ORDINANCE NO. 1111

AN ORDINANCE REPEALING CHAPTER 23 OF THE
SOLANO COUNTY CODE AND RE-ENACTING CHAPTER
23 OF THE SOLANO COUNTY CODE DEALING WITH
SOLID WASTE MANAGEMENT IN SOLANO COUNTY

The Board of Supervisors of Solano County does hereby
ordain as follows:

SECTION I:
Chapter 23 of the Solano County Code, as amended, entitled
Refuse and Garbage is hereby repealed in its entirety.

SECTION II:
Chapter 23 of the Solano County Code is hereby re-enacted
as follows:

ARTICLE I
GENERAL PROVISIONS AND DEFINITION

Section 23-100. Authority and Citation.
This chapter is enacted pursuant to the Solid Waste
Management and Resource Recovery Act of 1972 (Title 7.3
California Government Code, commencing with §66700), and
is intended to supplement and implement that statute and
regulation enacted pursuant thereto and, may be cited as
the Solano County Solid Waste Ordinance.

(a) Except as herein expressly provided, the defini-
tions contained in Title 7.3, Chapter 1, Article 2 commen-
ting with Section 66710 of the Government Code, and Title
14, Division 7, Chapter 3, Article 4 of the California
Administrative Code shall govern the interpretation of this
chapter.

Section 23-102. Definitions - Other.
(a) Approved disposal area: "Approved disposal area"
shall mean any site, location tract or land, area, building,
structure or premises authorized by law as a place for the
disposal of solid waste for which a permit has been issued
by the Department of Public Health.

(b) Collector: "Collector" shall mean any person
engaged in the business of collecting or transporting solid
waste in any part of the unincorporated area of the County
of Solano.

(c) Congested area: "Congested area" shall mean any
area within the unincorporated area of the County of Solano
where there are two (2) or more contiguous parcels of 3
acres or less which are developed with buildings suitable
for occupation by, or used by, human beings as a place of
abode.

(d) Department of Public Health: "Department of
Public Health" shall mean the Solano County Department
of Public Health.

(e) Recyclables: "Recyclables" shall mean any pro-
ducts which by means of salvaging become usable.

ARTICLE II
SOLID WASTE STORAGE

Section 23-200. Limitations on Time of Storage.

Except as otherwise provided in this chapter, no
person, owner, agent, or occupant of any lot or premises,
whether vacant or otherwise, or upon which a building of
any kind or character is located within the unincorporated
area of the county shall permit an accumulation of garbage
or rubbish to remain on such lot or premises for a period
exceeding seven (7) days. The Department of Public Health,
after investigation, may require more frequent removal.

Section 23-201. Storage Containers.

Garbage and rubbish shall be stored in sufficient
containers with lids which are non-absorbent, water-tight,
vector-resistant, durable, easily cleanable and designed

* See Government Code §66715 for definition of "Person".

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for safe-handling. Containers when filled shall not exceed reasonable lifting weights for an average physically fit individual except where mechanical loading systems are used. Containers shall be maintained in a clean, sound condition free from putrescible residue.


All commercial and industrial enterprises shall be required to confine all of their solid waste in Solid Waste Storage enclosures. Such storage enclosures shall be constructed with an impervious floor, and where appropriate, shall have drains and be provided with hot and cold water, under pressure. The storage enclosures shall be maintained at all times in a sanitary condition, and shall be located, cleaned, and maintained in such a manner so as to not become odorous, vectorial, pestiferous, or in any other way offensive, or so as to constitute a public nuisance.

Section 23-203. Storage Enclosures - Certain Animals.

Any person responsible for the feeding to swine of garbage or swill which is produced at a location other than that premises on which such swine are located shall construct and install sanitary feeding platforms which shall be maintained at all times in a sanitary manner. Any uneaten residue of garbage or swill shall be disposed of in a manner not inconsistent with this chapter and any applicable state law, within 24 hours of the original deposit of such refuse on the feeding platforms.
ARTICLE III
COLLECTIONS

Section 23-300. Congested Area Collection Disposal.
All persons residing in, and all commercial or
industrial establishments located in a congested area
shall be required to obtain the services of a collector
who has obtained a refuse collection permit from the
Department of Public Health.

Section 23-301. Refuse Collection Areas.
The Board of Supervisors has determined that, in order
to facilitate the collection of commercial and residential
refuse within the County, the unincorporated territory of
the County shall be divided into the following described
areas: A, B, C, D, E, as denoted on the map attached hereto
as Exhibit "A" and incorporated as part of this chapter.
Area boundaries may be changed by resolution of the Board
of Supervisors.

Section 23-302. Refuse Collection Permit Required.
Except as otherwise provided in this ordinance, it
shall be unlawful for any collector, person, firm, cor-
poration, municipality, public agency, or institution to
collect or to transport, or cause to be transported, for
commercial purposes, any refuse within the unincorporated
area of the County of Solano without first obtaining a
permit to do so as provided for in this chapter.

