AN ORDINANCE AMENDING SECTIONS 23-12, 20, 21, 22, 23, 30, 31, 31.1, 31.2, 31.3, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 50, 51, 60, 70, 71, 72 AND ADDING SECTION 23-52 OF CHAPTER 23 TO THE SOLANO COUNTY CODE, RELATING TO SOLID WASTE, RECYCLABLES AND GREEN WASTE.

The Solano County Board of Supervisors ordain as follows:

Section 1: Section 23-12 of Chapter 23 is amended to read

Definitions--Other

Administrative fee means the fee charged by the County to administer the contractual Service Agreement between the Contractor and County for the franchise to collection and transport of municipal solid waste, recyclables and green waste within Areas A-E.

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, Resource Management, Division of Environmental Health Services Division.

Bulky waste means large items of solid waste, recyclables and green waste such as appliances, furniture, large auto parts, tree stumps, and other oversize wastes whose large size precludes handling by normal collection placement into wheeled containers, bins, or cans provided by the Contractor or homeowner.

Collector means any person engaged in the business of collecting or transporting refuse solid waste, recyclables and green waste in any part of the unincorporated area of the county.

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.

Contractor means an agent or employee or any person, firm, corporation or association, or the agents or employees thereof, with whom the County has contracted under the terms set out in this Chapter to collect, transport, and dispose of municipal refuse and solid waste, recyclables and green waste materials in the unincorporated areas of the County near and within the City of Vallejo identified by map in Chapter 23 as Areas A-E.

Department of Environmental Resource Management, Division of Environmental Health Services Division means the Solano County Department of environmental Resource Management, division of Environmental Health Services Division, also referred to herein as the division.
Franchise agreement means a franchise grant ordinance or a contractual agreement containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

Franchise Service Agreement Administrator means the Solano County Department of General Services.

Garbage Solid Waste means all garbage (kitchen and food waste and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of foodstuffs, rubbish (non-putrescible solid materials such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, plastics, rubber by-products or litter), construction and demolition debris and other materials and substances discarded or rejected as being spent, useless, worthless or in excess to the generator thereof at the time of such discard or rejection and which are normally disposed of by or collected from residential, and commercial, governmental and institutional establishments which are acceptable at Class III landfill under applicable law.

Greenwaste Green Waste means any plant materials such as leaves, grass clippings, brush, tree cuttings, and other green yard wastes. It also includes yard trimmings, untreated wood waste, natural fiber products and construction and demolition wood waste. Greenwaste Green waste does not include wood waste, mixed demolition or construction debris, food material, biosolids, mixed solid waste, wood containing lead-based paint or wood preservative, or mixed construction and demolition debris.

Mandatory Service Area means any area within the unincorporated portion of the County where parcels are zoned under Chapter 28 of this code as Rural-Residential (R-R), Residential-Estate (R-E), One-Family Residence (R-S), Duplex-Residence (R-D), and Multiple-Residence (R-M) and are developed with residential dwelling units. Mandatory Service Areas are parcels zoned:

- Rural Residential = RR 5, RR 2 ½ with 5 and 2 ½ acre minimum parcel sizes;
- Residential Estate (RE 1, RE ½ , RE 1/3 , RE ¼ with 1, ½, 1/3, and ¼ acre minimum parcel sizes); or
- One Family Residential (RS); or
- Duplex Residential (RD); or
- Multi-Family Residential (RM)

Recyclables means any products which by means of salvaging become usable. (Ord. No. 4111, 1-2.) a material which is part of the solid waste stream which is to be collected pursuant to the service agreement and which can be reused or processed into a form suitable for reuse through reprocessing or manufacturing, consistent with the requirements of the Act. Recyclable materials include aluminum cans, glass jars and bottles, steel (tin) food cans, bimetal beverage cans; narrow necked Type #1 containers (PET-polyethylene terephthalate); narrow necked Type #2 containers (HDPE-high density polyethylene); newspaper, mixed
Reduced Rate is a reduction in the rate paid for service by customers who qualify based on a set criteria determined by the County and the Contractor.

