Works, County Counsel, the County Risk Manager, Butte County Division of Environmental Health, and the local waste collectors (with policies endorsed by the Butte County Integrated Waste Management LTF). Table 2 addresses key inputs from the Division of Environmental Health and the County District Attorney's Office and regards stronger enforcement language added to the proposed new ordinance.

Table 1. Key inputs from County agencies, the LTF, and the waste collectors

Topic	Current Ordinance	Proposed Ordinance
Definitions	Out of date	Language added to reflect solid waste definitions in accord with Title 14 of the California Code of Regulations.
Waste Collection & Recycling Plan	Not addressed	Required as part of minimum performance standards to ensure that recycling programs are maximized. Part of licensee's application process to do business.
Insurance Requirements	General Liability (\$100,000), Auto Liability (\$300,000)	Raises minimum limits of insurance per the County Risk Manager: Increases General Liability (\$1,000,000), Auto Liability (\$1,000,000), and also requires licensee to meet Best's rating qualification.
Security Bonding	\$2,000 security bond	Increased to \$10,000
Hold Harmless	Not addressed.	Language inserted to indemnify the County from any liabilities or claims resulting from the operations of the licensees.
Performance Standards	Not addressed.	<ul style="list-style-type: none"> * No residential collection prior to 5:30 AM or after 8:00 PM * Licensee must achieve minimum of 15% waste diversion based on tons generated, collected, buried and recycled. * Requires licensee to perform a minimum of 2 free clean-up events per year (total of 10 tons). * Requires licensee to submit quarterly recycling reports per AB 939. * Licensee must utilize approved disposal area. No dumping at other locations.



Additional language from the Butte County Environmental Division (BCEH) and the County District Attorney's (DA) Office were added to provide stronger enforcement capabilities of the County enforcement agencies. Additional review was done by the County Building Department to make sure that language does not conflict with the County's Building Code.

New language was also added to address illegal dumping activities and the unsafe storage of solid waste which may become eventual public nuisances.

Table 2. Key inputs from Butte County Environmental Health & the District Attorney's Office

Topic	Current Ordinance	Proposed Ordinance
Application	Licensee applies to BCEH only.	Language added so that Public Works can review the Waste Collection & Recycling Plan as part of the application package. BCEH remains lead agency for permitting and licensing.
License Appeal Process	Not addressed	Language added. Administered by BCEH.
License Suspension	Difficult to enforce as currently written.	Stronger language updated and added. Enforced by BCEH.
Fees	Fees payable to BCEH.	Language added to ensure that fees are payable within specified time frames.
Equipment Yard	Not addressed.	Language added to eliminate or reduce public nuisances.
Storage of Solid Waste	Not addressed.	To prevent illegal dumping and allow for enforcement by BCEH and DA's office.
Failure to Remove Solid Waste	Not addressed.	Language added to allow for clean-ups of accumulated solid waste. Enforced by BCEH and DA's office.
Disposal on Open Grounds	Not addressed	Language added to prohibit dumping on public or private property. Enforced by BCEH and DA's office.
Enforcement Penalties	Not addressed.	Violators may be guilty of a misdemeanor. Prosecutable offenses are either enforced criminally or civilly.

CHAPTER 31 (EXISTING ORDINANCE)

“REFUSE COLLECTION AND REMOVAL”

ATTACHMENT 2

CHAPTER 31

REFUSE COLLECTION AND REMOVAL

Sec. 31-1. [License—Required for] refuse collection.

Except as otherwise provided in this chapter, it shall be unlawful for any person, except a person holding a license from the county, to do any of the following:

- (a) Collect, store, transport or dispose of any refuse in the unincorporated area of Butte County.
- (b) Interfere in any manner with any garbage can or receptacle containing refuse or the contents thereof.
- (c) Remove any garbage can or receptacle from the place where the same is placed by the owner or the keeper thereof or to remove the contents. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-2. Same—Exceptions.

The licensing provisions of this chapter do not apply to the following persons:

- (a) A person who removes his own refuse or refuse of another without compensation.
- (b) A person who collects vegetable matter or food waste, without any charge, for use as food for animals.
- (c) A person who operates a lawful business having leavings, waste material or refuse residue which is collected, transported and disposed of in the natural course of the business, including, but not necessarily limited to, gardeners, tree trimmers, street cleaners, construction or demolition contractors. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-3. Applications for license.

Any person desiring a license to perform the acts specified in section 31-1 of this chapter shall file with the county health officer an application on the form supplied by Butte County. The application shall include the following information:

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- (a) The business address and, if different, any and all addresses where collection vehicles, operating equipment or other facilities are located or will be kept, and the zoning classification of each such location.
- (b) The name and address of the applicant and all owners and officers of the business and their percentages of ownership.
- (c) A description of all collection vehicles and equipment that the applicant owns or has under his control for the collection or transportation of refuse, including the make, year of manufacture, engine number, mechanical condition, license number, and whether or not it is self-unloading.
- (d) The disposal site where the applicant intends to dispose of the refuse. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-4. Documents to accompany application.

The application shall be accompanied by the following documents: A policy of public liability and property damage insurance, or insurance certificate thereof, issued by a company duly and legally licensed to transact business in the State of California, covering personal injuries, including wrongful death, and claims for property damage that arise from the operation under the license. Said insurance policy shall be issued at the expense of the applicant and maintained by him during the entire period that the license is in force and shall contain a provision that the policy will not be canceled without thirty (30) days' prior written notice by the insurance company to the county health officer. Said insurance policy shall be in the form approved by the county counsel and shall name the applicant and the county, and the officers, employees and agents of the applicant and the county, as also insureds. The minimum limits on said insurance shall be not less than one hundred thousand dollars (\$100,000.00) for injuries, including wrongful death, to any one person, and in an amount of not less than three hundred thousand dollars (\$300,000.00) for any one accident, and property

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damage in an amount not less than one hundred thousand dollars (\$100,000.00) or a combined single limit policy in an amount not less than four hundred thousand dollars (\$400,000.00). The applicant shall also submit an indemnity bond or some other security device acceptable to the county in the amount of two thousand dollars (\$2,000.00), which bonds or security device shall be for the benefit of the public to assure compliance with this chapter as well as failure to provide services that have been collected for. Indemnity bonds submitted in order to comply with the provisions of this section shall be maintained by the licensee during the entire period that the license is in force and shall contain a provision that the bond will not be canceled without thirty (30) days' written notice to the county health officer. Upon cancellation of said bond, the license shall automatically terminate provided that the former licensee shall thereafter apply for a new license in full compliance with all the provisions of this chapter if he desires to secure a new license. (Ord. No. 1830, § 1, 5-31-77; Ord. No. 1867, § 1, 9-20-77; Ord. No. 1960, § 1, 9-5-78)

Sec. 31-4.5. [Investigation of applicant.]

The sheriff will conduct an investigation of the applicant. The applicant shall be fingerprinted and if the applicant has been convicted of a felony or any crime involving moral turpitude within the last ten (10) years, the license shall be denied. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-5. Collection vehicles and equipment.

(a) Every collection vehicle used by a licensee for collecting and disposing of refuse shall be kept clean on the inside and clean and well painted on the outside, and there shall be displayed on each side of each vehicle the business firm's name and the words "County License No. _____," in letters not less than four (4) nor more than twelve (12) inches in height. All garbage collection vehicles and drop boxes or transfer bins used for purposes of receiving and hauling garbage shall have metallic lined beds or metal containers, shall be watertight, and shall be equipped with adequate covers so that the garbage will not be offensive and will not be blown or scattered from the truck. Refuse shall be loaded on vehicles so that none of it falls, drops or spills upon the

ground, and it shall be protected from wind and rain. A shovel, broom and fire extinguisher shall be kept on each vehicle at all times.

(b) A licensee shall give written notice and a description of newly acquired refuse collection vehicles to the county health officer within fourteen (14) days after acquisition.

(c) The county health officer shall inspect all garbage collection vehicles, and transfer bins at the time a license application is filed and shall inspect all collection vehicles including newly acquired collection vehicles at least once a year thereafter. Requests for yearly inspection shall be made by the county health officer two (2) weeks in advance.

(d) All vehicles and collection receptacles in excess of ten (10) cubic yards shall have the cubic yard capacity stenciled on the left side of the vehicle or receptacle. (Ord. No. 1830, § 1, 5-31-77)

Cross reference—Penalty, § 1-7(b).

Sec. 31-6. License fees.

All licenses shall be issued by the county health officer. The license fee shall be established by ordinance by the board of supervisors. When the license is first authorized, the licensee shall pay the aforementioned fee to the county health officer for the balance of the initial calendar year, prior to issuance of the license. Thereafter, the license fee shall be paid before the county health officer annually, in advance, on or before the tenth business day in January of each year. If a licensee fails to pay said fee by said date, his license shall automatically terminate on such tenth business day of January and the former licensee shall thereafter apply for a new license in full compliance with all of the provisions of this chapter if he desires to secure a new license. (Ord. No. 1830, § 1, 5-31-77; Ord. No. 2113, § 4, 6-10-80; Ord. No. 2707-J, § 1, 9-20-88)

Cross reference—Public health fees, ch. 43.

