



**Santa Cruz County
CA**

Approved in concept
Sep 28, 2021 9:00 AM

**Agenda Item
DOC-2021-826**

Consider adoption of an ordinance repealing and replacing Chapters 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 of the Santa Cruz County Code relating to Solid Waste, as recommended by the Deputy CAO/Director of Public Works

Information

Department:	DPW: Recycling	Sponsors:	Deputy CAO/Director of Public Works Matt Machado
Category:	DPW RECYCL - Board Letter	Functions:	Land Use & Community Services

Attachments

- [Board Memo](#)
- [Chapter 7.20 strikeout version](#)
- [Ordinance_7.20 Code Update_Clean Version](#)
- [Chapter 7.21 strikeout version](#)
- [Chapter 7.23 strikeout version](#)
- [Chapter 7.24 strikeout version](#)
- [Chapter 7.25 strikeout version](#)
- [Chapter 7.26 strikeout version](#)

Financial Impact

Cost impacts to the County will be included in GL# 625110, Recycling and Solid Waste Services budget.

Board Letter

Recommended Action

- 1) Consider adopting ordinance repealing Chapters 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 of the Santa Cruz County Code relating to Solid Waste and replacing them with a revised Chapter 7.20; and
- 2) Schedule the ordinance for final adoption on October 19, 2021.

Executive Summary

This item would adopt an ordinance rescinding and replacing Chapters 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 of the Santa Cruz County Code, relating to Solid Waste, and combining them into a new Chapter 7.20.

Background

Since the initial adoption of Chapter 7.20 in 1994, the recycling and solid waste industry has changed enormously. Recycling has become mandatory, landfill requirements have changed dramatically, and the majority of collected material is now recycled or composted rather than landfilled. Household Hazardous Waste operations have expanded to include a vast array of materials. Santa Cruz County has introduced innovative waste diversion programs for materials as diverse as carpet, mattresses, drugs and sharps, batteries,

paint and fluorescent lightbulbs. Local waste reduction efforts have targeted products including electronic waste, styrofoam, plastic bags, food service ware and personal care products in hotels. In just the last few years, new state laws have required local governments to separate out all organic waste for separate processing and banned a number of additional products from the landfill. The County has gone from having just one solid waste franchise hauler agreement to nine.

In 2015, the Board adopted Chapter 7.21 of the County Code, requiring curbside collection of recycling and solid waste in all areas of the County within the Urban Services Line or the Urban/Rural Services Boundary. Residents inside these boundaries had the option of either subscribing to curbside collection or registering as self-haulers. Recent state action requires that the County modify this ordinance to expand the requirement to the entire County, as explained below.

In an effort to reduce the emissions of greenhouse gases from landfill operations, in September 2016, Governor Brown, Jr., signed SB 1383 (Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets must:

- Reduce organic waste disposal 50% by 2020 and 75% by 2025.
- Rescue at least 20% of currently disposed surplus food by 2025

Subsequently, the California Department of Resources Recycling and Recovery (CalRecycle), developed regulations to implement the new law. These regulations are now final and will take effect on January 1, 2022. The statute and regulations impose significant new requirements on California Counties, including providing curbside collection to all residents of the County (with limited exceptions), as well as a requirement that all residents and businesses separate out food waste and other organics for separate collection. The regulations require significant monitoring, enforcement, and reporting activities by the County to ensure that these provisions are being met. The statute and regulations also empower CalRecycle to mandate changes to local ordinances or to franchise agreements to fully comply with the new requirements.

Analysis

Since its initial passage 27 years ago, Chapter 7.20 of the County Code has been amended multiple times in an attempt to adjust to the dramatic changes in the industry. A recent review found that some of these changes resulted in language that is sometimes confusing and contradictory. Terms are defined in different ways in various sections of the code. Requirements are sometimes unclear to the public. With the assistance of County Counsel and expert consultants, Public Works staff engaged in a comprehensive review of this code chapter to prepare the proposed revision.

Chapters 7.21 (Recycling and Solid Waste Universal Service), 7.23 (Recycling of Electronic Waste), 7.24 (Unauthorized Collection of Recyclable Materials), 7.25 (Unauthorized Removal of Materials from Solid Waste Transfer, Processing, or Disposal Facilities) and 7.26 (Illegal Dumping) will be repealed and replaced with minor revisions into the proposed new amended Chapter 7.20 (Solid Waste) as Articles V, VI, VII and VIII. The revisions include update language that aligns with SB1383 requirements and County franchise waste hauler agreements. The revised Code Chapter 7.20 would bring the County's Code fully up to date with current requirements, prepare the County for future needs and implement clear and consistent terminology throughout.