Refuse means garbage and rubbish.

Service Agreement means an initial authorization, or renewal thereof, issued by the Board of Supervisors, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the collection and disposal of municipal refuse solid waste, and recyclables and green waste materials in Areas A-E.

Service Areas means unincorporated territory of the County divided into the following described locations: 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.

Refuse Solid Waste, Recyclables and Green Waste collection permit means the permit issued to collector by the Department of Environmental Resource Management.

Rubbish means non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, plastics, rubber byproducts or litter.

Section 2: ARTICLE II of Chapter 23 is amended to read:

ARTICLE II. SOLID WASTE, RECYCLABLE AND GREEN WASTE STORAGE.

Section 3: Section 23-20 of Chapter 23 is amended to read:

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 solid waste to remain on such lot or premises for a period exceeding seven days. Recyclable material and green waste shall be removed at a frequency that does not cause a nuisance condition. The Department of Resource Management, division of Environmental Health Services Division, after investigation, may require more frequent removal. (Ord. No. 1111, § 2.)

Section 4: Section 23-21 of Chapter 23 is amended to read:

(a) Garbage-and-rubbish solid waste and recyclable material shall be stored in sufficient approved containers. Green waste shall be stored in either approved containers or contained in such a manner that does not create a nuisance condition. Containers shall have lids and be made of nonabsorbent materials, leakproof, 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. A limit of 250 pounds per container for mechanical loading systems is imposed. Containers shall be maintained in a clean, sound condition, free from
putrescible residue. Dumpster bins shall comply with the requirements of this section, except that lids are not required and the weight limit shall be determined by the contractor.

(b) Within Area E, greenwaste and recyclables are to be deposited in the appropriate containers provided by the contractor. Containers for garbage solid waste, greenwaste and recyclables, and green waste shall be placed at curbside for collection by the authorized contractor wherever there is a subscription for garbage service. Empty containers must be removed by the customer out of public view by the day following collection. (Ord. No. 1111, '12; Ord. No. 1526, '11)

Section 5: Section 23-22 of Chapter 23 is amended to read:

All commercial and industrial enterprises shall be required to confine all of their refuse in refuse solid waste, recyclables and green waste in 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, '12; Ord. 1526, '11.)

Section 6: Section 23-23 of Chapter 23 is amended to read:

Any person responsible for the feeding to swine of garbage organic solid waste 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 organic solid waste 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 organic solid waste on the feeding platforms. (Ord. No. 1111, '12.)

Section 7: Section 23-30 of Chapter 23 is amended to read:

Mandatory service and Congested area collection and disposal.
All persons residing in, a congested area and all commercial or industrial establishments located in a congested area shall be required to obtain mandatory the services of a collector Contractor who has obtained a refuse solid waste, recyclables and green waste collection permit for that Service Area from the Department of Resource Management, division of Environmental Health Services Division. (Ord. No. 1111, '12.)

Section 8: Section 23-31 of Chapter 23 is amended to read:

Refuse Solid Waste, Recyclables and Green Waste collection areas.
The board of supervisors has determined that, in order to facilitate the collection of commercial and residential refuse solid waste, recyclables and green waste within the county, the unincorporated territory of the county shall be divided into the following described service 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. Service Area boundaries may be changed by resolution of the board of supervisors. (Ord. No. 1111, § 2.)

Section 9: Section 23-31.1 of Chapter 23 is amended to read:

Franchise Service Agreement--Authorized.
For the collection and disposal of refuse solid waste, and recyclables material and green waste within the unincorporated area designated Service Areas A-E, a service agreement contract must may-be entered into by the County in accordance with and subject to the terms and conditions of this chapter.

Section 10: Section 23-31.2 of Chapter 23 is amended to read:

Exclusive franchise service agreement.
(a) At such time as there is in force an exclusive service agreement entered into by the County with any person, firm or corporation for the collection and transport of municipal refuse—solid waste, and—recyclables material and green waste in the unincorporated area identified by map as Service Areas A-E, it is unlawful for any person other than the persons in the employ of the contractor having such contract to collect or transport any refuse solid waste, recyclables and green waste within Service Areas A-E.