Sec. 31-7. Suspension, modification or revocation of license.

(a) The county health officer shall make appropriate investigations to determine if there has been a violation of this chapter, any rules and regulations adopted thereunder,

or state or federal law; or if the licensee misrepresented a material statement of facts in the application for a license; or for other good cause adversely affecting the public health, safety or welfare. If, in the opinion of the county health officer, there is sufficient evidence to constitute such a violation or cause, the county health officer shall give the licensee written notice of the alleged violation or cause, the measures that are to be taken to correct the violation or cause, and the time in which the corrective measures must be completed. If the licensee is unable or refuses to correct the violation or cause as ordered by the county health officer, the county health officer shall forthwith give written notice to the licensee directing him to appear before the board at a stated time and place and show cause why the license should not be suspended, modified or revoked.

(b) At the time fixed in said notice, the board shall hear the testimony of the county health officer, the licensee and other interested persons who may be present and desire to testify concerning the alleged violation or cause and any other matter which the board deems pertinent thereto. Upon the conclusion of said hearing, the board may dismiss the hearing or the board may suspend, modify or revoke a license upon finding:

- (1) That the licensee violated any of the provisions of this chapter, any rules or regulations adopted thereunder, or state or federal law; or
- (2) That the licensee misrepresented material statements of facts in the application for a license; or
- (3) Other good cause which, in the sole discretion of the board, adversely affects the public health, safety or welfare.

The board shall give written notice to the licensee of its findings and its orders pursuant to this section.

(c) In lieu of the immediate suspension, modification or revocation of a license, the board may order compliance and make suspension, modification or revocation contingent upon

failure to comply with the order within a time stated in said order. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-7.5. [Procedure when license revoked.]

Upon revocation of a license, the following procedure shall be followed:

- (a) The county shall send a registered letter to the solid waste collector containing notification of license revocation.
- (b) The solid waste collector whose license has been revoked shall not collect garbage, rubbish and waste matter, or otherwise perform the duties and business of a solid waste collector within the county after a period of thirty (30) days following the date of revocation.
- (c) The solid waste collector shall notify all his customers of revocation within a period of fifteen (15) days following the date of said revocation or the county shall notify said customers at the sole expense of and recoverable from the performance bond of said solid waste collector, as provided for within this article.
- (d) The solid waste collector shall notify the county health officer upon the completion of customer notification. (Ord. No. 1830, § 1, 5-31-77; Ord. No. 1885, § 1, 11-22-77)

Sec. 31-8. Refuse removal; frequency of solid waste removal.

The owner or tenant of any premises, business establishment or industry shall be responsible for the satisfactory removal of solid wastes accumulated by him on his property or his premises. Garbage shall not be allowed to remain on the premises for more than seven (7) days, to prevent propagation or attraction of flies, rodents or other vectors, and the creation of nuisances. Where garbage and rubbish are containerized together, the period of removal shall be that applied to garbage.

There is determined to be no mandatory refuse collection in the unincorporated area of Butte County and the determination of which method of safe, sanitary removal of such refuse is to be determined by the property owner or tenant generating such refuse.

All garbage shall be stored in suitable nonabsorbent, leak-proof, structurally sound containers covered with close fitting lids which will prevent the entry of flies and rodents and prevent the escape of odors. Garbage storage containers shall be maintained in a sanitary condition.

If garbage storage containers are furnished by the garbage collector, it shall be the responsibility of the collector to maintain the containers in a good and sanitary condition. Containers with a capacity of one cubic yard or more, furnished by the collector, shall be clearly marked with the collector's name and telephone number. (Nothing herein shall be deemed to prohibit the collector from charging the customer special charges resulting from the requirements of this paragraph.) (Ord. No. 1830, § 1, 5-31-77)

Cross reference—Penalty, § 1-7(b).

Sec. 31-8.5. [Capacity and weight of containers.]

Where garbage is collected by a licensed collector, garbage containers at residential locations shall be no less than ten (10) gallons in capacity nor more than thirty-two (32) gallons in capacity. Said garbage cans shall weigh no more than sixty-five (65) pounds. Said cans shall:

- (a) Be on a well-drained surface, or the entire receptacle will be beneath the surface of the ground in concrete forms made particularly for such purpose.
- (b) Be readily accessible for emptying and removing garbage therein.
- (c) Not be offensive or a nuisance to any person. (Ord. No. 1830, § 1, 5-31-77)

Cross reference—Penalty, § 1-7(b).

Sec. 31-9. Definitions.

Garbage shall include all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of foodstuffs and shall include bottles, tin cans and other containers and papers contaminated with garbage.

Rubbish includes nonputrescible solid wastes such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, plastics, rubber by-products and litter.

Refuse includes garbage and rubbish. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-10. Burning of garbage.

Garbage may be burned in Butte County with the consent of the county health officer and the air pollution control district if such burning is done in an approved crematory. (Ord. No. 1830, § 1, 5-31-77)

Sec. 31-11. Enforcement.

The county health officer is directed to enforce all provisions of this chapter relating to vehicle inspection, solid waste storage and hauling and other items relating to health and sanitation. (Ord. No. 1830, § 1, 5-31-77)

Cross reference—Penalty, § 1-7(b).

Sec. 31-12. [Notice required when service to be discontinued.]

When any licensee decides to discontinue his garbage collection to any customer, prior to doing so, he shall give that customer written notice of his intent to discontinue service sixty (60) days prior to the discontinuance of such service, provided the account of the customer is current. (Ord. No. 1830, § 1, 5-31-77)

[The next page is 242.44.51]

CHAPTER 31 (PROPOSED NEW ORDINANCE)

“SOLID WASTE COLLECTION, MANAGEMENT & RECYCLING”

ATTACHMENT 3

FILE COPY

***Location of Old Chapter 31 Subjects in New Chapter 31**

Old Chapter 31	New Chapter 31
31-1	31-20
31-2	31-21
31-3	31-22.1
31-4	31-22.1, 31-30
31-4.5	31-22.3
31-5	31-35 E
31-6	31-22.1(C)(4), 31-25
31-7	31-24.2
31-7.5	31-24.3
31-8	31-50
31-8.5	31-35 E and 31-37
31-9	31-11.22, 31-11.44 and 31-11.47
31-10	31-52
31-11	31-11.32
31-12	31-39

ch31.tbl

***The proposed new Chapter 31 is more comprehensive than the existing ("old") Chapter 31. However, as indicated in the table, various provisions in the new Chapter 31 are derived from and are amended versions of the old Chapter 31 provisions.**

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Section 2. New Chapter 31 enacted and added to the Butte County Code 1

Chapter 31
Solid Waste Collection, Management and Recycling

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Section 31-2. Findings 1

Section 31-3. Purpose 1

Section 31-4. Effect of Chapter in Chico Urban Area 2

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Section 31-11.8. "Collection bag" 4

Section 31-11.9. "Collection Vehicle" or "Equipment" 4

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2	Section 31-11.18. "Disposal"	5
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5	Section 31-11.21. "Flow control"	5
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AN ORDINANCE REGARDING SOLID WASTE COLLECTION, MANAGEMENT, AND
RECYCLING

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

Section 1. Chapter 31 of the Butte County Code, entitled "Refuse Collection and Removal" is repealed.

Section 2. A new Chapter 31 is enacted and added to the Butte County Code to read as follows:

"Chapter 31

Solid Waste Collection, Management and Recycling

Article I

General Provisions

Section 31-1. Title and Citation. This Chapter shall be known and may be cited as the "Butte County Solid Waste Collection, Management and Recycling Ordinance."

Section 31-2. Findings. The Board of Supervisors of Butte County finds that it is necessary, in order to preserve the environment and protect the health and safety and quality of life of the residents of Butte County, to provide for an efficient solid waste management system which includes collection of solid waste and recyclable materials. The Board also finds it is necessary to assure that all generators of solid waste and recyclable materials within the county are included in said collection system. It is further found that a stable revenue source is necessary to provide solid waste management and recycling services as required by Federal and State mandates.

Section 31-3. Purpose. Pursuant to Public Resources Code Sections 40000 et seq. and 14 California Code of Regulations 25827 and 25828,

1 this Chapter is adopted to provide for a solid waste and recyclable
2 materials collection system which shall preserve the health and safety
3 and provide for a stable revenue source with which the County of Butte
4 may provide adequate management of solid waste.