Solid waste has been identified as the third largest generator of greenhouse gases in California, after transportation and energy. An analysis of Santa Cruz County's own operations identified solid waste operations as the single largest component of the County's own emissions. The County's "Climate Action Strategy" identifies a number of actions for addressing this issue, including, "Reducing the amount of solid waste, particularly recyclable and compostable materials, in the commercial and residential waste stream." This proposal is consistent with that directive.

Residents will continue to have the option of registering as “self-haulers” and bringing their own solid waste and recyclables to a County disposal site. There is also a provision for residents to request an exemption to the requirement for hardship or other reasons.

Body

Strategic Plan Element(s)

4. A, B, C (Sustainable Environment: Outdoor Experience, Natural Resources and Local Conservation)

Recycling and Solid Waste supports efforts to enhance outdoor experiences, protects natural resources, supports clean water and conservation, and reduces solid waste handling.

Meeting History

Sep 28, 2021 9:00 AM Video **Board of Supervisors** **Regular Meeting**

Recommended Action

1) Considered adopting ordinance repealing Chapters 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 of the Santa Cruz County Code relating to Solid Waste and replacing them with a revised Chapter 7.20; and

2) Scheduled the ordinance for final adoption on October 19, 2021.

1 member of the public addressed the Board via zoom

RESULT: **APPROVED IN CONCEPT [UNANIMOUS]**
MOVER: Ryan Coonerty, Third District Supervisor
SECONDER: Greg Caput, Fourth District Supervisor
AYES: Manu Koenig, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson

Discussion

 [Add Comment](#)

ORDINANCE NO. _____

**ORDINANCE REPEALING CHAPTERS 7.20, 7.21, 7.23, 7.24, 7.25 AND 7.26 OF THE
SANTA CRUZ COUNTY CODE RELATING TO SOLID WASTE AND ADOPTING
NEW CHAPTER 7.20 RELATING TO SOLID WASTE**

The Board of Supervisors of the County of Santa Cruz hereby finds and declares the following:

WHEREAS, the Board has determined that it is appropriate to periodically update the County Code to adapt to changing circumstances and comply with state mandates; and

WHEREAS, the Board has determined that it is in the public interest for environmental, health, and safety reasons to update the County Code to provide improved recycling and solid waste services in the unincorporated areas of Santa Cruz County;

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The existing Chapters 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 of the Santa Cruz County Code are hereby repealed.

SECTION II

Chapter 7.20 is added to the Santa Cruz County Code to read as follows:

CHAPTER 7.20 SOLID WASTE

Article I. General Provisions and Definitions

7.20.010 Purpose.

7.20.020 Definitions.

Article II. Franchises

7.20.030 Discarded Materials Collection or Transport—Franchise or Authorization Required.

7.20.040 Unauthorized Collection of Covered Materials.

7.20.050 Grant of Franchise.

7.20.060 Franchise Area.

7.20.070 Categories of Discarded Materials.

7.20.080 Other Materials.

7.20.090 Fees.

Article III. Unauthorized removal of materials from County Resource Management Facilities

