

CHAPTER IX. GARBAGE AND REFUSE¹

Sec. B11-160. Definitions.

In addition to the definitions in Chapter I of this Division, the following terms are defined for the purposes of this Chapter:

- (a) *Accumulation* means refuse of any kind, as defined in this Chapter, that is not properly contained or stored, or is not removed from the premises as required by this Chapter, or is not removed at a frequency that precludes the potential for a nuisance or health hazard as determined by the Director.
- (b) *Adequate refuse collection service* means the frequency of collection and size and number of containers that would allow sanitary containment of all waste between and including collection days and precludes the potential for a nuisance or health hazard as determined by the Director.
- (c) *Apartment complex* means a multiple family dwelling of five units or more.
- (d) *Ash* means the residue from the combustion of any solid or liquid material.
- (e) *Blue container* means a bin designated and used for the storage and collection of source separated recyclable refuse in the County's three-container collection system. It has the same meaning as in 14 CCR section 18982.2(a)(5).
- (f) *Collection station* means any location, approved by the Director, where refuse producers place containers of refuse, including garbage, rubbish, yardwaste, or recyclable waste materials, for subsequent collection by an authorized collector.
- (g) *Commercial business* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or apartment complex, or as otherwise defined in 14 CCR section 18982(a)(6). An apartment complex that consists of fewer than five units is not a commercial business for purposes of implementing this Chapter.
- (h) *Community composting* means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR section 17855(a)(4); or as otherwise defined by 14 CCR section 18982(a)(8).
- (i) *Composting area* means any compostable materials handling facility or operation as regulated in the California Code of Regulations (CCR), Title 14 (T14), Chapter 3.1. In addition to any site as described in the above chapter, including, but not limited to, composting facilities and operations, agricultural composting sites, mushroom farms, chipping and grinding facilities and operations, and research operations, a composting area also means sites that compost but are excluded from CCR T14 standards.

¹Editor's note(s)—Ord. No. NS-517.94 , adopted December 7, 2021, amended Ch. IX in its entirety to read as herein set out. Former Ch. IX pertained to the same subject matter, consisted of §§ B11-160—B11-199, and derived from Ord. No. NS-517.72, adopted April 15, 2003.

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- (j) *Container* means any toter, can, commercial roll-off bin or other type of bin, box, bag, barrel or tied bundle into which refuse of any kind is placed.
- (k) *Curbside* means adjacent to the curb of a public or private street or, on streets without curbs, adjacent to the shoulder of the street; or in shopping centers, business parks and similar premises adjacent to the garbage enclosures.
- (l) *Delinquent* means a failure of the recipient of garbage, organic waste, or recyclable waste materials collection service, or of the person responsible for payment, to pay, when due, all charges owed to the collector for collection service rendered or to be rendered.
- (m) *Department* means any County department duly authorized by the County Executive to enforce and administer this Chapter.
- (n) *Designee* means an entity that the County contracts with or otherwise arranges to carry out any of the County's responsibilities of this Chapter as authorized in 14 CCR section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (o) *Director* means the County official duly authorized by the County Executive to enforce and administer this Chapter, their designee, or a duly authorized representative of the County Health Officer pursuant to the authority contained in California Health and Safety Code sections 101280(b) and 101030.
- (p) *Disposal* means to deposit refuse into an approved solid waste landfill, transfer station, composting or recycling facility or operation.
- (q) *Excluded waste* means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the County and its producers, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, state, or Federal law, regulation, or ordinance, or waste that in the County's, or its designee's, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose County, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in residential refuse after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded waste does not include used motor oil and filters, household batteries, universal wastes, electronic waste, and/or latex paint when such materials are defined as allowable materials for collection through the County's collection programs and the producer has properly placed the materials for collection pursuant to instructions provided by County or its designee for collection services.
- (r) *Food processing waste* means that solid and semi-solid putrescible waste resulting from vegetable, fruit, or food packaging, winery and other food processing or manufacturing operations.
- (s) *Garbage* means non-putrescible wastes that are mixed in the same container with or are contaminated by putrescible wastes; home generated medical type wastes, such as used tissues, bandages, and gauze, which are produced at residential premises and are used in medical treatment or the administration of medicines; and small dead animals not exceeding ten pounds in weight.
- Garbage does not include hazardous waste, medical waste, ash, or other excluded waste. The determination as to whether material is garbage will be made by the Director based on the purposes of the Chapter.
- (t) *Gray container* means a bin designated and used for the storage and collection of gray container waste in the County's three-container collection system. It has the same meaning as in 14 CCR section 18982.2(a)(28).