5 **Section 31-4. Effect of Chapter in Chico Urban Area.** It is the
6 intent of the Board of Supervisors that Chapters 31 and 31B shall be
7 interpreted and applied in a manner giving effect to all provisions
8 in both chapters. The provisions of this Chapter 31 and Chapter 31B
9 shall apply in the Chico Urban Area, as defined in Section 31B-3(a);
10 however, if there is a conflict between any provision in this Chapter
11 31 and any provision in Chapter 31B, and the provisions cannot be
12 interpreted in a manner which gives effect to both in a way which is
13 consistent with the purposes of both chapters, then the provision in
14 Chapter 31B shall prevail.

15 **Section 31-5. Interjurisdictional Agreements.** The Board of
16 Supervisors recognizes the desirability of entering into agreements
17 with other incorporated municipal jurisdictions within the County to
18 more fully accomplish the purposes of this Chapter.

19 **Article II**

20 **Definitions**

21 **Section 31-10. General rules for interpretation.** Unless the context
22 otherwise requires, the following definitions shall be used in the
23 interpretation and construction of this Chapter and words used in the
24 present tense shall include the future; the word "used" shall include
25 arranged, designed, constructed, altered, converted, rented, leased
26 or intended to be used, and the word "shall" is mandatory and not
27 directory. Whenever reference is made to any portion of this Chapter

1 or any other ordinance or law, the reference shall apply to all
2 amendments and additions now or hereafter made.

3 **Section 31-11.1.** "Agricultural Solid Wastes" means wastes resulting
4 from the production and processing of farm or agricultural products,
5 including but not limited to manures, prunings, and crop residues
6 wherever produced.

7 **Section 31-11.2.** "Apartment, condominium, townhouse complex or
8 mobile home park" means those complexes or parks which contain three
9 (3) or more dwelling units.

10 **Section 31-11.3.** "Bin" means a rubbish container possessing a lid,
11 the top of which shall not exceed seventy-two (72) inches in height
12 from the surface of the ground at grade level, and having a capacity
13 of at least one(1) cubic yard but not more than eight(8) cubic yards.

14 **Section 31-11.4.** "Bulky wastes" means large items of solid waste
15 such as appliances, furniture, trees, branches, stumps and other
16 oversize wastes whose large size precludes or complicates their
17 handling by normal collection, processing or disposal methods.

18 **Section 31-11.5.** "Buy-back recycling center" means a facility that
19 pays a fee for the delivery and transfer of ownership to the facility
20 of source separated materials, for the purpose of recycling or
21 composting.

22 **Section 31-11.6.** "Board" means the Butte County Board of
23 Supervisors.

24 **Section 31-11.7.** "Clean-up event" means the collection of solid waste
25 from County road-sides or communities in the unincorporated areas of
26 the County by solid waste collectors, their employees, agents, and/or
27 volunteers, at no expense to County or to residential customers.

28

1 Section 31-11.8. "Collection bag" means a closeable bag, not
2 greater in capacity than thirty-two (32) gallons, designed to contain
3 solid waste, vegetative waste or recyclable materials for collection.

4 Section 31-11.9. "Collection Vehicle" or "Equipment" means any
5 vehicle or equipment used in the collection of solid waste and
6 recyclable materials.

7 Section 31-11.10. "Commercial customer" means any person who produces
8 commercial solid waste using a can, bin or drop box for accumulation
9 thereof.

10 Section 31-11.11. "Commercial solid waste" means all types of solid
11 wastes generated by stores, business offices, commercial warehouses,
12 non-profit organizations, multi-family residential complexes,
13 government offices, schools and other commercial sources, excluding
14 residences with less than three dwelling units, and excluding
15 industrial wastes.

16 Section 31-11.12. "Commercial service" means solid waste and
17 recyclable materials collection service provided by a licensee under
18 this Chapter to any person producing commercial solid waste.

19 Section 31-11.13. "Composting" means a controlled microbial
20 degradation of non-putrescible organic waste yielding a safe and
21 nuisance free product.

22 Section 31-11.14. "Construction and Demolition wastes" means the
23 waste building materials, packaging and rubble resulting from
24 construction, remodeling, repair and demolition operations on
25 pavements, houses, commercial buildings, and other structures.

26 Section 31-11.15. "County" means the County of Butte, a political
27 subdivision of the State of California.

1 Section 31-11.16. "Debris box" or "drop box" or "roll-off " means a
2 solid waste container with a capacity of at least ten(10) cubic yards.

3 Section 31-11.17. "Director" means the County Director of Public
4 Works.

5 Section 31-11.18. "Disposal" means the final disposition of solid
6 wastes into a sanitary landfill or other legal disposal location.

7 Section 31-11.19. "Drop-off recycling center" means a location or
8 facility which accepts delivery or transfer of ownership of source
9 separated materials for the purpose of recycling or composting,
10 without payment of a fee.

11 Section 31-11.20. "End market" or "end-use" means the use or uses for
12 a diverted material or product which has been returned to the economic
13 mainstream, whether or not this return is through the sale of the
14 material or product. The material or product can have a value which
15 is less than the solid waste disposal cost.

16 Section 31-11.21. "Flow control" means the designation of waste or
17 direction of materials flow to receiving, recycling, solid waste or
18 transfer facilities as directed by County or its incorporated Cities
19 or Town.

20 Section 31-11.22. "Garbage" means all kitchen and table food waste,
21 waste containers, and animal or vegetable waste that attends or
22 results from the storage, preparation, cooking or handling of food
23 stuffs.

24 Section 31-11.23. "Hazardous waste" means either of the following:

- 25 (A) A waste, or combination of wastes, which because of its
26 quantity, concentration, or physical, chemical, or
27 infectious characteristics may either:

1 (1) Cause, or significantly contribute to an increase in
2 mortality or an increase in serious irreversible, or
3 incapacitating reversible, illness.

4 (2) Pose a substantial present or potential hazard to
5 human health or environment when improperly treated,
6 stored, transported, disposed of, or otherwise
7 managed.

8 (B) A waste which meets any of the criteria for the
9 identification of a hazardous waste adopted pursuant to
10 Section 25141 of the Health and Safety Code.

11 (1) Hazardous waste includes, but is not limited to,
12 hazardous waste, as defined in the Federal Resource
13 Conservation and Recovery Act.

14 (2) Unless expressly provided otherwise, the term
15 "hazardous waste" shall be understood to also include
16 extremely hazardous waste and acutely hazardous waste.

17 **Section 31-11.24. "Household Hazardous Waste (HHW)"** means any
18 hazardous waste generated incidental to owning, residing in, and/or
19 maintaining a place of residence. Household hazardous waste does not
20 include any waste generated in the course of operating a business at
21 a residence.

22 **Section 31-11.25. "Household Hazardous Waste Collection"** means a
23 program activity in which HHW is brought to a designated collection
24 point or facility where the HHW is separated and packaged for
25 temporary storage.

26 **Section 31-11.26. "Household Hazardous Waste Collection Facility"**
27 means all contiguous land and structures, other appurtenances, and
28

1 improvements on the land used for the collection, treatment, transfer,
2 storage, resource recovery, disposal, or recycling of hazardous waste.
3 A HHW collection facility may consist of one or more treatment,
4 transfer, storage, resource recovery, disposal, or recycling hazardous
5 waste management units, or combinations of these units.

6 **Section 31-11.27. "Industrial wastes"** means all types of solid
7 wastes and semi-solid wastes which result from industrial processes
8 and manufacturing operations, except hazardous waste.

9 **Section 31-11.28. "Inert wastes"** means wastes which contain no
10 decomposable wastes and no soluble pollutants, including but not
11 limited to rock, earth, construction rubble, asphalt and concrete
12 chunks, as approved by the Solid Waste Manager or Local Enforcement
13 Agency.

14 **Section 31-11.29. "Institutional Solid wastes"** means solid wastes
15 originating from educational, health care, correctional, research
16 facilities or other similar facilities, except hazardous waste.

17 **Section 31-11.30. "Landfill"** means a permitted management facility
18 at which solid wastes and municipal solid wastes are buried.

19 **Section 31-11.31. "Litter"** means all improperly discarded waste
20 material, including but not limited to, convenience food, beverage,
21 and other product packages or containers constructed of steel,
22 aluminum, glass, paper, plastic, and other natural and synthetic
23 materials, deposited on the lands and in waters of the state, but not
24 including the properly discarded waste of the primary processing of
25 agriculture, mining, logging, saw milling, or manufacturing.

26 **Section 31-11.32. "Local Enforcement Agency (LEA)"** means the
27 Environmental Health Division of the County's Health Department, which

28

1 is hereby designated as such by the Board of Supervisors pursuant to
2 Public Resources Code Section 43202.

3 **Section 31-11.33. "Local Task Force"** means members of the Butte
4 County Integrated Waste Management Local Task Force.

5 **Section 31-11.34. "Multi-family Residential Complex"** means complexes
6 with three (3) or more residential dwelling units including but not
7 limited to apartments, condominiums, triplexes, four-plexes, or mobile
8 home parks which are located on a single parcel.