Section 23-303. Refuse Collection Permits - Authority
to Issue - Bond Required.
In order to protect the public health and safety, the
Department of Public Health shall issue nonexclusive per-
mits for the collection of residential and commercial
refuse in the unincorporated designated area in the County.
Such permits shall be issued only to established refuse
collectors who are capable of transporting and disposing of both rubbish and garbage. Such permits may be limited in number by the Department of Public Health and shall be subject to special conditions which shall be specified by the Department of Public Health as being necessary for the purposes of assuring compliance with this chapter, or any other law, or to protect the public health and safety, and to provide for continuous and effective refuse collection services. Additional permits may be issued, if a need is shown. The issuance of a permit pursuant to this chapter shall confer no property rights or vested interests on the permittee and the permit shall be nontransferable. Prior to the issuance of any permit required herein the applicant shall be required to post a corporate surety bond, a letter of credit, cash or any other security deemed acceptable by the Solano County Health Department, in the minimum amount of $50,000. Said security shall be to insure faithful and continued service under the terms and conditions of the permit to be issued.

Section 23-304. Territory Described in the Permit.

The Department shall specify, in all permits or renewals, the territory as described in Section 23-300 within which the permittee may collect within the County. A permittee shall provide garbage collection service to all residences and commercial or industrial establishments in congested areas within the area designated by his permit. All collected refuse shall be disposed of in disposal areas approved by the Department of Public Health, or the California Solid Waste Management Board. A permittee shall, at no time, collect outside the territorial limits fixed in the permit issued to him.
Section 23-305. Application Contents.

The application for any refuse collection permit shall be made in writing to the Department. Every application for a permit shall specify as a minimum the following:

1. A statement to the effect that the applicant has arranged for the disposal of all refuse collected or transported by him at a disposal site which is approved by the Solano County Department of Public Health or the California Solid Waste Management Board.

2. The location of the disposal site.

3. Data showing that the applicant is qualified to render efficient refuse collection service.

4. A statement to the effect that the applicant owns, or has under his control, sufficient vehicles and equipment in good mechanical condition in order to adequately conduct the business of refuse collection provided he is granted a permit. The number and types of trucks, or other vehicles to be used in providing the collection service, shall be specified.

5. A statement to the effect that the vehicles and equipment conform to all applicable provisions of this chapter and to the regulations of the Department.

6. A statement that there is a need and necessity for the proposed service within the area which is sought to be served.

7. Evidence sufficient in the judgment of the Solano County Health Department that the applicant has workers compensation as required by law, and general liability and vehicular insurance in the form and amounts prescribed by the County Risk Manager.

8. Evidence sufficient in the judgment of the
Solano County Health Department that the applicant maintains an office and telephone service during normal working hours.

9. In addition to any of the requirements enumerated in 1 through 8 above, the Solano County Health Department may require any reasonable additional information or documentation which it deems necessary to process the application.

After review of the application and careful consideration of all the circumstances, the Department may issue a nonexclusive revocable annual permit for the conducting of the refuse collection service. Each permit shall be reviewed by December 31 of each year. If the Department of Public Health is satisfied that all provisions of the permit have been met, it may issue another annual permit.

Section 23-306. Special Purpose Permits.

When, in the judgment of the Department of Public Health, it shall be necessary, the Department may issue a permit for collection and disposal of rubbish, recyclables, or agricultural waste, exclusive of any areas in the unincorporated part of the County. The application for the permit shall be the same as for a refuse collection permit; however, such permit shall not conflict with any refuse collection permit issued for a specified area.


Any person, as that term is used in Section 23-103 of this chapter, who collects dead animals, bones or meat scraps for tallow plants to be used as raw material in manufacturing, to be disposed of at any location other than a disposal site operating under a permit required by this chapter, shall comply with all sanitary requirements for the collection and transportation of refuse. The
Department of Public Health may require the submission of
monthly reports from such person, specifying the tonage
or yardage of refuse, the location and method of disposal
of any animal waste. A permit for this collection shall
be required by the Department of Public Health.

Section 23-308. Refuse Collection Vehicles.

Commercial vehicles used in the business of trans-
portation of garbage, rubbish, swill or refuse shall have
painted on the outside of each side wall of the hauling
body, in letters of not less than four inches in height
and one inch wide, in a color contrasting to the body
color:

(a) The name of the collector, transporter or
company.

(b) The number of the vehicle, if more than one
is operated by the collector, transporter or company
(Ord. No. 405, Art. 6, Para. 7).

A means of covering and containing garbage, rubbish, or
swill securely within the hauling body of every vehicle
shall be provided. No such materials shall be permitted
to escape from the vehicle.