(b) Nothing contained in this chapter shall be construed to prevent or prohibit any resident in Service Areas A-E from taking, hauling, transporting and disposing of any bulky waste or solid waste, recyclables and green waste material created by him or his occupants or visitors of the household or business provided disposal is in accordance with state and local law.

Section 11: Section 23-31.3 of Chapter 23 is amended to read:

The contractor shall maintain complete records of all services performed in the collection operations within the unincorporated Service Areas A-E and of all monies owing and all monies collected. Such records shall be maintained at the contractor's office and the Department of General Services shall have the right to inspect and audit said records from time-to-time at all reasonable times. (Ord. No. 1526, § 1.)

Section 12: Section 23-32 of Chapter 23 is amended to read:

Refuse Solid waste, recyclables and green waste 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 solid waste, recyclables and green waste 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.)

Section 13: Section 23-33 of Chapter 23 is amended to read:

Refuse Solid waste, recyclables and green waste collection permits--Authority to issue--Bond required.
In order to protect the public health and safety, the Department of Resource Management, division of Environmental Health Services Division shall issue exclusive permits for the
collection of residential and commercial refuse solid waste, recyclables and green waste 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 solid waste, recyclables, and green waste. Such permits may be limited in number by the Department of Resource Management, division of Environmental Health Services Division and shall be subject to special conditions, which shall be specified by the Department of Resource Management, division of Environmental Health Services 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 solid waste, recyclables and green waste 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 Department of Resource Management, division of Environmental Health Services Division, in the minimum amount of fifty thousand dollars ($50,000). Said security shall be to insure faithful and continued service under the terms and conditions of the permit to be issued. (Ord. No. 1111, 12,)

Section 14: Section 23-34 of Chapter 23 is amended to read:

The Department of Resource Management, division of Environmental Health Services Division shall specify, in all permits or renewals, the territory as described in section 23-31 within which the permittee may collect within the county. A permittee shall provide refuse solid waste, recyclables and green waste collection service to all residences and commercial or industrial establishments in congested areas within the service area designated by the collector’s permit. All collected refuse solid waste, recyclables and green waste shall be disposed of in disposal areas approved by the Department of Resource Management, division of Environmental Health Services Division, or the California Integrated Waste Management Board. A permittee shall not collect outside the territorial limits fixed in the permit issued to the permittee. (Ord. No. 1111, 12; Ord. No. 1526 1.)

Section 15: Section 23-35

The application for any refuse solid waste, recyclables and green waste collection permit shall be made in writing to the Department of Resource Management, Environmental Health Services 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 solid waste, recyclables and green waste collected or transported by the applicant at a disposal site which is approved by the division of California Integrated Waste Management Board;

(b) The location of the disposal site;

(c) Data showing that the applicant is qualified to render efficient refuse solid waste, recyclables and green waste 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 solid waste, recyclables and green waste 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 Department of Resource Management, Environmental Health Services Division;

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

(g) Evidence sufficient in the judgment of the Department of Resource Management, Environmental Health Services 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 Department of Resource Management, Environmental Health Services Division that the applicant maintains an office and telephone service during normal working hours;

(i) In addition to any of the requirements enumerated in subsections (a) through (h) above, the Department of Resource Management, Environmental Health Services 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 Department of Environmental Management division is satisfied that all provisions of the permit have been met, it may issue another annual permit. (Ord. No. 1111, +2.)

Section 16: Section 23-36 of Chapter 23 is amended to read:

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.)

Section 17: Section 23-37 of Chapter 23 is amended to read:

Section 23-376. Collection of animal waste.
Any person 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 solid waste. The collector shall submit to the Department of Environmental Management monthly reports, specifying the tonnage or
yardage of solid waste, the location and method of disposal of any animal waste. The Department of Resource Management, Environmental Health Services Division may require the submission of monthly reports from such person, specifying the tonnage or yardage of refuse solid waste, the location and method of disposal of any animal waste. A permit for this collection shall be required by the Department of Resource Management, Environmental Health Services Division (Ord. No. 1111, '2; Ord. No. 1526 '1.)