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- (u) *Gray container waste* means refuse collected in a gray container as part of the County's three-container collection system. Refuse that is not excluded waste and cannot be disposed of as source separated green container organic waste or source separated recyclable refuse shall be gray container waste.
 - (v) *Green container* means a bin designated and used for the storage and collection of source separated green container waste in the County's three-container collection system. It has the same meaning as in 14 CCR section 18982.2(a)(29).
 - (w) *Hazardous waste* means any and all toxic, corrosive, reactive, flammable, explosive wastes that meet the definition of hazardous wastes as defined in the Hazardous Waste Control Law (California Health and Safety Code § 25117).
 - (x) *Limited collector* means the person, firm, agency, or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of non-putrescible refuse including, but not restricted to paper, cardboard, crockery, rubber tires and other inert materials; food processing waste for use as animal feed, soil amendment or composting; or yardwaste.
 - (y) *Local enforcement agency* means the local agency designated pursuant to Division 30, Part 4, Chapter 2 of the Public Resources Code (Public Resources Code § 43200 et seq.) for the purpose of carrying out Division 30 of the Public Resources Code (Public Resources Code § 40000).
 - (z) *Manure* means accumulated moist herbivore excrement that does not undergo decomposition or drying as would occur on open grazing land or natural habitat. This definition includes feces and urine which may be mixed with bedding material, spilled feed, or soil. Manure does not mean human, dog, cat, or other animal excrement.
 - (aa) *Medical waste* means waste, including biohazardous waste, non-RCRA pharmaceutical and sharps waste, as defined by California Health and Safety Code, Division 104, Part 14 (Health and Safety Code § 117600 et seq.) or subsequent revision, and home-generated sharps and pharmaceuticals accumulated at a consolidation point. Medical waste may originate from, but is not limited to, hospitals, public or private medical clinics, research laboratories, pharmaceutical industries, blood banks, pathology laboratories, clinical laboratories, veterinary facilities, dialysis or other specialty clinics, and other medical facilities.

Medical waste does not include any waste which is determined by evidence reasonably satisfactory to the Director to have been rendered non-biohazardous. In any dispute regarding whether a specific type of waste is to be considered medical waste, the decision of the Director is final.
 - (bb) *Multiple dwelling unit* means any dwelling, excluding a hotel, motel, or lodging house, used for temporary or permanent residential purposes containing more than one dwelling unit.
 - (cc) *Non-compostable paper* means paper that will not break down in the composting process, including, but not limited to, paper that is coated in a plastic material, or as otherwise defined in 14 CCR section 18982(a)(41).
 - (dd) *Nonresidential premises* means all premises, except residential premises, whether improved or unimproved, including, but not restricted to, premises used for industrial, commercial, administrative and professional offices or businesses, and public and quasi-public buildings.
 - (ee) *Occupant* means the person or persons that hold possession of premises for permanent or temporary use.
 - (ff) *Occupancy, occupied* means premises that are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when refuse collection service is made available to such

premises, occupancy is presumed, unless evidence is presented that gas, electric, telephone, and water utility services were not being provided to the premises during such periods.

- (gg) *Organic waste* means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, food waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR section 18982(a).
- (hh) *Owner* means the holder or holders of legal title to the real property constituting the premises to which refuse collection service is provided.
- (ii) *Premises* means any land, building or structure, or portion thereof, where any refuse may be produced, kept, deposited, placed, or accumulated.
- (jj) *Prohibited container contaminants* means the following:
- (1) Discarded materials placed in the blue container that are not identified as acceptable source separated recyclable refuse pursuant to Section B11-189;
 - (2) Discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste pursuant to Section B11-189;
 - (3) Discarded materials placed in the gray container that are acceptable source separated recyclable refuse and/or source separated green container organic waste; and
 - (4) Excluded waste placed in any container.
- The Director or designee shall maintain and make available online a list of acceptable materials for the County's three-container collection system.
- (kk) *Private street* means a street that is not publicly maintained. Private street does not mean a driveway.
- (ll) *Recyclable waste materials* means materials removed or separated from other residential, commercial, or industrial garbage or refuse for purposes of reuse or reprocessing.
- (mm) *Refuse* means all putrescible and non-putrescible solid or liquid waste materials, greater than 50 percent solids by weight substances or objects, including, but not limited to, materials, substances or objects commonly referred to as trash, garbage, rubbish, yardwaste, manure, animal droppings, food processing waste, and recyclable waste materials. Refuse does not include:
- (1) Recyclable waste materials or yardwaste once these are contained within a collection vehicle;
 - (2) Mulch, compost or compost piles which are produced or kept at a residence, providing they are properly maintained and stored and not creating a potential health hazard or nuisance as determined by the Director;
 - (3) Hazardous waste;
 - (4) Radioactive waste;
 - (5) Medical waste;
 - (6) Nonresidential ash; and
 - (7) Sewage and other highly diluted water carried materials or substances, less than 50 percent solids content by weight.
- (nn) *Refuse collection service* means the collection, transportation, and disposal of refuse by a collector authorized by the Director to collect refuse.