Section 23-309. Exemption from Residential Collection
Service.

Any owner or tenant occupying a single-family dwelling
in a congested area may petition the Department of Public
Health to be exempt from the collection service. The
exemption shall be granted provided the person can satisfy
one of the following conditions:

1. He is a senior citizen or a disabled individual,
and,

(a) No unsanitary condition or hazard to health
exists or would develop if the exemption were to be
granted. -8-
(b) Written assurance is given that all refuse will be disposed of at an approved disposal site and transported in a satisfactory manner.

2. The occupant shall recycle all, or virtually all, garbage and refuse produced by the occupants on the premises pursuant to recycling procedures approved by the Department of Public Health.

3. The Department of Public Health may for good cause permit additional exemptions.

An exemption may be revoked by the Department of Public Health upon a finding that there is a threat to public health or safety.

ARTICLE IV

REFUSE DISPOSAL SITES

Section 23-400. Permit Required.

Except as otherwise provided by this chapter or the laws and regulations which this chapter implement, it shall be unlawful for any person to operate a refuse disposal area in Solano County unless a permit for such operation is first obtained from the Department of Public Health according to the provisions of Title 7.3, Chapter 3, Article 2 commencing with Section 66796.30 of the Government Code and Title 14, Division 7, Chapter 5, Article 3 of the California Administrative Code.

Section 23-401. Refuse Disposal Site Standards.

The provisions of Title 7.3 of the Government Code and Title 17, Division 7 of the California Administrative Code shall govern the operation of refuse disposal sites.
ARTICLE V
FEES AND RATES

Section 23-500. Inspection Fees.

A fee for periodic inspection by the Department of Public Health shall be required from the operators of all refuse collection or transportation enterprises and for the operation of any disposal site permitted within the County. The amount, time and method of payment of said fees shall be fixed by the Board of Supervisors by resolution and may be altered or modified from time to time, by the Board of Supervisors.

ARTICLE VI
APPEALS

Section 23-600. Appeals - Procedure.

Any person who is dissatisfied with a decision or ruling of the Department of Public Health as regards application for permits or department regulations, directives or decisions may appeal to the Board of Supervisor sitting as a Hearing Panel pursuant to Section 66796.55--66796.62 of the Government Code. An appeal shall be made by filing a notice of appeal with the Clerk of the Board of Supervisors within ten (10) days after the date of the decision or ruling being appealed. The notice of appeal shall be signed by the appellant or his attorney and shall set forth in detail the facts surrounding the decision of the Department of Public Health and, in substance, the specific decision or ruling being appealed. No later than thirty (30) days after receipt of such notice of appeal, the Board of Supervisors shall set the matter for hearing. At such hearing, the appellant shall present a statement and evidence in such form as the Board of Supervisors may require.
ARTICLE VII
ENFORCEMENT

Section 23-700. Department of Public Health

Enforcement Agent.

The Department of Public Health shall be the enforce­
ment agent of this chapter and all state laws and regula­
tions related thereto. The Department is hereby empowered

The Department is hereby empowered
to withhold issuance of a permit or, revoke a permit issued
under this chapter if it determines that vehicles, area or
other facilities for establishment, maintenance conduct or
operation of a refuse collection or transportation service
or the operation of a disposal site, are insufficient or
unfit for use, or is established or operating in violation
of this ordinance, or the provision of any other ordinance
of the county or state law, a regulation relating to Solid
Waste Disposal.

Section 23-701. Penalties.

Any person, firm, corporation, whether as principal,
agent, employee, or otherwise failing to comply with
the provisions of this chapter, shall be guilty of an
infraction, and upon conviction thereof, shall be punish­
able by a fine of not more than five hundred dollars
($500) for each day of violation. Each day of violation
shall be deemed to be a separate offense.

SECTION III.

This Ordinance shall be published once before the expiration
of FIFTEEN (15) DAYS after its final passage in the Benicia
Herald, a newspaper of general circulation, printed and
published in the County of Solano, State of California, and shall
be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

JOHN S. BLACKLOCK
Clerk of the Board
of Supervisors

WALLACE L. BRAZELTON, Chairman
Solano County Board of Supervisors

Deputy Clerk
I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 29th day of July, 1980.

On the motion of Supervisor Brazelton, and the second of Supervisor Davis, this Ordinance was adopted at a regular meeting of said Board on the 12th day of August, 1980, by the following vote:

**AYES:** SUPERVISORS: Asera, Davis, Hewitt and Chairman Brazelton

**NOES:** SUPERVISORS: None

**ABSTAINED:** SUPERVISORS: None

**ABSENT:** SUPERVISORS: Brann

WITNESS my hand and Seal of said Board this 12th day of August, 1980.

JOHN S. BLACKLOCK
Clerk of the Board of Supervisors

By Linda Terre
Deputy Clerk