ORDINANCE NO. 1449

AN ORDINANCE REPUBLISHING CHAPTER 23
OF THE SOLANO COUNTY CODE ENTITLED
REFUSE AND GARBAGE

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The Board of Supervisors of the County of Solano, State of
California, does ordain as follows:

SECTION I.

Chapter 23 of the Solano County Code, entitled "Refuse and
Garbage is hereby republished to read as follows:

CHAPTER 23

REFUSE AND GARBAGE

ARTICLE I. GENERAL PROVISIONS AND DEFINITIONS.

§ 23-10. Authority and citation.
§ 23-12. Definitions--Other.

ARTICLE II. SOLID WASTE STORAGE.

§ 23-20. Limitations on time of storage.
§ 23-23. Storage enclosures--Certain animals.

ARTICLE III. COLLECTIONS.

§ 23-32. Refuse collection permit required.
§ 23-33. Refuse collection permits--Authority to issue--Bond
required.
§ 23-34. Territory described in the permit.
§ 23-36. Special purpose permits.
ARTICLE IV. REFUSE DISPOSAL SITES.

§ 23-40. Permit required.
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§ 23-50. Inspection fees.

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§ 23-71. Penalties.

ARTICLE I. GENERAL PROVISIONS AND DEFINITIONS.

Sec. 23-10. Authority and citation.
This chapter is enacted pursuant to the California Integrated Waste Management Act of 1989 (Division 30 of the Public Resources Code, commencing with §40000), and is intended to supplement and implement that statute and regulations enacted pursuant thereto, and may be cited as the "Solano County Solid Waste Ordinance." (Ord. No. 1111, § 2,)

Sec. 23-11. Definitions.
Except as herein expressly provided, the definitions contained in Article 1, Chapter 3, Part 4, of Division 30 of the California Public Resources Code, §§ 40100 et. seq., and applicable sections of the California Code of Regulations, shall govern the interpretation of this chapter. (Ord. No. 1111, § 2.)

Sec. 23-12. Definitions--Other.
(a) Approved disposal area means 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 environmental management, division of environmental health.
(b) Collector means any person engaged in the business of collecting or transporting solid waste in any part of the unincorporated area of the county.
(c) **Congested area** means any area within the unincorporated area of the county where there are two or more contiguous parcels of three 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 environmental management, division of environmental health** means the Solano County department of environmental management, division of environmental health, also referred to herein as the division.

(e) **Recyclables** means any products which by means of salvaging become usable. (Ord. No. 1111, § 2.)

**ARTICLE II. SOLID WASTE STORAGE.**

**Sec. 23-20. Limitations of 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 days. The division of environmental health, after investigation, may require more frequent removal. (Ord. No. 1111, § 2.)

**Sec. 23-21. Storage containers.**

Garbage and rubbish shall be stored in sufficient containers with lids which are nonabsorbent, watertight, vector-resistant, durable, easily cleanable and designed 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. (Ord. No. 1111, § 2.)

**Sec. 23-22. Storage enclosures—Commercial and industrial.**

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. (Ord. No. 1111, § 2.)

**Sec. 23-23. Storage enclosure—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

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1See Public Resources Code § 40170 for definition of "person."
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 twenty-four hours of the original deposit of such refuse on the feeding platforms. (Ord. No. 1111, § 2.)

ARTICLE III. COLLECTIONS

Sec. 23-30. 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 division of environmental health. (Ord. No. 1111, § 2.)

Sec. 23-31. 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, and E as denoted on the map attached to the ordinance codified herein as Exhibit "A" (located at the end of this chapter) and incorporated as part of this chapter. Area boundaries may be changed by resolution of the board of supervisors. (Ord. No. 1111, § 2.)

Sec. 23-32. Refuse collection permit required.
Except as otherwise provided in this chapter, it is unlawful for any collector, person, firm, corporation, 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 without first obtaining a permit to do so as provided for in this chapter. (Ord. No. 1111, § 2.)

Sec. 23-33. Refuse collection permits--Authority to issue--Bond required.
In order to protect the public health and safety, the division of environmental health shall issue nonexclusive permits 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 division of environmental health and shall be subject to special conditions, which shall be specified by the division 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 division of environmental health, in the minimum amount of fifty thousand dollars. Said security shall be to insure faithful and continued service under the terms and conditions of the permit to be issued. (Ord. No. 1111, § 2,)

**Sec. 23-34. Territory described in the permit.**

The division shall specify, in all permits or renewals, the territory as described in section 23-30 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 the collector's permit. All collected refuse shall be disposed of in disposal areas approved by the division, or the California Integrated Waste Management Board. A permittee shall, at no time, collect outside the territorial limits fixed in the permit issued to the permittee. (Ord. No. 1111, § 2.)