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- (oo) *Refuse collector* means any person who is authorized by the Director to operate collection or refuse transfer vehicles and to collect, store, receive, carry, transport, and dispose of any refuse.
- (pp) *Refuse container* means a container of sufficient capacity and construction for storing refuse accumulated during intervals between collections or disposal.
- (qq) *Rubbish* means non-putrescible solid wastes including, but not limited to, paper, cardboard, crockery, rubber tires, and other inert materials. Inorganic rubbish contaminated by putrescible waste is considered garbage. Rubbish does not include hazardous wastes, medical waste, or ash.
- (rr) *Sanitary containment of refuse* means the use of a container that precludes the potential for a nuisance or health hazard as determined by the Director.
- (ss) *Self-hauler* means a person who hauls refuse, organic waste, or recyclable waste material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR section 18982(a)(66). Back-haul means generating and transporting organic waste to a destination owned and operated by the producer using the producer's own employees and equipment, or as otherwise defined in 14 CCR section 18982(a)(66)(A).
- (tt) *Single-unit dwelling* means one or more rooms and a single kitchen, designed for occupancy by one family or person for residential purposes. Each dwelling unit within a condominium project, duplex, townhouse project or apartment complex, and each additional unit up through four located within a single structure, constitutes a separate single-unit dwelling to which refuse collection service is provided, unless the owner or occupants thereof arrange for refuse collection service to be provided to all dwelling units upon the premises using commercial containers and at commercial rates.
- (uu) *Solid waste facility* means any solid waste disposal, transfer, processing, or composting facility or operation required to obtain a permit pursuant to state statute or this Chapter.
- (vv) *Source separated* means materials, including commingled recyclable waste materials, that have been separated or kept separate from the refuse stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR section 17402.5(b)(4).
- (ww) *Source separated green container organic waste* means source separated organic waste that is contained and stored or offered for collection in a green container. It excludes inorganic recyclable waste materials, carpets, non-compostable paper, textiles, and compostable plastics that do not meet ASTM International and Biodegradable Products Institute (BPI) compostability standards. Consistent with the County's three-container collection system, source separated green container organic waste shall include yardwaste, food processing waste, food scraps, and other compostable materials.
- (xx) *Source separated recyclable refuse* means recyclable refuse that is separated from the non-recyclable refuse stream at the producing premises and is contained and stored or offered for collection in a manner different from non-recyclable refuse. Consistent with the County's three-container collection system, source separated recyclable refuse shall include non-putrescible and non-hazardous recyclable materials, including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, paper products, and cardboard.
- (yy) *Transportation service* means the transportation of refuse from one solid waste facility to another, usually by means of a refuse transfer vehicle.

(zz) *Vehicle yard* means the premises under control of a permitted refuse collector or limited collector for the purposes of parking, maintaining, cleaning, or storing vehicles, refuse containers, debris boxes, or other equipment.

(aaa) *Yardwaste, residential* means recyclable plant materials resulting from the maintenance of any plants growing on a residential property (including an apartment complex) that are to be collected at the premises where produced.

(bbb) *Yardwaste, commercial* means recyclable plant materials resulting from the maintenance of any plants growing on nonresidential premises and recyclable plant materials resulting from the maintenance of residential premises that are removed from the premises for collection and disposal by a landscaper, gardener, tree trimmer, or property maintenance company.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-161. Refuse collection and transportation service permit required.

Except as specified in Section B11-173, no person may collect or transport any refuse or provide curbside collection services unless possessing a permit from the Director to operate as a refuse collector. A permit is required for each collection or transport vehicle. This section is intended to regulate collectors and transporters that are in the business of collecting and transporting refuse for a fee or other remuneration. This section is not meant to preclude the self-hauling of commercial or residential rubbish, commercial or residential yardwaste, or source separated, properly contained recyclable waste materials, and no permit is required for the self-hauling of these materials.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-162. Franchise granting authority.

The Board of Supervisors may award an exclusive or non-exclusive franchise or contract to any person or persons the Board believes is qualified to perform refuse collection service, rubbish collection service, or collection of organic waste or recyclable waste materials. Such franchise agreements or contracts must require the collector to render service in accordance with the provisions of this Chapter and in conformity with such regulations as may be adopted by the Director. The issuance of an exclusive franchise or contract does not relieve the collector of the requirement of obtaining and maintaining a permit to operate as a collector. Terms of such franchise agreement must not conflict with any of the provisions of this Chapter. Requirements of this Chapter control.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-163. Self-hauling of garbage and organic waste.

Self-hauling of garbage and organic waste in the County is prohibited except as specified in Section B11-173. Garbage and organic waste created, produced, processed, or accumulated at the following facilities are not subject to the prohibition on self-hauling:

- (a) Equipment yards of refuse collectors or limited collectors permitted pursuant to this Chapter;
- (b) Solid waste operations and facilities as defined in California Code of Regulations (CCR) Title 14 or Title 27;
- (c) Recycling operations or facilities as defined in Division 30, California Public Resources Code (Public Resources Code § 40000 et seq.) or CCR Title 14.

Sec. B11-164. Permit required for limited collector.

Except as specified in Section B11-173, no person may collect or transport any rubbish, food processing waste, yardwaste, or paper and cardboard refuse generated in the County unless possessing a limited collector permit. A permit is required for each collection vehicle. This section is intended to regulate collectors and transporters that are in the business of collecting and transporting rubbish, food processing waste, yardwaste, or source separated paper and cardboard refuse for a fee or other remuneration. This section is not meant to preclude the self-hauling of commercial or residential rubbish, commercial or residential yardwaste, or source separated, properly contained recyclable waste materials, and no permit is required for the self-hauling of these materials.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-165. Application for collection permit, transportation permit, or limited collector vehicle permit.

The application for a permit to operate vehicles to collect and/or transport refuse in the County must be made in writing to the Director on forms provided by the Department.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-166. Issuance of collection permits; terms; transferability.

If the Director determines that the collection vehicles or vehicle fleet yards to be used by the applicant will be operated in a manner acceptable to the Department, and if the Director determines that the applicant can comply with the provisions of this Chapter and the rules and regulations of the Department, the Director may issue a revocable permit to conduct refuse collection or transportation services. The permit is issued annually for the calendar year and is not transferable to another person. If, during the permit year, a vehicle must be replaced and is taken entirely out of service and a new vehicle is to be used as a replacement vehicle, then the Director may transfer the permit to the new vehicle for a fee as established by resolution of the Board of Supervisors.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-167. Collection times and noise limits for collector.

Collectors must conform to the requirements of Chapter VIII of this Division.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-168. Requirements for operating as a collector.