7.20.100 Prohibition Against Removal of Materials from Solid Waste Facilities.

7.20.110 Exemptions.

Article IV. Storage and Accumulation of Discarded Materials on Private Property

7.20.120 Containers – Required.

7.20.130 Waste Storage and Accumulation.

7.20.140 Bulk Waste Storage.

7.20.150 Discarded Materials Containers – Customer Use and Placement for Pick-Up.

7.20.160 Discarded Materials Containers—Removal and Transport.

7.20.170 Burning Discarded Materials Prohibited.

Article V. Illegal Dumping

7.20.180 Dumping at Unauthorized Sites Prohibited.

7.20.190 Unlawful and Unauthorized Dumping.

7.20.200 Dumping at County Resource Management Facilities.

7.20.210 Deposit of Discarded Materials in Unauthorized Receptacles Prohibited.

7.20.220 Enforcement Actions.

Article VI. Universal Service Requirements

7.20.230 Mandatory Recyclable Materials, Organic Materials, and Solid Waste Collection Service.

7.20.240 Geographic Area Exemptions.

7.20.250 Exception for Self-Haulers.

7.20.260 Temporary Exemptions.

Article VII. Required Diversion of Covered Materials

7.20.270 Covered Materials Diversion Requirements — Generators.

7.20.280 Covered Materials Diversion Requirements—Service Providers.

7.20.290 Covered Materials Diversion Requirements—County Resource Management Facilities.

7.20.300 Covered Materials Diversion Requirements—Community Composting.

7.20.310 Other Covered Materials Diversion Requirements.

Article VIII. Recycling of Electronic Waste

7.20.320 Meeting E-Waste Recycling Standards.

7.20.330 Notification of E-Waste Collection Events.

7.20.340 Exemptions.

Article IX. Edible Food Recovery Program

7.20.350 General Provisions.

7.20.360 Commercial Edible Food Generator Requirements.

7.20.370 Food Recovery Services and Food Recovery Organizations Requirements.

7.20.380 Compliance Monitoring and Enforcement.

Article X. Enforcement

7.20.390 General.

7.20.400 Compliance Education.

7.20.410 Compliance Monitoring — Right of Entry.

7.20.420 Investigation of Violation — Right of Entry.

7.20.430 Reporting Violations of California Penal Code Section 374.3 — Reward.

7.20.440 Violations and Penalties.

Article XI. Waivers and Exemptions

7.20.450 Waivers and Exemptions.

Article I. General Provisions and Definitions

7.20.010 Purpose.

The purpose of this Chapter is to:

- (A) Promote the health, safety, and general welfare of the public; minimize detrimental effects to communities and neighborhoods; and protect the environment by:
 - (1) Providing for the safe and orderly collection, processing, reuse, and/or disposal of Discarded Materials;
 - (2) Requiring a level of service and maintenance for private property with regard to Discarded Materials accumulation, collection, processing, and disposal, which will protect the public from the health and safety hazards and the impairment of property values resulting from the accumulation of Discarded Materials on such private property; and,
 - (3) Ensuring that public spaces are kept clean and protected from the health, safety, and environmental hazards resulting from Illegal Disposal of Discarded Materials or improper use of Discarded Materials receptacles.
- (B) Achieve County and State-wide goals to reduce landfill disposal and greenhouse gas emissions by:
 - (1) Increasing the amount of Organic Materials, Recyclable Materials, Reusable Materials, Construction and Demolition Debris, and Excluded Waste that is diverted from landfills; and,
 - (2) Increasing the amount of Edible Food that is diverted from the waste stream and recovered for human consumption, which additionally benefits local communities by supporting efforts to address food insecurity.

7.20.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- (A) “Alternative Daily Cover” or “ADC” has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations.
- (B) “Alternative Intermediate Cover” or “AIC” has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations.
- (C) “Applicable Law” means all laws, statutes, rules, regulations, guidelines, permits, actions, determinations, orders, approvals, or requirements of the United States, State of California, County, regional or local government authorities, agencies, boards, commissions, courts, or other bodies having applicable jurisdiction, that from time to time apply to or govern the

management of Discarded Materials or any other materials or processes described in this Chapter.

- (D) “Bulky Item” means any discarded items such as furniture, home or industrial appliances, tires, carpets, mattresses, and similar large items that may require special collection or handling due to their size or nature.
- (E) “California Code of Regulations” or “CCR” means the State of California Code of Regulations.
- (F) “Certified Electronic Device Recycler” means an Electronic Device Recycler that has been certified by a third-party organization designated by the County.
- (G) “Commercial” or “Commercial Business” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, or industrial facility; or as otherwise defined in 14 CCR Section 18982(a)(6), with the exception that Multi-Family is excluded from the definition of Commercial for the purposes of this Chapter. Commercial does not include businesses conducted upon Residential property which are permitted under applicable zoning regulations and are not the primary use of the property, unless that business is expressly included under 14 CCR Section 18982(a)(6).
- (H) “Commercial Edible Food Generator” means a Tier One Commercial Edible Food Generator or a Tier Two Commercial Edible Food Generator. For the purposes of this Chapter, Food Recovery Organizations or Food Recovery Services are not Commercial Edible Food Generators.
- (I) “Community Composting” means any activity or operation that composts green material, Yard Trimmings, agricultural material, and Food Scraps, 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. If the feedstock parameters specified in 14 CCR Section 18982(a)(8) differ from those specified in this definition, the parameters defined in 14 CCR Section 18982(a)(8) shall apply to this Chapter. A Community Composting operation does not include a composting operation that is located on private property and only processes material generated at the Premises; including, but not limited to, Residential backyard composting or on-site composting at a farm that does not accept and process external material.
- (J) “Container” means a receptacle where Discarded Materials are placed, including: carts, cans, bins, compactors, roll-off bins, drop-boxes, or any other receptacle approved for use in the County’s Discarded Materials Collection Program.
- (K) “Construction and Demolition Debris” or “C&D” includes discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair, or demolition operations on any pavements, excavation projects, houses, or other structures.