**Sec. 23-35. Application contents.**

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

(a) A statement to the effect that the applicant has arranged for the disposal of all refuse collected or transported by the applicant at a disposal site which is approved by the division or the California Integrated Waste Management Board;

(b) The location of the disposal site;

(c) Data showing that the applicant is qualified to render efficient refuse collection service;

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

(e) A statement to the effect that the vehicles and equipment conform to all applicable provisions of this chapter and to the regulations of the division;

(f) A statement that there is a need and necessity for the proposed service within the area which is sought to be served;

(g) Evidence sufficient in the judgment of the division 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;

(h) Evidence sufficient in the judgment of the division that the applicant maintains an office and telephone service during normal working hours;
In addition to any of the requirements enumerated in subsections (a) through (h) above, the division 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 31st of each year. If the division is satisfied that all provisions of the permit have been met, it may issue another annual permit. (Ord. No. 1111, § 2.)

Sec. 23-36. Special purpose permits.
When, in the judgment of the division, it shall be necessary, the division 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. (Ord. No. 1111, §2.)

Sec. 23-37. Collection of animal waste.
Any person, as that term is used in section 23-20 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 division may require the submission of monthly reports from such person, specifying the tonnage or yardage of refuse, the location and method of disposal of any animal waste. A permit for this collection shall be required by the division. (Ord. No. 1111, §2.)

Sec. 23-38. Refuse collection vehicles.
Commercial vehicles used in the business of transportation 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. (Ord. No. 1111, § 2.)

Sec. 23-39. Exemption from residential collection service.
Any owner or tenant occupying a single-family dwelling in a congested area may petition the division to be exempt from the collection service. The exemption shall be granted provided the person can satisfy one of the following conditions:
(a) He the person is a senior citizen or a disabled individual; and,
   (1) No unsanitary condition or hazard to health exists or would develop if the exemption were to be granted,
   (2) Written assurance is given that all refuse will be disposed of at an approved disposal site and transported in a satisfactory manner.
(b) 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 division.
(c) The division may for good cause permit additional exemptions.
An exemption may be revoked by the division upon a finding that there is a threat to public health or safety. (Ord. No. 1111, § 2.)

ARTICLE IV. REFUSE DISPOSAL SITES.

Sec. 23-40. Permit required.
Except as otherwise provided by this chapter or the laws and regulations which this chapter implements, it is unlawful for any person to operate a refuse disposal area in Solano County unless a permit for such operation is first obtained from the division according to the provisions of Article 1 of Chapter 3 of Part 4 of Division 30 of the Public Resources Code, §§ 44000 et. seq., and applicable sections of the California Code of Regulations. (Ord. No. 1111, § 2.)

Sec. 23-41. Refuse disposal site standards.
The provisions of Division 30 of the Public Resources Code and the applicable sections of the Code of Regulations shall govern the operation of refuse disposal sites. (Ord. No. 1111, § 2.)

ARTICLE V. FEES AND RATES.

Sec. 23-50. Inspection fees.
A fee for periodic inspection by the division shall be required from the operators of all refuse collection or transportation enterprises and for the operation of any disposal site permitted with the county. The amount, time and method of payment of said fees shall be fixed by the board of supervisors by ordinance and may be altered or modified from time to time, by the board of supervisors. (Ord. No. 1111, § 2.)

ARTICLE VI. APPEALS.

Sec. 23-60. Appeals--Procedure.
Any person who is dissatisfied with a decision or ruling of the division of environmental health as regards application for permits or department division regulations, directives or decisions may appeal to the board of supervisors, sitting as a hearing panel pursuant to Sections 44300 et. seq., of the Public Resources Code.
An appeal shall be made by filing a notice of appeal with the clerk of the board of supervisors within ten days after the date of the decision or ruling being appealed. The notice of appeal shall be signed by the appellant or the appellant's attorney and shall set forth in detail the facts surrounding the decision of the department of public health division and, in substance, the specific decision or ruling being appealed. No later than thirty 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. (Ord. No. 1111, §2.)

ARTICLE VII. ENFORCEMENT.

Sec. 23-70. Department of environmental management division of environmental health; enforcement agent.

The department of environmental management, division of environmental health, shall be the enforcement agent of this chapter and all state laws and regulations related thereto. The division is 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 chapter, or the provision of any other ordinance of the county or state law, a regulation relating to solid waste disposal. (Ord. No. 1111, §2.)

Sec. 23-71. 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 punishable by a fine of not more than five hundred dollars for each day of violation. Each day of violation shall be deemed to be a separate offense. (Ord. No. 1111, §2.)

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, 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.
A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, 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 this 25th day of August, 1992.

On the motion of Supervisor Stewart and the second of Supervisors Carroll, this Ordinance was adopted at a regular meeting of said Board on the 8th day of September, 1992, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Davis, Stewart and Chairwoman Simmons

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 8th day of September, 1992.

LINDA L. TERRA, Clerk of the Board of Supervisors

By