- (a) All collectors must operate in a manner to protect the public and environmental health as determined by the Director. Collectors are responsible for picking up any spillage that may occur during collection and transport.
- (b) Collectors and limited collectors that receive organic waste including, but not limited to, yardwaste, paper and cardboard refuse, and food waste, from residential, commercial, or industrial producers in the unincorporated areas of the county shall meet the following requirements and standards as a condition of their permit:

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- (1) Through written notice to the Director annually on or before June 1, identify the facilities to which they will transport organic waste, including facilities for source separated recyclable refuse and source separated green container organic waste.
 - (2) Transport all source separated recyclable refuse and source separated green container organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
- (c) Collectors and limited collectors transporting source separated organic waste to a community composting site or lawfully transporting construction and demolition debris in a manner that complies with 14 CCR section 18989.1, this Division, and Section C3-30 are exempt from the requirements in subsection (b).
- (Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-169. Bond requirements.

The Director may require, in connection with the issuance of any refuse collection permit, or of any limited collection permit, that the refuse collector or the limited collector file a surety bond in an amount to be determined by the Director to guarantee the faithful compliance with this Chapter and with all rules and regulations of the Director.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-170. Renewal of collection or transportation permits.

Renewal of permits for the succeeding calendar year must be applied for not later than the 15th day of December preceding, and acted upon in the same manner as described in Section B11-21. Unless a collector has lost the right to collect because a contract or franchise with the Board of Supervisors has terminated, permits will be renewed provided that the permit holder has during the preceding year operated, and it is evident to the Director that the operator will continue to operate, in conformance with the provisions of this Chapter, state laws, the requirements of any contract or franchise agreement with the County, and the rules and regulations of the Department.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-171. Territorial limitation on refuse collectors; boundary changes; reporting.

- (a) The Director, subject to approval by resolution of the Board of Supervisors, establishes and defines the territory wherein any refuse collector may collect refuse. No refuse collector may at any time collect refuse outside the territorial limits specified in the permit. If the permitted refuse collector does not provide service to all areas of a collection territory, the Director, with the approval of the Board of Supervisors, may issue refuse collection permits for the excluded territory.
- (b) The boundaries of these territories established by the Director and approved by the Board of Supervisors may be re-established and redefined as may be necessary to promote the public health and the proper and orderly administration of this Chapter. Subsequent changes of these territory boundaries do not affect the validity of any existing permit. Upon request of the Director, each permitted refuse collector must submit to the Director a list or data disc of the accounts within the boundary of their permitted territory and the list must be in a format approved by the Director and updated quarterly or as requested by the Director. Collectors that enter into collection agreements to collect refuse at County owned or operated premises may collect only at these premises unless they hold a permit to collect refuse for a collection territory.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-172. Establishment of collection rates.

The Board of Supervisors reserves the authority and right to establish, by resolution or contract, a schedule of maximum rates to be charged any person for the collecting and hauling of garbage, rubbish, and other refuse within the County, and such schedule, when adopted, becomes a part of this Chapter. A copy of the schedule will be kept on file in the office of the Clerk of the Board of Supervisors and in the Department.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-173. Exemptions from collection permits and self-hauling restriction.

- (a) A collector of dead animals, bones, and meat scraps for tallow plants exclusively is exempt from the refuse or limited collector permit requirement, but must comply with all sanitary requirements for the collection, transportation, and disposal of refuse.
- (b) In areas covered by low-population waivers issued by the state pursuant to 14 CCR section 18984.12(a), the owner of a farming business collecting refuse entirely from the farmed premises and self-hauling such refuse to a properly permitted solid waste disposal, composting, transfer or recycling facility may be exempted from the refuse collector permit requirement and self-hauling restriction, but must comply with all sanitary requirements for collection and transportation of such refuse. The owner of the farming business must provide proof of proper disposal as requested by the Director. The Department will maintain and make available online a map of qualifying low-population areas.
- (c) A person that self-hauls wastes generated while conducting the primary business, which is a business other than collecting or hauling refuse, may be exempted from the refuse collector permit requirement and self-hauling restriction. This exemption is intended to allow the hauling of wastes from businesses including, but not limited to, landscapers, building and roofing contractors, construction, demolition, janitorial or other site cleaning services.
- (d) No collection permit is required for hauling or self-hauling properly contained and source separated recyclable waste materials that do not include paper, cardboard, or other organic waste.
- (e) Residential producers may self-haul their own residential yardwaste and source separated paper and cardboard refuse without a collection permit. Commercial producers, including landscapers, may self-haul yardwaste and source separated paper and cardboard refuse generated while conducting their primary business, which is a business other than collecting or hauling refuse, without a collection permit.
- (f) A person that collects source-separated cardboard and paper refuse may be exempted from the refuse collector permit requirement provided that:
 - (1) The producer is reasonably compensated for the materials collected and/or does not pay a fee for provision of such service;
 - (2) The materials are reused or recycled; and
 - (3) Upon request of the Director, the collector provides documentation that they meet the foregoing requirements.
- (g) Producers in remote areas authorized to self-haul pursuant to Section B11-185(a) are exempt from the refuse collector permit requirement but must comply with all sanitary requirements for the collection, transportation, and disposal of refuse.
- (h) All producers self-hauling organic waste pursuant to this section must comply with Section B11-201.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-174. Collection permittee must furnish service; collection station.