- (L) “County” means the County of Santa Cruz, California, a political subdivision of the State of California, and its duly authorized representatives.
- (M) “County-Authorized Service Provider” means a permittee or franchisee authorized by the County Board of Supervisors which has received written approval, through an agreement or otherwise, to collect, transport, transfer, process, and/or dispose of Discarded Materials within the unincorporated areas of the County.
- (N) “County Resource Management Facility” means a facility that has been approved by the County to accept Discarded Materials from the County’s Recyclable Materials Collection Program, Organic Materials Collection Program, or Discarded Materials Collection Program, including material from approved Self-Haulers; or is otherwise approved to accept Discarded Materials generated in the County. This may include, but is not limited to: material recovery facilities, recycling centers, composting facilities, transfer stations, and approved disposal sites.
- (O) “Covered Materials” means those Discarded Materials required to be Segregated from Solid Waste for the purpose of landfill diversion, including Recyclable Materials, Organic Materials, and C&D.
- (P) “Designated Collection Location” means the place where a County-Authorized Service Provider has arranged to receive Segregated Recyclable Materials.
- (Q) “Director” means Director of the Santa Cruz County Department of Public Works, or their designee.
- (R) “Discarded Materials” means any one or combination of Solid Waste, Recyclable Materials, Organic Materials, Organic Waste, C&D, E-Waste, Reusable Materials, or other material discarded by a Generator.
- (S) “Discarded Materials Collection Program” means the full range of services provided by the County to facilitate the collection, transfer, processing, and/or disposal of Discarded Materials; including services provided by County Resource Management Facilities, County-Authorized Service Providers, the County itself, or any other entities approved by the County to collect, transport, process, or dispose of Discarded Materials or provide other program services. The scope of these services, including the materials accepted and the scope of the program, shall be specified in the franchise agreement(s) between the County and County-Authorized Service Provider(s); agreements or permits for County Resource Management Facilities; or as otherwise defined and approved by the County.
- (T) “Drop Box” or “Roll-Off” means an open-top Container with a capacity of ten (10) to forty (40) cubic yards that is serviced by a roll-off collection vehicle.
- (U) “Edible Food” means food intended for human consumption. For the purposes of this Chapter, Edible Food is not considered Solid Waste or Discarded Material if it is recovered and not discarded. Nothing in this Chapter requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

If the definition in 14 CCR Section 18982(a)(18) for Edible Food differs from this definition, the definition in 14 CCR Section 18982(a)(18) shall apply to this Chapter.

- (V) “Electronic Device” means any device powered by electricity (including batteries) that contains circuitry and may be identified by the State of California as Hazardous Waste, whether whole or in fragments, including parts, components, or assemblies thereof. Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens. “Electronic Device” does not include motor vehicles or large appliances.
- (W) “Electronic Device Collector” means any Person, partnership, corporation or other entity who collects or gathers Electronic Devices for processing or delivery to an Electronic Device Recycler.
- (X) “Electronic Device Recycler” means an entity that includes as part of its operations the recycling or processing of Electronic Devices.
- (Y) “Electronic Waste” or “E-Waste” means any Electronic Device which is discarded, collected, and/or transported for recycling, processing, reuse, or disposal. Some E-Waste or components thereof may be Hazardous Waste or include hazardous substances, and thus may require special handling, processing, or disposal.
- (Z) “Electronic Waste Collection Event” or “E-Waste Collection Event” means any one-time or ongoing event or activity organized by individuals, groups, Electronic Device Collectors, Electronic Device Recyclers, or other entities with the intended purpose of collecting, gathering, or otherwise accepting E-Waste for recycling or delivery to a Certified Electronic Device Recycler. Examples include, but are not limited to, curbside pickups, door-to-door pickups, parking lot drop-offs, one-time collection events, permanent collection sites, or an organization’s in-house Electronic Device management program.
- (AA) “Enforcement Officer” means a representative of any County Department authorized by the Santa Cruz County Board of Supervisors to enforce the provisions of this Chapter by issuing citations.