9 **Section 31-11.35. "Non-recyclable wastes"** means that portion of the
10 solid waste stream which has no market value because of its physical
11 or chemical characteristics or properties.

12 **Section 31-11.36. "Open Burning"** means the burning of any material
13 under such conditions that the products of combustion are emitted
14 directly into the atmosphere.

15 **Section 31-11.37. "Owner"** means the person(s) having title to the
16 premises of residential or commercial properties and/or dwellings that
17 are leased or occupied.

18 **Section 31-11.38. "Performance Standards"** means the minimum levels
19 of basic services required for Licensees to provide for solid waste
20 collection and hauling services within the County.

21 **Section 31-11.39. "Plastic"** means the recyclable plastic components
22 of the waste stream including, but not limited to, polyethylene
23 terephthalate (PET), film plastics, and high density polyethylene
24 (HDPE).

25 **Section 31-11.40. "Putrescible Wastes"** are wastes that are capable
26 of being decomposed by micro-organisms with sufficient rapidity as to
27 cause nuisances because of odors, gases, or other offensive

1 conditions, and includes materials such as food wastes, offal and dead
2 animals.

3 **Section 31-11.41.** "Recyclable materials" means those materials that
4 are normally part of the solid waste stream which have market value
5 and can be segregated from non-recyclable waste and recycled and/or
6 composted.

7 **Section 31-11.42.** "Recycling" means the process by which salvaged
8 materials become usable products.

9 **Section 31-11.43.** "Recycling container" means a container which is
10 provided by or acceptable to a licensee for the sole purpose of
11 containing recyclable materials that are source separated from the
12 non-recyclable portion of the waste stream.

13 **Section 31-11.44.** "Refuse" includes garbage and rubbish.

14 **Section 31-11.45.** "Residential service" means solid waste and
15 recyclable material collection service for single family residences,
16 two family residences (duplexes), or trailers, as provided by a
17 licensee under this Chapter.

18 **Section 31.1.46.** "Residential waste" means all types of solid waste
19 which originate in residential dwellings.

20 **Section 31-11.47.** "Rubbish" includes non-putrescible solid wastes
21 such as ashes, paper, cardboard, tin cans, yard clippings, wood,
22 glass, bedding, crockery, plastics, rubber by-products, or litter.

23 **Section 31-11.48.** "Salvaging" means the controlled removal of waste
24 material from the solid waste stream for utilization.

25 **Section 31-11.49.** "Solid Waste" means all putrescible and non-
26 putrescible solid and semisolid and liquid wastes, including garbage,
27 yard waste, trash, refuse, paper, rubbish, ashes, industrial wastes,

1 demolition and construction wastes, abandoned vehicles and parts
2 thereof, discarded home and industrial appliances, dewatered, treated,
3 or chemically fixed sewage sludge which is not hazardous waste,
4 manure, vegetable or animal solid and semisolid wastes, and other
5 discarded solid and semisolid wastes.

6 **Section 31-11.50.** "Solid Waste Hearing Panel" (SWHP) means a hearing
7 panel established by the Butte County Board of Supervisors pursuant
8 to Butte County Code Chapter 31A.

9 **Section 31-11.51.** "Solid Waste Collector", "Collector", or "Licensee"
10 means any business or company licensed through the Butte County
11 Division of Environmental Health to collect, transport, or dispose of
12 residential, commercial, or institutional wastes and recyclable
13 materials within the County of Butte.

14 **Section 31-11.52.** "Solid Waste Manager" or "SWM" means the county
15 official or employee given specified administrative responsibility
16 under this Chapter.

17 **Section 31-11.53.** "Source separation" means the segregation, by the
18 waste generator, of materials designated for separate collection for
19 some form of materials recovery, recycling, or special handling.

20 **Section 31-11.54.** "Street Refuse" means materials picked up by
21 manual or mechanical sweeping of alleys, streets, or side walks,
22 litter from public litter receptacles, and material removed from storm
23 drain systems.

24 **Section 31-11.55.** "Variable can rate" means disposal rates
25 structured to reflect increases in costs for additional disposal
26 containers.

27 **Section 31-11.56.** "Waste collection and recycling plan" means the

1 plan submitted by a prospective licensee that defines how recyclable
2 materials will be managed and accounted for.

3 **Section 31-11.57. "Waste container" or "waste can"** means a sealable
4 or closeable container, acceptable to the licensee, in which
5 residential solid waste is deposited. This does not include a
6 container in which recyclable materials are placed.

7 **Section 31-11.58. "White Goods" or "Major Appliances"** means any
8 domestic or commercial appliance including but not limited to a
9 washing machine, clothes dryer, hot water heater, dehumidifier,
10 conventional oven, microwave oven, stove, refrigerator, freezer, air-
11 conditioner, trash compactor, and residential furnace.

12 **Article III**

13 **License Requirements and Procedures**

14 **Section 31-20. License Required.** Except as otherwise provided in
15 this Chapter, it shall be unlawful for any person, except a person
16 holding a valid license from the County and complying with all the
17 provisions of this Chapter, to do any of the following:

- 18 (A) Collect, store, transport or dispose of any solid waste in
19 the County; or
20 (B) Remove any solid waste container from the place where the
21 same is placed by the owner or the keeper thereof or to
22 remove the contents.

23 **Section 31-21. License Exemptions.** The licensing provisions of this
24 Chapter do not apply to the following persons.

- 25 (A) A person engaged in a recycling business who charges no fee
26 for the collection of source separated recyclable material;
27 or

- 1 (B) A person engaged in a rendering business; or
2 (C) A person who removes his/her own solid waste to an approved
3 sanitary landfill; or
4 (D) A person who collects vegetable matter or food waste,
5 without charge, for use as animal food; or
6 (E) A person who operates a lawful business having leavings,
7 waste material or refuse residue which is collected,
8 transported and disposed of in the natural course of the
9 business, including, but not limited to, gardeners, tree
10 trimmers, street cleaners, construction or demolition
11 contractors.

12 **Section 31-22.1. Application.**

13 (A) An application for a license to collect both solid waste and
14 recyclable materials shall be submitted to the LEA upon the form
15 provided by the LEA. It shall be unlawful to knowingly submit false
16 information as a part of the application.

17 (B) The application form shall include the following information:

- 18 (1) Name, home address, and business address of all
19 owners; and
20 (2) An identification of trade name(s) or company name(s)
21 under which the applicant intends to conduct business.
22 If multiple trade or company names will be used, a
23 description of each business entity must be included;
24 and
25 (3) Address(es) or location(s) where all trucks and
26 operating equipment will be kept and the zoning
27 classification of the location(s); and

1 (4) A complete description of all trucks and equipment
2 that the applicant owns or has under his/her control,
3 or proposes to acquire, for the purpose of collecting,
4 transporting and/or processing solid wastes and
5 recyclable materials.

6 (C) A complete application package for a new license shall
7 consist of the following:

- 8 (1) A completed application form; and
- 9 (2) Proof of insurance and bonding as described in Sections 31-
10 30 and 31-31; and
- 11 (3) A Waste Collection and Recycling Plan; and
- 12 (4) Required license fee for one year of operation.

13 **Section 31-22.2. Waste Collection and Recycling Plan.** Applicants
14 for a license to collect solid waste and recyclable materials must
15 prepare and submit a Waste Collection and Recycling Plan as part of
16 their license application. The Waste Collection and Recycling Plan
17 shall include the following components:

18 (A) If the applicant is currently a licensee and is applying
19 for a renewal of the license, a description of the existing
20 services provided by the licensee, including the current
21 number of residential and commercial services accounts, is
22 required. A new applicant not currently a licensee shall
23 provide an estimate of the number of residential and
24 commercial services accounts which will be provided service
25 if the application is approved.

26 (B) All plans shall include a description of the free cleanup
27 events which the applicant proposes to conduct within the

1 applicant's area of service.

2 (C) A recycling plan for residential and commercial customers
3 served by the applicant shall be developed. The plan shall
4 include, but not be limited to, the following:

5 (1) A description of the means of source separation,
6 collection and marketing of newspaper and cardboard,
7 aluminum cans, recyclable metal, glass, and plastics;
8 and

9 (2) A description of commercial services and the proposed
10 means for separation, collection and marketing of
11 newspaper and cardboard, office paper, construction
12 and demolition debris, wood wastes, and inert
13 material; and

14 (3) Description of all action to be taken in the event
15 feasible markets for recyclable materials are not
16 available; and

17 (4) Description of the record keeping system to be used by
18 the applicant. The system must maintain separate
19 records for solid waste collection services,
20 recyclable materials collection and handling services,
21 including the amounts of materials processed.

22 (D) All plans shall include the hours of operation, number of
23 employees, and number and types of collection vehicles.

24 **Section 31-22.3. Investigation of Applicant.** The County Sheriff's
25 Department will conduct an investigation of the applicant. The
26 applicant shall be finger-printed, and, if the applicant has been
27 convicted of a felony or any crime involving moral turpitude within

1 the last ten (10) years, the license shall be denied.