Section 18: Section 23-38 of Chapter 23 is amended to read:

Section 23-387. Refuse Solid waste, recyclables and green waste collection vehicles.

(a) Commercial vehicles used in the business of transportation of garbage, rubbish, swill or refuse solid waste, recyclables and green waste 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 visible from 50 feet of distance, in a color contrasting to the body color:

(1) The name of the collector, transporter or company;

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

(b) A means of covering and containing garbage, rubbish, or swill solid waste, recyclables and green waste 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.)

Section 19: Section 23-39 of Chapter 23 is amended to read:

Section 23-398. Exemption from residential collection service.

(a) Any owner or tenant occupying a single-family of a dwelling in a congested mandatory service area may petition apply to the Department of Resource Management, Division of Environmental Health Services Division to be exempt from the collection service on a form supplied by the Department. The application shall be accompanied by the required, non-refundable application fee. The exemption shall may be granted provided the person owner can satisfy demonstrate one of the following conditions:

(1) The person is a senior citizen or a disabled individual; and, method of storage, transportation and disposal or recycling, as applicable, of all solid waste, recyclables and green waste will be conducted in a manner consistent with the intent of this code and procedures approved by the Department of Resource Management and in such a manner that will not create unsanitary conditions, potential public health threat, environmental contamination or nuisance; or

(A) No unsanitary condition or hazard to health exists or would develop if the exemption were to be granted;

(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 solid waste, recyclables and green waste produced by the occupants on the premises pursuant to recycling procedures approved by the Department of Environmental Management division. Every residential unit on the property is vacant for a period in excess of two months such that no solid waste or recyclables will be produced and a plan for proper removal and recycling or disposal of green waste is provided.

(3) The Department of Resource Management, Environmental Health Services Division may for good cause permit additional exemptions provided that such an exemption will not create an unsanitary condition, potential public health threat, environmental contamination or nuisance.

(b) Any owner issued an exemption were disposal or recycling of solid waste, recyclables or green waste is required shall provide proof to the Department of Resource Management of the proper disposal or recycling of such solid waste, recyclables or green waste at an approved facility. The Department of Resource Management shall specify the intervals at which such documentation is required to be submitted.

(c) An exemption may be revoked by the Department of Resource Management, Environmental Health Services Division upon a finding that there is an unsanitary condition, potential threat to public health threat, environmental contamination or nuisance condition being created. (Ord. No. 1111, 1 2.)

(d) Any exemption issued shall be valid for a period of one year and is non-transferable. The exemption may be renewed at the end of one year upon reapplication, submission of a fee, and demonstration that the terms and condition of the exemption(s) still exist.

Section 20: Article IV. of Chapter 23 is amended to read:

ARTICLE IV. REFUSE SOLID WASTE DISPOSAL SITES.

Section 21: Section 23-40 of Chapter 23 is amended to read:

Section 23-4039. 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 solid waste disposal area facility in Solano County unless a permit for such operation is first obtained from the Department of Resource Management, Environmental Health Services Division according to the provisions of Article 1 of Chapter 3 of Part 4 of Division 30 of the Public Resources Code, Section 44001 et seq., and applicable sections of the California Code of Regulations. (Ord. No. 1111, 1 2.)

Section 22: Section 23-41 of Chapter 23 is amended to read:

Section 23-4140 Refuse Solid waste 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 solid waste disposal sites. (Ord. No. 1111, 1 2.)

Section 23: Section 23-50 of Chapter 23 is amended to read:
A fee for periodic inspection by the Department of Environmental Resource Management shall be required from the operators of all refuse solid waste 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, \textsuperscript{2}.)

Section 24: Section 23-51 of Chapter 23 is amended to read:

An administrative fee may be charged by the County that shall be collected by the Contractor of each service area as determined by resolution by the Board of Supervisors. Contractor will be authorized to pass along this increase to the service rates set forth in Section 8 of the Service Agreement in the same amount as the increase in the Administrative Fee. Any increase in the Administrative Fee shall be separate from the annual service rate increases or decreases Contractor is entitled to receive pursuant to Section 10 of the Service Agreement. The fee shall be paid by the contractor on a quarterly basis to the Department of General Services. (Ord. No. 1526 \textsuperscript{1}.)