- (a) A refuse collector under permit, other than a limited collector, must provide refuse collection service where possible, as determined by the Director, to all refuse producers within the area served as specified in the permit. Refuse collectors under permit other than limited collectors must make rubbish collection service available in areas served as specified in the permit.
- (b) Refuse producers residing on private streets, within areas served, must be provided reasonable curbside refuse collection service by the permitted collector unless the permitted collector is denied access by the owner(s) of the street or the street is not constructed to accommodate a collection vehicle. Where access is denied, or in areas where streets, both public or private, are not constructed to accommodate a collection vehicle, service may be provided at a collection station approved by the Director if, in the judgment of the Director, use of a collection station is practical without creating a nuisance or hazard.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-175. Responsibility of permitted collector for refuse collected.

All refuse upon being removed from the premises where produced, or from an approved collection station, is the responsibility and under the control of the permitted collector until it has been delivered to the disposal, transfer, recycling, or composting facility or site.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-176. Commencement of refuse collection service.

Except as specified in Section B11-185, it is the responsibility of the producer to commence refuse collection service so that the first collection occurs within seven days after occupancy of premises. In the event service is not initiated within such period of time, the Director may give written notice to the producer that refuse collection service, as required by this Chapter, is mandatory.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-177. Vehicle inspection and registration.

All vehicles used for the collection of refuse in the incorporated or unincorporated area of the County, except within the incorporated area of San José, must be inspected by and registered with the Department. This requirement includes vehicles designated as temporary replacements and vehicles that are operated both in the City of San José and other areas of the County. Where a transportation vehicle involves the combination of a tractor and trailer, only the waste carrying trailer vehicle must be registered. Such inspection and registration must occur on an annual basis. The fee for the inspection and registration will be in an amount as established by the Board of Supervisors.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-178. Collector operating and equipment requirements.

- (a) Operating collectors must provide collection equipment designed to minimize spillage and litter, conduct collection activities in a manner to preclude spillage and litter, must pick up spillage or litter generated during collection or transportation, and must operate vehicles in a safe manner and in conformance with applicable laws and regulations. All collection and transfer vehicles must be kept in good working order to the satisfaction of the Director.
- (b) All vehicle yards for collector vehicle fleets and associated equipment for all fleets must have all necessary permits from agencies overseeing the site location and for the storage and generation of solid waste materials, as well as hazardous and medical waste. Yards must be kept in a sanitary condition and free of excessive dust and nuisance odors.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-179. Operating records and reports.

All operators of refuse collection, transportation, transfer, or disposal services must maintain operating records as the Director may require for determining compliance with this Chapter, and must, if requested by the Director, submit periodic reports that include operating records. The reports may include but need not be limited to:

- (a) Volume and tonnage received;
- (b) Types of materials collected;
- (c) Name and address of the premises where refuse is collected;
- (d) The name and address of all refuse or limited collectors using a transfer or disposal facility;
- (e) The volume and tonnage of refuse collected; and,
- (f) If applicable, the facilities to which the operator transports organic waste.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-180. Frequency of garbage and putrescible organic waste collections.

All garbage and putrescible organic waste created, produced, deposited, placed, or accumulated in or about any dwelling or other premises of four units or less, where refuse producers reside must be properly disposed and removed from the premises at least once each week. All garbage and putrescible organic waste created, produced, or accumulated at any apartment complex or nonresidential premises must be properly contained and removed from the premises at least once each week, or more often if necessary to ensure adequate refuse collection service, as defined in Section B11-160(b). In areas served by refuse collectors under permit, removal of garbage and putrescible organic waste may be conducted only by the permitted refuse collector, except as specified in this Chapter.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-181. Disposal and storage of refuse.

All refuse collected or generated from the unincorporated area must be delivered to, or disposed at, a properly permitted disposal facility, transfer station, or other facility authorized by the Director. No person may

produce or store refuse of any kind in a manner that would represent a threat to the public or environmental health as determined by the Director.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-182. Interfering with refuse collection service.

No person may, in any manner, interfere with the performance of refuse, rubbish, recyclable waste material or yardwaste collection services being rendered by an agent or employee of the County or the authorized collector acting within the course and scope of his or her employment.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-183. Unauthorized use of refuse, rubbish, or yardwaste collection service.

No person may deposit, place, or accumulate, or allow the deposit, placement, or accumulation for pick up by the authorized collector, of any commercial yardwaste, or any refuse, rubbish, or residential yardwaste produced from another premises unless such deposit, placement, or accumulation is in accordance with the services subscribed for at the premises where the collection will take place or unless permission is granted by the Director.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-184. Mandatory refuse collection service; producer responsibility.

Except as specified in Section B11-185, the refuse producer of each residential or nonresidential premises must subscribe to and pay for the three-container collection service made available by the permitted collector, including adequate refuse collection service. Producers must subscribe to and pay for at least the minimum collection frequency and level of service made available by the permitted refuse collector.

Residential refuse producers shall be automatically enrolled in the County's three-container collection service, and the charges for refuse collection service rendered or made available must be paid, for all periods of time during which the premises are occupied, regardless of whether or not the refuse producer has any refuse to be collected on any particular collection date during such occupancy.

In the case of rental properties, nothing in this section is intended to prevent an arrangement under which payments for refuse collection service are made by the owner or any agent or other person on behalf of the refuse producer. Producers may collect and haul their own source separated recyclable refuse to a recycling or buy-back center.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-185. Refuse producer exemptions from mandatory refuse collection.