2 **Section 31-22.4. Application Review.** Complete license application
3 packages shall be reviewed by the LEA and the Butte County Solid Waste
4 Manager (SWM) or his/her designee. Any changes to the application
5 package shall be submitted in writing to the LEA no less than fourteen
6 (14) days prior to the proposed change being implemented. Upon
7 submission of a complete license application package the LEA and SWM
8 shall have thirty (30) days to accept or reject the application.
9 Rejected applicants shall be notified in writing and may appeal the
10 rejection to the Butte County Solid Waste Hearing Panel (SWHP) by
11 submitting a written request for hearing to the LEA within fourteen
12 (14) days of the mailing of the notice of rejection.

13 **Section 31-22.5. License Appeal Hearing.** The LEA shall set a hearing
14 not more than fifteen (15) days following receipt of an appeal and
15 shall give written notice of the time, date and place of hearing to
16 the applicant or licensee. The hearing shall be held by the SWHP
17 within thirty (30) days of receipt of the appeal. At the hearing the
18 applicant or licensee shall have the burden of proof to show facts
19 that the public health, safety, welfare, convenience and necessity
20 require the approval of the license application. The applicant or
21 licensee also shall have the burden to show it owns or controls
22 sufficient equipment and facilities to meet the requirements of this
23 Chapter and to serve adequately the collection service area. The
24 SWHP may adjourn said hearing from time to time. The SWHP shall issue
25 its decision within fifteen (15) days after the close of the hearing.

26 **Section 31-23. License Nontransferable.** No license shall be
27 transferred.

1 **Section 31-24.1. License Review.** A review will be conducted during
2 the license renewal process by the LEA to determine if the licensee
3 is in compliance with the terms and conditions of this Chapter and is
4 operating in compliance with the Waste Collection and Recycling Plan.
5 The LEA may request that the licensee supply information to support
6 the review process. If information is requested, the licensee must
7 respond to the request within thirty (30) days of the date the request
8 was mailed or delivered. If the LEA determines that the licensee is
9 operating in compliance with the terms of this Chapter and the
10 approved Waste Collection and Recycling Plan, the license will be
11 renewed. If upon completion of a license review it is determined by
12 the LEA that the licensee is not operating in compliance with the
13 terms and conditions of this Chapter or the approved Waste Collection
14 and Recycling Plan, the LEA will notify the licensee, in writing, of
15 the areas of non-compliance. The licensee will then have thirty (30)
16 days from the date the notice was mailed or delivered to correct the
17 non-compliance items. If it is determined by the LEA that the
18 licensee has failed to correct non-compliance items that were
19 identified, the license may be suspended in accordance with Paragraph
20 31-24.2.

21 **Section 31-24.2. License Suspension.**

- 22 (a) The LEA shall make appropriate investigations to determine:
23 if a licensee has violated this Chapter, any rules or
24 regulations adopted thereunder, or State or Federal law; or
25 if the licensee misrepresented a material statement of
26 facts in the application for a license; or if other good
27 cause exists due to adverse impacts on the public health,

1 safety or welfare. If, in the opinion of the LEA, there is
2 sufficient evidence to constitute such a violation or
3 cause, the LEA shall give the licensee written notice of
4 the alleged violation or cause, the measures that are to be
5 taken to correct the violation or cause, and the time in
6 which the corrective measures must be completed. If the
7 licensee is unable or refuses to correct the violation or
8 cause as ordered by the LEA, the LEA shall forthwith give
9 written notice directing the licensee to appear before the
10 SWHP at a stated time and place and show cause why the
11 license should not be suspended or revoked.

12 (b) At the time fixed in said notice, the SWHP shall hear the
13 testimony of the LEA, the licensee, and other interested
14 persons who may be present and desire to testify concerning
15 the alleged violation or cause and any other matter which
16 the SWHP deems pertinent. Upon conclusion of said hearing,
17 the SWHP may dismiss the hearing, or the SWHP may suspend,
18 modify, or revoke a license upon finding:

19 (1) That the licensee violated any of the provisions of
20 this Chapter, any rules or regulations adopted
21 thereunder, or State or Federal law; or

22 (2) That the licensee misrepresented material statements
23 of facts in the application for a license; or

24 (3) That good cause exists due to adverse effects on the
25 public health, safety or welfare.

26 The SWHP shall give written notice to the licensee of its
27 findings and its orders pursuant to this Section.

1 (c) In lieu of the immediate revocation of a license, the SWHP
2 may order compliance and make revocation contingent upon
3 failure to comply with the order within a time stated in
4 said order.

5 **Section 31-24.3. License Revocation.** The SWHP may, following a public
6 hearing, revoke the license issued pursuant to this Article to any
7 solid waste collector, if said solid waste collector is found to have
8 operated or to be operating in violation of the performance standards
9 specified in Section 31-35 or of other provisions of this Chapter or
10 of the collector's license provisions.

11 Notice of such hearing shall be served on such solid waste collector
12 by certified mail, return receipt requested, addressed to such solid
13 waste collector's last known address, at least ten (10) days prior to
14 the date of the hearing. Said notice, in addition to setting forth
15 the time and date of the hearing shall specify the grounds upon which
16 revocation will be considered and shall include a statement of such
17 solid waste collectors right to appear and be heard at the hearing.
18 Upon revocation of a license the following procedure shall be
19 followed:

20 (A) The LEA shall send a registered letter to the solid waste
21 collector containing notification of license revocation.

22 (B) The solid waste collector whose license has been revoked
23 shall not collect solid waste or otherwise perform the
24 duties and business of a solid waste collector within the
25 County after a period of thirty (30) days following the
26 date of revocation.

27 (C) The solid waste collector shall notify all customers of
28

1 revocation within a period of fifteen (15) days following
2 the date of said revocation. If the solid waste collector
3 fails to give such notice, the LEA shall notify said
4 customers at the sole expense of the solid waste collector
5 and recoverable from the indemnity bond or other security
6 device submitted to the County pursuant to Section 31-31.
7 Such notification by the LEA may be by means of the
8 publication of a display advertisement of at least one-
9 quarter of a page in a newspaper of general circulation
10 within the affected area.

11 (D) The solid waste collector shall notify the SWM and the LEA
12 upon the completion of customer notification pursuant to
13 this section.

14 **Section 31-24.4. Monetary Penalty In Lieu of License Revocation.** If
15 the SWHP, after convening a hearing on the proposed revocation of the
16 license issued to a solid waste collector pursuant to this Article
17 determines that such solid waste collector, although having violated
18 the provisions of this Article, has nevertheless corrected such
19 violation subsequent to the date the solid waste collector was served
20 with a notice of such hearing, the SWHP may, in lieu of revoking the
21 permit, assess a monetary penalty against the solid waste collector.
22 Such penalty may be in the amount of \$500 or an amount equal to the
23 costs and expenses incurred by the County for the staff time committed
24 to the revocation proceedings and preparation for such hearing,
25 whichever amount is greater.

26 All such monetary penalties assessed by the SWHP shall be due and
27 payable no later than the thirteenth (13th) day following the date of

1 such hearing. Failure to pay such sum within such time shall be
2 further grounds for the revocation of the license issued to the solid
3 waste collector against whom such penalty was assessed.

4 **Section 31-25. License Fees.** License fees shall be set by the Board
5 of Supervisors and shall cover the period from January 1 to December
6 31 of each calendar year. Fees shall not be prorated for partial
7 years.

8 The license and vehicle inspection fees shall be as provided for in
9 Chapter 43 of the Butte County Code. In addition, the Board may, by
10 resolution or ordinance, assess license fees based upon the total
11 annual tonnage of solid waste delivered by the licensee for burial in
12 the Neal Road Landfill or other legally approved location(s). Nothing
13 in Chapter 43 of the Butte County Code or in this Chapter shall
14 prohibit the county from assessing and collecting additional fees for
15 the licenses issued hereunder.

16 **Section 31-26. License Expiration.** Notwithstanding Sections 31-24.1
17 and 31-24.2 of this Chapter, all licenses shall be issued for a period
18 of one year commencing the first day of January and shall be renewed
19 pursuant to Section 31-27.

20 **Section 31-27. License Renewal.** Solid Waste Collector licenses shall
21 be renewed annually. All annual renewal application packets shall be
22 submitted to the LEA on or before the tenth (10th) business day in
23 January of each year. Penalties for late payment of annual fees shall
24 be assessed at the following rates: fees received between the
25 fifteenth (15th) and thirty-first (31st) of each January shall incur
26 a penalty equal to fifty (50) percent of the current license fee.
27 Those applicants paying fees between February first (1) and the last

1 business day of February shall be assessed a 100% penalty fee. Those
2 licensees failing to pay all required fees and penalty fees, and
3 failing to submit a completed annual renewal application package by
4 the last business day of February shall be placed on forty-five (45)
5 day maximum probation pending a hearing conducted by the SWHP. At
6 said hearing, the SWHP will decide if the licensee's license shall be
7 renewed. Late renewal fees for annually billed services shall be
8 charged in accord with Sections 43-2 and 43-3 of the Butte County
9 Code. Failure to pay required fees may result in license suspension
10 in accord with Section 31-24.2 or non-issuance.