Section 25: Section 23-52 of Chapter 23 is added to read:

The fee for application for exemptions shall be determined in the amount and payable at the time and method set by the board of supervisors, pursuant to Chapter 11, Section 11-110 of this Code.

Section 26: Section 23-60 of Chapter 23 is amended to read:

Any person who is dissatisfied with a decision or ruling of the Department of Resource Management, division of Environmental Health Services Division as regards application for exemptions, permits or department division regulations, directives or decisions may appeal to the board of supervisors, sitting as a hearing panel pursuant to section 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 Resource Management, Environmental Health Services 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, \textsuperscript{1}.)

Section 27: Section 23-70 of Chapter 23 is amended to read:

Section 23-70 Department of Environmental Resource Management, Division of Environmental Health Services Division, Enforcement agent Agency.

The department of environmental resource management, division of environmental health services division, shall be the Enforcement Agent Agency of this chapter and all state laws and regulations related thereto unless otherwise started herein. The department of resource management, environmental health services 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 solid waste, recyclables and green waste 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.)

Section 28: Section 23-71 of Chapter 23 is amended to read:

Section 23-71 Department of General Services, franchise/service agreement administrator.

The Department of General Services, as the franchise/service agreement administrator, shall have the responsibility to administer the contractual agreement, review unresolved customer complaints, conduct annual audits of contractor's records, and initiate lien proceedings when required. The contractor shall comply with the standards established in the franchise/service agreement for the collection and disposal of municipal refuse solid waste, and recyclables and green waste materials within the service areas designated by the map as Areas A, B, C, D and E. A verified and continuing pattern of non-compliance by the contractor may be deemed a material breach of the franchise/service agreement.

Section 29: Section 23-72 of Chapter 23 is amended to read:

(a) All billing for waste collection shall be made by the Contractor; all charges shall become delinquent ninety days after the billing date.

(b) If the bill remains unpaid after the date of delinquency, the contractor shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until fifteen days after notification of the delinquency to the owner and recipient of service. The form and content of the delinquency notice sent by the contractor shall be approved by the Department of General Services. The garbage-selector contractor shall simultaneously file with the Department of General Services a formal written notice stating that such delinquency notice has been sent to such recipient and owner and the date upon which notice was sent. Delinquency fees shall be set by the Board of Supervisor's resolution.

(c) Should the bill remain unpaid at the expiration of the fifteen days, the Contractor may assign said bill to the County for lien proceedings.

(d) Upon the County's receipt of the assignment from the contractor and at the convenience of the County (once per year during the month of May), the Department of General Services shall initiate proceedings complying with Government Code sections 25831 and 38790.1 to create a lien on the real property to which the garbage collection service has been rendered. (Ord. No.1598, '46)

(e) The lien will be officially recorded in the County Recorder's office. The lien may carry such additional administrative charges as set forth by Board of Supervisors resolution. The owner shall be notified by the Department of General Services that the delinquency charges and administrative charges are due the County and that such lien has been recorded. (Ord. No. 1525, '1.)
Section 30.

This ordinance shall take effect thirty (30) days after its adoption.

Section 31.

A summary of this ordinance will be published within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on this December 7, 2004, by the following vote:

AYES: SUPERVISORS: Forney, Kromm, Vasquez, 
and Chairman Silva

NOES: SUPERVISORS: Kondylis

EXCUSED: SUPERVISORS None

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

John F. Silva, Chairman
Solano County Board of Supervisors

Additions indicated by italics: deletions by strikeouts

Introduced: November 9, 2004
Adopted: December 7, 2004
Effective date: January 7, 2005
## EXHIBIT B