- (a) In remote areas where curbside or collection station service cannot be provided by the permitted collector, the producer may self-haul their own refuse to an approved solid waste facility with a frequency and mode of transport to preclude any nuisance conditions.
- (b) Where permitted refuse collection service is provided to the curbside or collection station, an exemption from mandatory refuse collection may be granted when any of the following conditions apply and have been verified to the satisfaction of the Director:

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- (1) No refuse producer resides on the property; or
 - (2) Refuse is not produced or consolidated at the premises; or
 - (3) Any other situation where, at the sole discretion of the Director, the requirements of this Chapter and state law are satisfied.
- (c) Farms in qualifying low-population areas that elect to self-haul pursuant to Section B11-173(b) are exempt from mandatory refuse collection.
- (d) De Minimis Waiver (Commercial)—Green Container Organic Waste. The owner or operator of any commercial business may apply to the Director for a waiver from the mandatory service requirement for weekly source separated green container organic waste collection. Commercial businesses requesting such a waiver shall:
- (1) Provide documentation that either:
 - (A) The commercial business's total refuse collection service is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week per applicable container of the business's total waste; or
 - (B) The commercial business's total refuse collection service is less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than ten gallons per week per applicable container of the business's total waste.
 - (2) If the waiver is approved, immediately notify the Director if circumstances change such that the commercial business's organic waste exceeds the threshold required for waiver, in which case the waiver will be rescinded.
 - (3) Provide written verification of continued eligibility every three years from the date of the Director's approval of the waiver.
- (e) Self-Haul Waiver (Commercial)—Recyclable Refuse. The owner or operator of any commercial business that self-hauls its source separated recyclable refuse may apply to the Director for a waiver from the mandatory service requirement for recyclable refuse (blue container) collection. Commercial businesses requesting such a waiver shall:
- (1) Provide documentation that the business source separates and self-hauls all recyclable waste materials produced, kept, deposited, placed, or accumulated on its premises that would otherwise be collected through the County's three-container collection service.
 - (2) Provide documentation that the business self-hauls to a facility or operation authorized to accept source separated recyclable refuse pursuant to 14 CCR section 17402.5.
 - (3) If the waiver is approved, immediately notify the Director if circumstances change such that they no longer meet the foregoing requirements, in which case the waiver will be rescinded.
 - (4) Provide written verification of continued eligibility every three years from the date of the Director's approval of the waiver.
- (f) Collection Frequency Waiver. The Director, at the Director's sole discretion and in accordance with this Chapter and 14 CCR section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, or commercial business that subscribes to the County's three-container collection service to arrange for the collection of their blue container, gray container, or both once every 14 days, rather than once per week.
- (g) Any application for an exemption pursuant to subsections (b), (d), (e), and (f) must be submitted by the refuse producer on forms supplied by the Director. The Director's decision on the exemption is final.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-186. Mandatory refuse collection service; collector responsibility.

Permitted collectors are required to collect from all refuse producers in the collector's designated territory. The collector must provide collection service to all refuse producers that can be served, except as otherwise exempted pursuant to Section B11-185.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-187. Regulations prohibiting burning of refuse.

Burning of refuse is prohibited without the written approval of any and all public agencies having jurisdiction to regulate the control of air pollution in the County. These agencies include, but are not limited to, the Bay Area Air Quality Management District, the appropriate fire district, and the Department.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-188. Unauthorized refuse disposal prohibited.

It is unlawful for any person to throw away, deposit, or bury, or cause to be thrown away, deposited, or buried, any refuse, except at an approved disposal or collection area unless authorized by the Director. A refuse producer may not use any refuse container owned by or issued to the occupant of any other premises, unless having written permission from the occupant of the premises. This section may be enforced by any peace officer.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-189. Refuse container requirements.

- (a) Prior to placement at the curbside for pickup by the collector, all refuse, including garbage, rubbish, organic waste, and recyclable waste materials produced on any premises must be placed and stored in an adequate container as determined by the Director. Adequate container(s) must be adequately sized for receiving and holding all refuse and must be constructed so as to be durable, leak-proof, cleanable, and have close-fitting lids. The requirement for refuse producers to contain certain recyclable materials such as yardwaste, inert rubbish, and certain recyclable waste materials in a refuse container prior to curbside collection may be waived by the Director.
- (b) Pursuant to the County's three-container system, producers shall place designated materials in designated containers. Producers shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable refuse in the blue container; and gray container waste in the gray container. Producers shall not place materials designated for the gray container into the green container or blue container. The Department or designee shall maintain and make available online a list of acceptable materials for the County's three-container collection system.
- (c) Producers shall not place prohibited container contaminants in collection containers. Producers shall source separate discarded materials in accordance with the list of accepted materials for the County's three-container collection system.
- (d) Refuse containers for residential dwellings must not exceed 32 gallons capacity and may not have a filled weight in excess of 60 pounds gross weight, except those containers furnished by the permitted collector, where the capacity and weight may be in accordance with design specifications or accepted industry practice. Larger capacity containers capable of holding higher gross weights may be approved by the Director.