11 Article IV

12 Solid Waste Collector Licensee Requirements

13 Section 31-30. Insurance requirements. Solid waste collector
14 licensees shall procure, and maintain for the duration of their
15 license, insurance against claims for injuries to persons or damages
16 to property which may arise from or in connection with the performance
17 of the work hereunder by the licensee, and the licensee's agents,
18 representatives, employees and subcontractors.

19 A. Minimum Limits of Insurance

20 The licensee shall maintain limits no less than:

- 21 1. General Liability: \$1,000,000 combined single limit
22 per occurrence for bodily injury, personal injury and
23 property damage.
- 24 2. Automobile Liability: \$1,000,000 combined single limit
25 per accident for bodily injury and property damage.
- 26 3. Workers' Compensation and Employers Liability:
27 Workers' compensation and Employer's Liability

1 coverage limits as required by the Labor Code of the
2 State of California.

3 B. Deductibles and Self-Insured Retentions

4 Any deductibles or self-insured retentions must be declared to
5 and approved by the County. At the option of the County,
6 either: the insurer shall reduce or eliminate such deductibles
7 or self-insured retentions as respects the County, its officers,
8 officials, employees and volunteers; or the Licensee shall
9 procure a bond guaranteeing payment of losses and related
10 investigations, claim administration and defense expenses.

11 C. Other Insurance Provisions

12 The policies are to contain, or be endorsed to contain, the
13 following provisions:

14 1. General Liability and Automobile Liability Coverages

15 a. The County, its officers, officials, employees
16 and volunteers shall be covered as insured as
17 respects: liability arising out of activities
18 performed by or on behalf of the Licensee,
19 including the insured's general supervision of
20 the Licensee; products and completed operations
21 of the Licensee; premises owned, leased, hired or
22 borrowed by the Licensee. The coverage shall
23 contain no special limitations on the scope of
24 protection afforded to the County, its officers,
25 officials, employees or volunteers.

26 b. The Licensee's insurance coverage shall be
27 primary insurance as respects the County, its
28 officers, officials, employees and volunteers.

1 Any insurance or self-insurance maintained by the
2 County, its officers, officials, employees or
3 volunteers shall be excess of the Licensee's
4 insurance and shall not contribute with it.

5 c. Any failure to comply with reporting provisions
6 of the policies shall not affect coverage
7 provided to the County, its officers, officials,
8 employees or volunteers.

9 d. The Licensee's insurance shall apply separately
10 to each insured against whom claim is made or
11 suit is brought, except with respect to the
12 limits of the insurer's liability.

13 2. All Coverages

14 Each insurance policy required by this clause shall be
15 endorsed to state that coverage shall not be
16 suspended, voided, canceled by either party, reduced
17 in coverage or in limits except after thirty (30)
18 days' prior written notice has been given to the
19 County by certified mail, return receipt requested.

20 D.. Acceptability of Insurers

21 Insurance is to be placed with insurers licensed to conduct
22 business in the State of California and who have a Best's
23 rating of no less than B: VII. If the insurer is not licensed
24 to conduct business in the State of California, the insurer
25 shall have a Best's rating of no less than A: VII.

26 E. Verification of Coverage

27 Licensee shall furnish the LEA with certificates of insurance
28 and with original endorsements affecting coverage required by

1 this clause. The certificates and endorsements for each
2 insurance policy are to be signed by a person authorized by that
3 insurer to bind coverage on it's behalf. All certificates and
4 endorsements are to be received and approved by the LEA before
5 a license is granted. The LEA reserves the right to require
6 complete, certified copies of all required insurance policies,
7 at any time.

8 **F. Subcontractors**

9 Licensees shall include all subcontractors as insured under its
10 policies or require all subcontractors to be insured under their
11 own policies and to furnish LEA separate certificates and
12 endorsements. All coverages for subcontractors shall be subject
13 to all the requirements stated herein.

14 **Section 31-31. Indemnity bond.** The licensee shall submit an
15 indemnity bond or some other security device acceptable to the County
16 in the amount of ten thousand (\$10,000), which bond or security device
17 shall be for the benefit of the public to assure compliance with this
18 Chapter as well as performance of services that have been collected
19 for. Indemnity bonds submitted in order to comply with the provisions
20 of this section shall be maintained by the licensee during the entire
21 period that the license is in force and shall contain a provision that
22 the bond will not be canceled without thirty (30) day's written notice
23 to the LEA. Upon cancellation of said bond, the license shall
24 automatically terminate; provided, however, that the former licensee
25 thereafter may apply for a new license in full compliance with all the
26 provisions of this Chapter if he desires to secure a new license.

27 **Section 31-32 Indemnification and Hold Harmless.** The licensee shall
28 indemnify and hold harmless the County, its officers, agents and

1 employees, for and from any and all loss, liability, claim, demand,
2 action or suit, of any and every kind and description, arising or
3 resulting from or in any way connected with any operations of licensee
4 or its sub-contractors in exercising any privilege granted to it by
5 the license or by any ordinance of the county, or arising or resulting
6 from the failure of licensee or its sub-contractors to comply in all
7 respects with the provisions and requirements of the license, of all
8 applicable ordinances of the county and of all other applicable laws.
9 Licensees shall, upon demand of the County and at its sole cost and
10 expense, defend and provide attorneys to defend County, its officers,
11 agents and employees against any and all claims, actions or suits
12 brought against the County, its officers, agents and employees,
13 arising or resulting from or any way connected with the above
14 mentioned operations of licensee or its sub-contractors or its sub-
15 contractor's failure to comply with the contract and with the
16 ordinances and laws hereinabove mentioned. If the County is required
17 to provide its own defense against any such action or suit, licensee
18 will reimburse the County for all attorney's fees and other costs
19 incurred by the County.

20 **Section 31-33. Recovery of incurred costs.** In order to guarantee the
21 faithful performance by the licensee of the terms of this license as
22 defined in this Chapter, the licensee agrees that the LEA or SWM may
23 contract for the performance of any corrective work necessitated by
24 the failure of the licensee to comply with any terms of this Chapter.
25 The licensee shall reimburse the County for all costs incurred by the
26 County in the performance of such corrective work and for all costs
27 incurred in convening the Solid Waste Hearing Panel. If licensee
28 fails to pay all such costs incurred by County, such costs shall be

1 payable out of the indemnity bond.

2 **Section 31-34. Heirs, successors, etc.** The terms, covenants and
3 conditions of the license shall apply to and shall bind the heirs,
4 successors, executors, administrators, assigns and sub-contractors of
5 the licensee.

6 **Section 31-35. Performance standards.** The solid waste collector
7 licensee shall comply with the following minimum performance standards
8 as a condition of obtaining or renewing a solid waste collection
9 license.

10 **A. Waste Collection and Recycling Plan**

11 Solid waste collectors shall prepare a Waste Collection and
12 Recycling Plan depicting how a minimum of fifteen percent (15%)
13 waste diversion goal will be met with the licensee's recycling
14 programs. Minimum waste diversion goals shall be reviewed
15 annually by the Board of Supervisors and may be changed by the
16 Board.

17 Waste diversion progress will be determined by applying the
18 following formulas:

- 19 1. Total Waste Generation = Waste Disposed (tons) +
20 Material Recycled (tons)
- 21 2. Waste Diversion Percentage = $\frac{\text{Materials Recycled (tons)}}{\text{Total Waste Generated (tons)}}$
- 22

23 **B. Reporting.**

24 Solid waste collectors shall prepare and submit quarterly
25 Recycling Reports, on a form approved by the County SWM.

26 **C. Community Service Requirements.**

27 Licensees shall provide a minimum of two (2) free cleanup events
28 annually, which shall be of a type and shall be conducted in a

1 manner which has been approved by the County SWM and the LEA.
2 Licensees shall contribute a minimum of ten (10) tons of free
3 disposal at the Neal Road Landfill per year for such cleanup
4 events. The solid waste collector is responsible to provide all
5 labor for cleanup events. The licensee shall provide
6 documentation to the SWM of the times, locations and types of
7 materials recovered.

8 Licensee shall indicate in its' Waste Collection and Recycling
9 Plan the times, locations, and dates of proposed cleanup events.

10 D. Collection Requirements.

11 The licensee shall conform with its approved Waste Collection
12 and Recycling Plan, including the following conditions:

13 1. Except as provided in subdivision 2, every licensee
14 shall provide not less than one regular weekly
15 collection of solid wastes to all residential
16 customers and, unless otherwise ordered by the
17 Director, not less than one regular weekly collection
18 of solid wastes to all commercial customers.
19 Licensees have the ability to offer variable can
20 collection rates to customers who generate small
21 volumes of solid waste.