### Table Comparing Selected Current Standards to Proposed Amendments

<table>
<thead>
<tr>
<th>Type of Change</th>
<th>Existing Standard</th>
<th>Proposed Revisions to Standards</th>
<th>Discussion</th>
</tr>
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<tbody>
<tr>
<td><strong>EXCLUSIVE SERVICE AREAS</strong></td>
<td>Allows for overlap of service areas by multiple contractors</td>
<td>Provides for a single solid waste hauler to be granted an exclusive service area. No other hauler may collect within that area.</td>
<td>This will increase accountability of the hauler in collection of solid waste, recyclables, and green waste; improve reporting of quantities collected and diverted; and allow the county to negotiate better contracts for service with the haulers.</td>
</tr>
</tbody>
</table>
| **MANDATORY SERVICE AREAS** | Requires mandatory garbage service in congested areas. A congested area is defined as an area where there are 2 or more contiguous parcels of 3 acres or less | Defines a mandatory service area as any area where parcels are zoned as one of the following:  
- Rural Residential (RR5, RR 2½) with 5 and 2½ acre minimum parcel size  
- Residential Estates (RE 1, RE ¼, RE ½, RE¾ with 1, ½, ¾ and ¼ acre minimum parcel size  
- One Family Residential (RS)  
- Duplex Residential (RD)  
- Multi-Family Residential | The current standard creates a condition where lots requiring mandatory service may be adjacent to and intermixed with lots that don't require mandatory service. Additionally, these lots requiring service may be separated into "islands" some distance from one another. This creates a condition where a densely populated area exists and thus, a public health issue or nuisance may arise as a result. In addition, this makes it prohibitive in some situations for waste haulers to provide efficient service to those who are required to have such service or who want such service and thereby creating a rate disincentive. By changing the requirement for mandatory service, areas where service is required are uniform. This will allow the waste haulers to provide better service to the residents. Additionally, given the expanding population in these areas, it assures a mechanism is in place for the proper disposal and collection of solid waste, recyclables and green waste. |
<table>
<thead>
<tr>
<th>Exemptions</th>
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<tbody>
<tr>
<td>Exemptions may be granted to an owner or tenant of a single family dwelling only if they satisfy <strong>one</strong> of the following conditions:</td>
<td>Exemptions may be granted to an owner of a single family dwelling only if they satisfy <strong>one</strong> of the following conditions:</td>
<td>Exemptions may be granted to an owner of a single family dwelling only if they satisfy <strong>one</strong> of the following conditions:</td>
</tr>
<tr>
<td>- person is a senior citizen or disabled individual;</td>
<td>- Written assurance that all solid waste, recyclables and green waste will be disposed of and transported to an approved disposal site;</td>
<td>- During community meetings, some residents indicated concern the exemptions be allowed for those property owners who self haul and manage their solid waste and recyclables in a manner that does not create a nuisance or public health hazard. The proposed ordinance provides provisions to exempt such residents from mandatory garbage service.</td>
</tr>
<tr>
<td>- no unsanitary conditions or hazard exists, written assurance that all refuse will be disposed of at an approved disposal site;</td>
<td>- the occupant shall recycle all, or virtually all solid waste, recyclables and green waste produced on the premises pursuant to recycling procedures approved by the Department of Resource Management.</td>
<td>In order to verify that the property owner has the capability to collect, store, and transport solid waste and recyclables in a sanitary manner, the Environmental Health Services Division anticipates that inspections will be required. Based on current garbage exemption program administered by the Division in the City of Vallejo, it is anticipated that approximately two hours of staff time will be required per application and inspection.</td>
</tr>
<tr>
<td>- the occupant shall recycle all, or virtually all, garbage and refuse</td>
<td>An application and fee must be submitted requesting the exemption. The Department may conduct an inspection to verify that provisions are in place to collect, store and dispose of solid waste or recycle in a manner that does not create a public health hazard or nuisance. An exemption issued shall be valid for one year, it is non-transferable. It can be renewed at the end of one year upon reapplication, submission of a fee and demonstration that condition for exemption(s) exists.</td>
<td>Typically, fees are charged to recover the cost of administering programs. It is anticipated that it will take 2 hours of staff time to review the exemption applications, conduct inspections, and perform tracking. This equates to $184 dollars under the current hourly billable rate for Environmental Health. Some residents are concerned by such a fee for service and believe that no fee should be charged. The Board may wish to direct the Department of Resource Management to initially charge a nominal fee of $25.00 dollars or to not charge a fee to recover the cost of administering this program for the first year.</td>
</tr>
</tbody>
</table>