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- (e) Refuse containers for nonresidential premises or multiple dwelling units must be approved by the Director. All refuse containers must be kept in a sanitary condition and kept closed with a tight-fitting cover, except when refuse is being placed into or removed from the container. If in the opinion of the Director any bin, or any other container supplied by the collector, is in the need of cleaning, the permitted collector must clean the bin within the time frame determined by the Director.
 - (f) Refuse producers may not fill a refuse container in any manner which causes the refuse to fall out of or overflow from the container, or to preclude proper closure of the lid.
 - (g) Refuse containers may not be placed in such a manner as to create a nuisance or hazard as determined by the Director. This requirement for proper curbside location also applies to residential yardwaste and recyclable waste materials that are approved by the Director for collection without being in a refuse container.
 - (h) Refuse placed for curbside collection may not be located adjacent to the property of another refuse producer unless authorized in writing by the occupant of the other premises for approval as a necessary collection station by the collector.
 - (i) Containers must be placed for collection not more than 24 hours preceding the scheduled collection time. Placement times and collection locations also apply to uncontained wastes such as yardwaste, cardboard, and other recyclable wastes. It is the responsibility of the occupant of the premises producing the refuse to remove all containers from the curb, roadside, or collection station within 24 hours after collection. Following removal, containers must be stored in a less conspicuous area of the premises so as not to create a nuisance to the occupants of neighboring premises.
 - (j) Bundle or pile sizes and collection locations of cardboard or yardwaste must conform to the requirements of the authorized collector and Director.
 - (k) All containers described in this section must be kept in a sanitary condition as determined by the Director.
- (Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-190. Reserved.

Sec. B11-191. Location of vehicles limiting collection.

No person may park a motor vehicle, including a trailer or boat, so as to obstruct or preclude the collection of refuse by the authorized collector. This section may be enforced by any peace officer.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-192. Nuisance accumulation of refuse prohibited.

No person having occupancy or control of a lot, property, parcel, or premises is entitled to allow any accumulation of refuse of any description to remain on such lot, property, parcel, or premises.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-193. Solid waste facility permit required.

No person may operate a solid waste facility or operation in the County, except within the incorporated area of the City of San José, unless possessing a permit to do so from the local enforcement agency.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-194. Solid waste facility inspection and enforcement fee.

- (a) Pursuant to state statutes and regulations, the Director, as the local enforcement agency, may inspect all solid waste facilities and operations in the unincorporated as well as the incorporated areas of the County, except those solid waste facilities and operation sites within the incorporated area of San José.
- (b) The solid waste enforcement fee for facilities and operations is set by the Board of Supervisors.

Sec. B11-195. Solid waste facility bond requirement.

The Director, in connection to the issuance of a solid waste facility permit, may require the applicant to file a surety bond in an amount determined by the Director to guarantee the faithful compliance with this Chapter and with all rules and regulations of the local enforcement agency.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-196. Restrictions on disposal of explosive or hazardous materials.

No person may deposit in any refuse or recycling container any explosive, highly flammable, or otherwise hazardous material, including medical waste or substance.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-197. Composting area inspections and fees.

- (a) Pursuant to state statutes and regulations, the Director, acting as the local enforcement agency, may inspect all composting areas in the unincorporated as well as the incorporated areas of the County, except those composting areas within the incorporated area of San José, at a frequency as required by state laws.
- (b) The permit fee for facilities and operations will be in an amount established by the Board of Supervisors.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-198. Requirements for organic waste facility operators and community composting operations.

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

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-199. County disposal areas.

The Board of Supervisors may acquire land to be used as County-owned composting, wood grinding, refuse transfer, or refuse disposal facilities. Operation may be either by County personnel or by a contractor to the County for service. The Board of Supervisors may lease composting, wood grinding, refuse transfer, or refuse disposal facilities to persons for their operation as composting, wood grinding, and transfer or refuse disposal facilities. These facilities must be operated in conformance with the laws and regulations of the state and with the rules and regulations of the local enforcement agency.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-200 Special requirements for commercial refuse producers.

Producers that are commercial businesses, including apartment complexes, shall:

- (a) Supply and allow access to adequate number, size, and location of collection containers for employees, contractors, tenants, and customers, consistent with the County's three-container collection system or, if exempt from mandatory collection subscription and permitted to self-haul, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section B11-201.
- (b) Excluding apartment complexes, provide containers for the collection of source separated green container organic waste and source separated recyclable refuse in all areas where disposal containers are provided for customers. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then it does not have to provide that container to customers. Pursuant to 14 CCR section 18984.9(b), the containers provided by the business shall have either:
 - (1) A body or lid that conforms with the container colors used in the County's three-container collection service. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Imprinted or labeled containers with text, images, or both indicating the primary material accepted and the primary materials prohibited in that container. Pursuant to 14 CCR section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (c) Excluding apartment complexes, and to the extent practical through education, training, and/or inspection, prohibit employees from placing materials in a container not designated for those materials per the County's three-container collection system or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section B11-201.
- (d) Excluding apartment complexes, periodically inspect blue containers, green containers, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR section 18984.9(b)(3).
- (e) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and proper sorting of organic waste.
- (f) Provide information about organic waste recovery requirements and proper sorting of organic waste to new tenants before or within 14 days of occupation of the premises, including information about the location of containers and the rules governing their use.

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- (g) Provide or arrange access for the Department or its agents to their properties during all inspections conducted in accordance with this Chapter.
 - (h) Accommodate and cooperate with County's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate compliance with this section. The remote monitoring program may involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers.
 - (i) At commercial business's option and subject to County approval, implement a remote monitoring program for inspection of the contents of its blue containers, green containers, and gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Producers shall obtain written approval from the County prior to installing any remote monitoring devices on or in the blue containers, green containers, and gray containers.
 - (j) If authorized to self-haul pursuant to this Chapter, meet the self-hauler requirements in Section B11-201.
 - (k) Nothing in this section prohibits a producer from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR section 18984.9(c).