22 2. Non-putrescible materials which have been segregated
23 from other wastes for the purpose of recycling and
24 which have been properly stored or contained, may be
25 collected less frequently than weekly, as agreed to by
26 the licensee and commercial customer.

27 3. No licensee shall collect solid wastes or recyclable
28 materials within 500 feet of an area zoned for

1 residential use earlier than 5:30 a.m. nor later than
2 8:00 p.m., or on Sundays, except in emergencies or
3 with the approval of the LEA.

4 E. Collection Equipment Standards.

5 1. Recycling bins may be either open or closed containers.
6 Open containers shall not become a public nuisance, as
7 determined by the LEA, and shall be of a proper size to
8 accommodate seven (7) days accumulation of recyclable
9 materials.

10 2. Equipment belonging to a licensed solid waste collector
11 and distributed to customers by said collector shall be
12 removed from the customer's property within seven (7) days
13 of a request by the customer.

14 3. Solid waste equipment and vehicles shall only be parked
15 or stored at a site approved by the LEA, in compliance with
16 all applicable zoning regulations and at such location as
17 not to cause a nuisance to either neighbors or the general
18 public.

19 4. All equipment used for the collection, transportation,
20 or storage of solid wastes or recyclable materials,
21 including wet or liquid-producing materials or materials
22 composed of fine particles, by any person, shall be non-
23 absorbent, leak-resistant, water tight, durable, easily
24 cleaned and designed for safe handling, and constructed
25 with tight fitting lids and otherwise to prevent the
26 harborage and propagation of insects, rodents and odors and
27 to prevent loss of wastes or recyclable materials from the
28 equipment during collection and transportation. All
equipment shall be maintained in good condition and cleaned

1 in a frequency and in a manner so as to prevent the
2 propagation or attraction of flies, rodents or other
3 vectors and the creation of nuisances. Such cleaning shall
4 be performed by the licensee or by the customer, if so
5 provided in the applicable service contract. All equipment
6 shall be clearly marked on each side with the name and
7 telephone number of the licensee. The LEA may suspend any
8 collection vehicle from operating if it is declared the
9 collection vehicle does not meet the safety and health
10 requirements identified under the Vehicle Code, the Health
11 and Safety Code, or this Chapter.

12 5. Every collection vehicle used by the licensee for
13 collecting and disposing of solid waste shall be kept
14 painted on the exterior, clean, and in good repair, and
15 there shall be displayed on each side of each vehicle the
16 business firm's name, telephone number, and the words
17 "County License No. _____," in letters not less than four
18 (4) nor more than twelve (12) inches in height.

19 6. Solid waste shall be loaded on vehicles so that none of
20 it falls, drops, or spills upon the ground, and it should
21 be protected from wind and rain. A shovel, broom, and fire
22 extinguisher shall be kept on each vehicle at all times.

23 7. A licensee shall provide written notice and a
24 description of newly acquired solid waste collection
25 vehicles (including make, model and identification number)
26 to the LEA within fourteen (14) days after acquisition of
27 the vehicle.

28 8. The LEA shall inspect all solid waste collection

1 vehicles and transfer bins at the time license application
2 is filed and shall inspect all collection vehicles
3 including newly acquired collection vehicles at a minimum
4 of once per year thereafter. Requests for annual
5 inspection shall be made by the LEA two (2) weeks in
6 advance.

7 9. All vehicles and collection receptacles in excess of
8 ten (10) cubic yards shall have the cubic yard capacity
9 stenciled on the left side of the vehicle or receptacle.

10 F. Source Separation of Recyclable Materials.

11 Unless the licensee operates a Material Recovery Facility (MRF)
12 or contracts with a MRF for processing of the licensees'
13 collected solid waste, the licensee shall, upon request, provide
14 all residential, commercial, and industrial accounts within the
15 licensee's service area with suitable containers for separating
16 recyclable materials, and instruction pertaining to the proper
17 handling of recyclable materials.

18 G. Maintenance of Storage Containers by Licensee.

19 Where the licensee furnishes reusable storage containers
20 for solid wastes, the licensee is responsible for
21 maintaining the containers in good condition, ordinary wear
22 and tear excepted. The licensee and the customer shall
23 agree to the size and frequency of collection from storage
24 containers provided for or by the licensee.

25 H. Disposal of Wastes.

26 1. Solid waste collectors licensed to operate in the
27 County shall dispose of all collected solid waste
28 excepting recyclable materials, at an approved solid waste

1 disposal site.

2 2. It shall be illegal for a licensee to dispose of solid
3 waste at an unpermitted illegal disposal site. A
4 violation, upon conviction, shall be punishable by a
5 \$10,000 fine and shall be grounds for immediate revocation
6 of the license. Each day of violation shall be counted as
7 a separate offense.

8 **Section 31-36.1. Headquarters and Telephone Listing Requirements.**

9 Every licensee shall maintain a business office, located within the
10 County, and open to the general public during the hours of 8:00 a.m.
11 to 5:00 p.m., Monday through Friday, holidays excepted, which shall
12 be staffed with at least one employee to respond to customer questions
13 and complaints submitted either in person or by telephone.

14 In lieu of maintaining a business office, the licensee may place in
15 operation a telephone answering service, operational between 8:00 am
16 and 5:00 pm, Monday through Friday, holidays excepted, to note
17 customer questions and complaints. All inquires shall be responded
18 to within 24 hours of receipt. Failure to respond to customer
19 complaints shall result in a hearing before the SWHP, and shall be
20 grounds for revocation of the license.

21 **Section 31-36.2. Firm Name and Telephone Number Required on All**
22 **Commercial Containers.** Each licensee shall place and maintain on the
23 outside of all licensee's owned commercial containers of one cubic
24 yard capacity or larger, in legible letters and numerals, not less
25 than two inches in height, the licensee's firm name and telephone
26 number. Every licensee shall at all times keep such containers and
27 lids in good repair and maintained in a clean and sanitary condition
28 to the satisfaction of the LEA.

1 **Section 31-37. Denial of Service for Non-Compliance.** A licensee may
2 deny pickup of solid waste or recyclable materials if:

- 3 A. Solid waste containers contain hazardous wastes; or
4 B. Solid waste containers contain human waste and other
5 potentially infectious materials, inerts (rocks, sod,
6 concrete, bricks, asphalt and similar solid material)
7 plaster, dirt and class I (toxic) chemicals as listed in
8 CCR Title 23; or
9 C. A manually collected solid waste container together with
10 its contents weighs in excess of fifty-five (55) pounds;
11 or
12 D. Recyclable materials contain solid waste or other non-
13 recyclable materials; or
14 E. Recyclable materials are placed in a container that is
15 incompatible with the licensee's approved method to handle
16 recyclable materials.
17 F. Containers are not loaded properly, or are not placed for
18 safe handling and pickup.

19 In such cases where the licensee denies service to a customer, the
20 licensee shall leave a notice attached to the rejected unit that
21 describes the reason(s) for non-service.

22 **Section 31-38. Equipment Yard.**

- 23 A. Storage and equipment yards used by licensed solid waste
24 collectors shall be kept clean and free of debris and
25 stored waste. Recyclables shall be stored in approved
26 storage bins. Out-of-service vehicles shall be stored away
27 from normal work areas and out of public sight.
28 B. Storage and equipment yards shall be used only for items

1 and materials which apply directly to solid waste
2 collection and recycling and shall not be used for the
3 keeping of livestock or other unrelated businesses.

4 C. Storage and equipment yards shall be kept in a safe and
5 healthful manner, free of litter and debris and shall not
6 become a public nuisance.

7 **Section 31-39. Termination of Service.**

8 When a licensee chooses to permanently terminate solid waste
9 collection services to any or all customers for any reason, other than
10 non-payment for services, or when any person who does not have a
11 current, valid license is notified by the LEA in writing to terminate
12 solid waste collector services, such licensee or person shall issue
13 a written notice to said customer(s) no less than thirty (30) days
14 prior to termination of service in accordance with the procedures
15 specified in Section 31-24.3(C).

16 **Article V**

17 **Solid Waste Reports and Committees**

18 **Section 31-40. Local Task Force Formation.** The Local Task Force
19 is a mandated committee formed by the Board on March 27, 1990, Minute
20 Order 90-133, in accordance with the California Integrated Waste
21 Management Act of 1989 (AB 939) and Section 25135.2 of the Health and
22 Safety Code. The Local Task Force consists of the following members:

23 A. Industry representatives appointed by the Cities and
24 Town; and

25 B. City appointees from each City and Town jurisdiction; and

26 C. Members of the public appointed by the Board; and

27 D. Members of the public appointed by the Cities and Town.

28 The Local Task Force shall elect a Chair and Vice-Chair from among its
members and shall appoint such other officers as it deems necessary.