- (BB) “Excluded Waste” means any hazardous substance, Hazardous Waste, infectious waste, designated waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substance or material that the County, County-Authorized Service Provider(s), or County Resource Management Facility operator(s) 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, including land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the County’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance, or otherwise create or expose the County or a County-Authorized Service Provider to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Residential Discarded Materials 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.
- (CC) “Exemption Approval” shall mean permission or approval of a requested exception for Self-Haulers or other exemption from the applicable requirements of Article IV or Article VI of this Chapter, authorized in writing by the Director.
- (DD) “Food Recovery” means actions to collect and distribute Edible Food for human consumption which otherwise would be disposed; or as otherwise defined in 14 CCR Section 18982(a)(24).
- (EE) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery, either directly or through other entities, including, but not limited to:
- (1) A food bank as defined in Section 113783 of the State Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the State Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the State Health and Safety Code.

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Chapter.

- (FF) “Food Recovery Service” means a Person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery; or as otherwise defined in 14 CCR Section 18982(a)(26).
- (GG) “Food Scraps” means those discarded food and food-soiled materials that will decompose and/or putrefy and are specifically approved by the County for collection in its Organic Materials Collection Program. Food Scraps is a subset of Organic Materials.

- (HH) “Generator” means any Person whose act or process produces Discarded Materials, or whose act first causes Discarded Materials to become subject to regulation.
- (II) “Hazardous Waste” means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117 or in the future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (JJ) “Household Hazardous Waste” or “HHW” means Hazardous Waste generated at Residential Premises within the unincorporated areas of the County. HHW may include, but is not limited to: Electronic Waste, universal waste, paint, stain, varnish, thinner, adhesives, auto products such as old fuel, used motor oil, used oil filters, cleaners and sprays, pesticides, fertilizers and other garden products, hazardous wood waste, needles, syringes, and lancets; or as otherwise specified by an approved agreement between the County and a County-Authorized Service Provider.
- (KK) “Household Medical Waste” means any home-generated Medical Waste.
- (LL) “Illegal Dumping” or “Illegal Disposal” or any variation thereof, means the willful throwing, dropping, placing or depositing of any Discarded Materials, Bulky Item, Hazardous Waste, Household Medical Waste, Solid Waste, or Liquid Waste on any public or private property in the unincorporated area of the County that is not approved and appropriately permitted as a processing or disposal site for the type of Solid Waste thrown, dropped, placed or deposited at the site.
- (MM) “Large Event” means “large event” as defined by 14 CCR Section 18982(a)(38).
- (NN) “Large Venue” means “large venue” as defined by 14 CCR Section 18982(a)(39).
- (OO) “Liquid Waste” means all forms of liquid waste not otherwise defined in or otherwise deemed to fall within the coverage afforded by Health and Safety Code Section 25117; including but not limited to gray water, black water, water-based or oil-based paints; chemical solutions; non-potable water contaminated with any substance rendering it unusable for irrigation or construction; oils, fuels, hydrocarbon liquids, and other petroleum distillates or byproducts.
- (PP) “Medical Waste” means materials which are generated or produced as a result of diagnosis, treatment, or immunization of humans or animals; the production or testing of biologicals and sharps waste; laboratory waste including human or animal specimen cultures from medical and pathology laboratories; cultures and stock of infectious agents from research and industrial laboratories; waste from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research, and discarded animal vaccines; human or animal surgery specimens or tissues; waste containing materials contaminated with excretion exudates or secretions from humans that are required to be isolated by infection control staff, the attending physician, or local health officer to protect

others from highly communicable diseases; biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities and other similar establishments that are identified in Health and Safety Code Section 25117.5 as may be amended from time to time.