There is an appeal process to the Board of Supervisors should the Department deny an application for exemption.
<p>| REDUCED RATE | No provisions | Allows for a reduced rate for those customers that do not generate enough garbage to warrant a full price service and who meet specific criteria. | This allows an option for property owners who do not generate much garbage to still obtain services from a hauler at a reduced rate. |
| ADMINISTRATIVE FEE | Fee charged by the County and paid by the contractor on a quarterly basis. | Contractor will pay a fee from the gross revenues. Payment will be within 30 days on a quarterly basis. County may change to annual | Contractor shall pay the County a negotiated Agreement Fee of the gross revenues collected by the Contractor from all Service Area accounts. Fee shall be paid within thirty (30) business days after the end of each calendar quarter. County may change the administrative fee for Service Areas A – E on an annual basis. Contractor will be authorized to pass along this increase to the service rates set forth in Section 8 of the Service Agreement. Any increase in the admin fee shall be separate from the annual service rate increases or decreases. Contractor is entitled to receive pursuant to Section 10 of the Service Agreement. |
| GREEN WASTE | Includes plant materials such as leaves, grass clippings, brush, tree cuttings, and other yard wastes. It does not include wood waste, mixed demolition or construction debris. | Includes yard trimmings, untreated wood waste, natural fiber products and construction and demolition wood waste. It does not include food material, biosolids, mixed solid waste, wood containing lead-based paint or wood preservatives, mixed construction and demolition debris. | Changes the definition to be consistent with California law (Title 14 CCR) |
| RECYCLABLES | Vague description of what constitutes recyclables. Defines as products which by means of salvaging becomes usable. | More specific description of what is a recyclable. Provides specific examples of a recyclable material. | Improved description will help with reporting of diverted materials. |</p>
<table>
<thead>
<tr>
<th>STORAGE ME</th>
<th>All waste must be removed once every seven days.</th>
<th>No more than seven days for solid waste. Recyclable material and green waste may be held longer, but must be removed at a frequency that does not cause a nuisance condition.</th>
<th>Recognizes that recyclable material and green waste can be stored for more than seven days in a manner that does not create a nuisance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>STORAGE CONTAINERS</td>
<td>Containers are required to have to be non absorbent, water tight, vector-resistant, durable, easily cleanable, designed for safe handling and have lids.</td>
<td>Same requirement for solid waste. Recyclables and green waste may be stored in either approved container or contained in such a manner that does not create a nuisance condition. Weight limit of dumpsters determined by contractor</td>
<td>Recognizes that recyclable material and green waste can be stored in a manner that does not create a nuisance.</td>
</tr>
<tr>
<td>STORAGE ENCLOSURE</td>
<td>Shall be constructed so as not to become odorous, vectorial, pestiferous or offensive</td>
<td>Same as current standards, but added that, where appropriate drains may be required.</td>
<td>Many commercial establishments generate wet garbage that require water and drains to abate and minimize nuisance conditions near garbage containers.</td>
</tr>
<tr>
<td>REFUSE COLLECTION VEHICLES</td>
<td>Letters of not less than 4 inches in height and 1 inch wide</td>
<td>Letters visible from 50 feet of distance in a color contrasting to the body color</td>
<td>Size of letter in current ordinance does not fit in the cabs of modern solid waste vehicles</td>
</tr>
</tbody>
</table>
Solano County
Service Area Boundaries
November 2004

Legend

Service Areas
- Service Area Boundaries
- Pleasant Hill Bayshore Disposal
- Rio Vista Sanitation Service
- Solano Garbage Company
- Vacaville Sanitary Service
- Vallejo Garbage Company

Other Features
- City Limits
- State Highways
- Parcels
- Water
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Attachment D