Section 31-41. Purpose. The purpose of the Local Task Force shall be

1 to recommend to the Board of Supervisors proposed amendments,
2 additions and deletions to this Chapter and to study federal, state
3 and local laws and regulations relating to solid waste collection, its
4 management, and recycling. The Local Task Force shall develop goals,
5 policies, and procedures which are consistent with guidelines and
6 regulations adopted pursuant to the California Integrated Waste
7 Management Act, and shall guide development of the Siting Element of
8 the County-wide Integrated Waste Management Plan.

9 **Section 31-42. Collection rates.** Each licensee may charge solid waste
10 and recyclable materials collection and/or processing rates for
11 services rendered.

12 **Section 31-43. Licensee compensation for recycling.**

13 A. The licensee may charge residents for the curbside collection
14 of recyclable materials including yard waste, the management
15 of HHW, and, if deemed relevant, fees to operate materials
16 recovery facilities. Such charges will be included on the
17 billing invoices or in informational materials furnished by
18 the licensee to all customers. The charges for recycling and
19 integrated waste management services must be shown separately
20 from solid waste collection charges.

21 B. Each licensee shall submit a Quarterly Recycling Report, as
22 described in Section 31-44 of this Chapter.

23 **Section 31-44. Quarterly Recycling Report required.** Each licensee
24 shall provide the Solid Waste Manager or his/her designee with copies
25 of a Quarterly Recycling Report. The Report shall be due on the 15th
26 day of each April, July, October, and January, for the previous
27 quarter. The Quarterly Recycling Report shall include all of the
28 following information:

1 A. Identification of Licensee and the time period covered
2 by the Report;

3 B. Summary of all recyclable materials collected,
4 processed, and delivered to end market or intermediate
5 processor. The summary is to separately provide the
6 weights, volumes, and or numbers of each type of
7 recyclable material.

8 C. An estimate of the percentage of accounts participating
9 in, or paying for, the recycling collection program and
10 the basis for the estimate. The percentage (%) number
11 of accounts that participate in the recycling collection
12 program shall be determined as follows:

13 1. $\% = \frac{\text{Number of Accounts Participating}}{\text{Total Number of Accounts Served}} \times 100$
14

15 If licensee delivers recyclable materials to be processed
16 through a materials recovery facility, then licensee shall
17 report to the best of its ability the number of residential
18 and commercial accounts, or estimated percentage of
19 customers' waste stream, that is delivered to the materials
20 recovery facility.

21 D. An estimate of the total percentage of the waste stream being
22 diverted through the recycling collection program or
23 materials recovery facility and the basis for the estimate.
24 The estimated total percentage (%) of the waste stream being
25 diverted through the recycling collection program shall be
26 determined as follows, in accord with Section 31-35.A:

27 1. Total Waste Generation = waste disposed (total tons) +
28 materials recycled (total tons)

1 2. Waste Diversion % = $\frac{\text{Materials Recycled (total tons)} \times 100}{\text{Total Waste Generated (total tons)}}$

2 E. A schedule of proposed clean-up events, as defined in Section
3 31-35 C, Performance Standards, to be held at intervals of a
4 minimum of one per quarter.

5 **Section 31-45. Failure to meet Performance Standards.** Failure of
6 the licensee to submit the report as required, or licensee's failure
7 to achieve a minimum of 15% waste diversion through recycling efforts,
8 as defined in Section 31-35, Performance Standards, may result in
9 license review and possible revocation of the license.

10 **Article VI**

11 **Prohibitions and Enforcement**

12 **Section 31-50. Failure to Remove Solid Waste.** The owner or tenant
13 of any premises, business establishment or industry shall be
14 responsible for the satisfactory removal of all solid waste
15 accumulated on said premises. To prevent propagation, harborage or
16 attraction of flies, rodents or other vectors and the creation of a
17 nuisance, solid waste, excepting non-flammable inert material, shall
18 not be allowed to remain on the premises for more than seven (7) days.

19 Non-flammable inert materials stored on a premises shall not be
20 allowed to become either a harborage for rodents, insects or other
21 vectors, nor a public nuisance. Such inert non-flammable materials
22 which are not properly stored shall not be allowed to remain on a
23 premises for more than thirty (30) days.

24 **Section 31-51. Disposal on Open Grounds; Failure to Remove or**
25 **Properly Store Solid Waste.** It shall be illegal for any person to
26 deposit or dispose of solid waste on the open grounds of any public
27 property or private property of any other person or to fail to comply
28 with the order of the LEA for removal or proper storage of said waste.

1 Each day solid waste remains in violation of this section shall
2 constitute a separate offense.

3 **Section 31-52. Burning of Garbage.**

4 It shall be illegal for any person to burn garbage in Butte County
5 unless the consent of the county health officer and the Air Quality
6 Management District is first obtained and such burning is done in
7 an approved crematory.

8 **Section 31-53. Enforcement: Penalties.**

9 A. Any person violating any of the provisions of Articles III,
10 IV or VI of this Chapter shall be deemed guilty of a
11 misdemeanor and subject to the penalties provided for in
12 Section 1-7 of the Butte County Code. Each day a violation
13 is committed or continues shall constitute a separate
14 offense.

15 B. As an alternative to criminal enforcement, the County and
16 licensee may civilly enforce any provision of this Chapter,
17 to and including the authority to seek treble damages, to the
18 same extent as a recycling agent, pursuant to California
19 Public Resources Code section 41953. The LEA may invoke
20 these remedies, or any of them, whenever it deems it
21 appropriate.

22 C. Authority for the enforcement of this Chapter shall be vested
23 in the Butte County Health Department, Division of
24 Environmental Health.

25 Section 3: Severability. If any provision of this Ordinance or the
26 application thereof to any person or circumstances is for any reason
27 held to be invalid by a court of competent jurisdiction, such
28 provision shall be deemed severable, and the invalidity thereof shall

1 not affect the remaining provisions or applications of the Ordinance
2 which can be given effect without the invalid provision or application
3 thereof.

4 Section 4. CEQA Findings. The Board finds, pursuant to Chapter 14 of
5 the California Code of Regulations, Section 15378, that this ordinance
6 is exempt from the requirements of the California Environmental
7 Quality Act (CEQA) for the following reasons, each of which is
8 independently sufficient as a basis of exemption:

- 9 A. It is not a Project as provided by the Act, in that it
10 does not have a potential for resulting in a detrimental
11 physical change in the environment, directly or
12 ultimately as provided in 14 CCR Section 15378 (a);
- 13 B. In that it is further exempt under the definition of
14 "Project" in 14 CCR 15378 (b) (3) in that it concerns
15 general policy and procedure making;
- 16 C. In that it can be seen with certainty that there is no
17 possibility that the activity may have a significant
18 effect upon the environment pursuant to 14 CCR 15061 (b)
19 (3); and
- 20 D. In that the action taken is an action by a regulatory
21 agency that will both enhance and protect the
22 environment and is therefore categorically exempt
23 pursuant to 14 CCR 15308.

24 Section 5: Operative Date. This ordinance shall become operative
25 ninety days after its effective date; provided that any permits issued
26 under the repealed Chapter 31 of the Butte County Code shall be valid
27 until the earliest of the following: a new license is issued under the
28 provisions of this ordinance, or _____, 1997, if a

1 Waste Collection and Recycling Plan has been submitted, and approved
2 by the LEA for an existing licensee who, on the operative date of this
3 ordinance, does not provide all services required by this ordinance,
4 or _____, 1997, if no Waste Collection and Recycling Plan is
5 submitted to the LEA for an existing license area, on or before that
6 date. During the period of continued license validity, the provisions
7 of this ordinance shall regulate the services provided by the
8 licensee.

9 Section 6: Effective Date: Publication. This Ordinance shall take
10 effect thirty (30) days after the date of its passage. The Clerk of
11 the Board of Supervisors is authorized and directed to publish a
12 summary of this ordinance, before the expiration of fifteen (15) days
13 after its passage, in accordance with Government Code Section
14 25124(b)(1), giving notice of its adoption and including the names
15 of the members of the Board of Supervisors voting for and against it.
16 Said summary shall be published in the Chico Enterprise Record,
17 Oroville Mercury Register, and Paradise Post, newspapers of general
18 circulation published in the County of Butte, State of California.

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1 PASSED AND ADOPTED by the Board of Supervisors of the County of
2 Butte, State of California, on the _____ day of _____,
3 1997, by the following vote:

- 4 AYES:
- 5 NOES:
- 6 ABSENT:
- 7 NOT VOTING:

8 _____, Chair of the
9 Butte County Board of Supervisors

10 ATTEST:
11 JOHN S. BLACKLOCK
12 Officer and Clerk of the Board
13 By _____

14 g:\docs\ordinance\solidw6.ord (1/13/97)

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