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-201. Self-hauler requirements.

- (a) Self-haulers shall source separate all recyclable waste materials and organic waste generated on-site from other refuse or shall haul organic waste to a high diversion organic waste processing facility as defined by 14 CCR section 18982(a)(33).
- (b) Self-haulers shall haul their source separated recyclable refuse to a facility that recovers those materials, and haul their source separated green container organic waste to a facility, operation, activity, or property that processes or recovers source separated organic waste. Alternatively, self-haulers may haul organic waste to a high diversion organic waste processing facility as defined by 14 CCR section 18982(a)(33).
- (c) Self-haulers that are commercial businesses (including apartment complexes) shall keep a record of the amount of organic waste—including, but not limited to, yardwaste, paper and cardboard refuse, and food waste—delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste. This record shall be subject to inspection by the County. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the producer to each entity.
 - (3) If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.
- (d) A residential producer that self-hauls organic waste is not required to record the information in subsection (c).

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-202. Inspections.

- (a) The Department, including the Department's designees, are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility to confirm compliance with this Chapter by producers, commercial businesses, property owners, haulers, and self-haulers, subject to applicable laws. This section does not allow the Department or its designated entity to enter the interior of a private residential property for inspection.
- (b) Regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the Department or designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, proper recordkeeping, or any other requirement of this Chapter. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any inspection or investigation is a violation of this Chapter and may result in penalties described.
- (c) Any records obtained by the Department or designee during its inspections and investigations shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code section 6250 et seq.
- (d) Representatives of the Department and/or designee are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- (e) Department shall receive written complaints, including anonymous complaints, regarding persons that may be in violation of this Chapter.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-203. Enforcement.

- (a) Violation of any provision of this Chapter shall constitute grounds for issuance of a Notice of Violation and assessment of a fine. The County's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, except as otherwise indicated in this section. To the extent there are inconsistencies between the County's procedures on imposition of administrative fines and the requirements of Articles 14 and 16 of Title 14, Division 7, Chapter 12 of the California Code of Regulations (CCR), the County's procedures shall be construed to effectuate the requirements of the CCR.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The County may pursue civil actions to seek recovery of unpaid administrative citations. The County may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of County staff and resources. This section shall not prevent or limit the County from taking immediate enforcement action as necessary to prevent a public nuisance pursuant to this Code and state law and seeking all available remedies and penalties for public nuisances.
- (c) Any Notice of Violation issued for violations of this Chapter shall include:
 - (1) The date of the violation;
 - (2) The name(s) of the respondent(s);

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- (3) A factual description of the violations, including the regulatory section(s) being violated and the address or location where the violation occurred;
 - (4) A compliance date by which the respondent is to take specified action(s), if applicable; and
 - (5) The penalty for not complying before the specified deadline, if applicable.
- (d) Process for Enforcement.
- (1) The Department and/or designee will monitor compliance with this Chapter, including through compliance reviews, route reviews, investigation of complaints, and an inspection program.
 - (2) The County may issue an official notification to notify regulated entities of their obligations under this Chapter.
 - (3) For incidences of prohibited container contaminants, the County may issue a Notice of Violation to any producer found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately or within 14 days of determining that a violation has occurred. If prohibited container contaminants are observed on one or more subsequent occasion(s) within a 12-month period after a notice was given, the County may assess civil penalties on the producer via an administrative citation and fine.
 - (4) For continuing violations of this Chapter, the County may issue a Notice of Violation requiring compliance within a specified correction period. The default correction period shall be 60 days from the issuance of the Notice of Violation; however, for repeat violations, willful violations, violations that pose a threat to public health and safety, and/or violations that cannot be cured, the County may require compliance within fewer than 60 days or may immediately issue an administrative citation and fine in accordance with state and local law.
 - (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, or in accordance with subsections (d)(3) and (d)(4), the County shall commence an action to impose penalties, via an administrative citation and fine. In addition to administrative fines, the County may seek regulatory fees pursuant to Sections A37-8 and A37-9 and enforcement costs pursuant to Section B11-8. For violations by refuse producers, notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the County or, if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.
- (e) Administrative Fines. The Director has sole discretion to set the amount of any administrative fines issued for violations of this Chapter in accordance with Division A37 and state and local law. The Director may delegate this authority to an Enforcement Officer, as defined in Section A37-2.
- (f) Compliance Deadline Extension Considerations. The County may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
 - (2) Delays in obtaining discretionary permits or other government agency approvals;
 - (3) Deficiencies in organic waste recycling infrastructure and the existence of a corrective action plan with CalRecycle pursuant to 14 CCR section 18996.2 due to those deficiencies; or
 - (4) Any other circumstance in which the Director, in the Director's sole discretion and in accordance with state law, finds good cause to extend the deadlines.

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- (g) Appeals Process. Persons receiving an administrative citation imposing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the County's procedures in this Code for appeals of administrative citations. Evidence may be presented at the hearing. Pursuant to Section A38-4, the County Executive shall assign either the Office of the County Hearing Officer or a Department official to conduct the hearing and issue a final written order.

(Ord. No. NS-517.94, § 1, 12-7-21)

Sec. B11-204. No conflict with federal or state law.

Nothing in this Chapter shall be interpreted or applied so as to create any requirement, power, or duty that is preempted by, or in conflict with, federal or state law, rules, or regulations.

(Ord. No. NS-517.94, § 1, 12-7-21)

Secs. B11-205—B11-209. Reserved.