- (QQ) “Multi-Family Dwelling” or “Multi-Family” means any Residential Premises with five (5) or more dwelling units, regardless of whether residence therein is temporary or permanent.
- (RR) “Organic Materials” or “Organics” means those Discarded Materials specifically approved by the County for collection in its Organic Materials Collection Program. Organic Materials includes Yard Trimmings and Food Scraps. No Discarded Materials shall be considered Organic Materials, however, unless such material is Segregated from Solid Waste, Recyclable Materials, and other Discarded Materials. Organic Materials is a subset of Organic Waste.
- (SS) “Organic Materials Collection Program” means the full range of services provided by the County to facilitate the collection and processing of Organic Materials; including services provided by County Resource Management Facilities, County-Authorized Service Providers, the County itself, or any other entities approved by the County to collect, transport, or process Organic Materials or provide other program services. The scope of these services, including the materials accepted and the scope of the program, shall be specified in the franchise agreement(s) between the County and County-Authorized Service Provider(s); agreements or permits for County Resource Management Facilities; or as otherwise defined and approved by the County. The Organic Materials Collection Program is a subset of the County’s Discarded Materials Collection Program
- (TT) “Organic Waste” means waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, 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).
- (UU) “Person” means an individual, association, co-partnership, political subdivision, government agency, municipality, industry, Commercial Business, public or private corporation, firm, organization, partnership, joint venture, or any other entity whatsoever.
- (VV) “Premises” means any land or building within the unincorporated areas of the County. Premises include permanent and transient human dwellings and places of accommodation, commerce, or recreation; and, the property, easements abutting sidewalks, alleyways and the untraveled portion of an abutting public street.
- (WW) “Prohibited Container Contaminants” means any Discarded Material placed in a Generator’s Container that is not intended or permitted for collection in that Container, such as:

- (1) Discarded Materials placed in the Recyclable Materials Container that are not identified as acceptable Recyclable Materials for the County's Recyclable Materials Collection Program;
 - (2) Discarded Materials placed in the Organic Materials Container that are not identified as acceptable Organic Materials for the County's Organic Materials Collection Program;
 - (3) Discarded Materials placed in the Solid Waste Container that are defined as acceptable materials to be placed in the Recyclable Materials Container or Organic Materials Container under the County's Recyclable Materials Collection Program and Organic Materials Collection Program, respectively; and,
 - (4) Excluded Waste placed in any Container.
- (XX) "Recyclable Materials" or "Recyclables" means those Discarded Materials specifically approved by the County for collection in its Recyclable Materials Collection Program. No Discarded Materials shall be considered Recyclable Materials, however, unless such material is Segregated from Solid Waste, Organic Materials, and other Discarded Materials.
- (YY) "Recyclable Materials Collection Program" means the full range of services provided by the County to facilitate the collection and processing of Recyclable Materials; including services provided by County Resource Management Facilities, County-Authorized Service Providers, the County itself, or any other entities approved by the County to collect, transport, or process Recyclable Materials, or provide other program services. The scope of these services, including materials accepted and program requirements, shall be specified in the franchise agreement(s) between the County and County-Authorized Service Provider(s); agreements or permits for County Resource Management Facilities; or as otherwise defined and approved by the County. The Recyclable Materials Collection Program is a subset of the County's Discarded Materials Collection Program.
- (ZZ) "Residential" means of, from, or pertaining to a Single-Family Premises or Multi-Family Premises, including Single-Family homes, apartments, condominiums, townhouse complexes, mobile home parks, cooperative apartments, yacht harbors and marinas where residents live aboard boats, or other Premises that are or may be designated as Residential by the County.
- (AAA) "Reusable Materials" means items that are capable of being used again after minimal processing, if any.
- (BBB) "Rural Services Line" shall have the meaning set forth in SCCC 17.02.030.
- (CCC) "Segregated" or any variation thereof, means to separate Covered Materials from other Discarded Material types, including, but not limited to:
- (1) The placement of each Covered Material type in separate Containers, as applicable;

- (2) The binding of a Covered Material type separately from other Discarded Materials;
or,
- (3) The physical separation of a Covered Material type from other Discarded Materials.

(DDD) “Self-Haul” or any variation thereof, means the removal and transport of Discarded Materials by any: i) Commercial Business owner, operator, property manager, or employee; ii) Multi-Family building owner, property manager, or employee; iii) Residential Generator; or, iv) any other Generator type, to a County Resource Management Facility or other expressly approved site, provided that they use their own vehicle and the Discarded Materials were generated in or on their own Premises. Self-Haul includes a Generator who back-hauls waste, as defined in 14 CCR Section 18982(a)(66)(A). Self-Haul does not include any contractors or other entities that receive compensation for Discarded Materials removal service.

(EEE) “Single-Family Dwelling” or “Single-Family” means any Residential Premises with less than five (5) dwelling units.

(FFF) “Solid Waste” means Solid Waste as defined in the California Public Resources Code, Division 30, Part 1, Chapter 2, Section 40191, and regulations promulgated hereunder, that County Code requires Generators within the County to set out for collection unless Generators elect to Self-Haul materials in accordance with this Chapter. Excluded from the definition of Solid Waste is any Covered Materials that have been Segregated from other Discarded Material types. Notwithstanding any provision to the contrary, Solid Waste may include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe collection, recycling, treatment, and disposal of Household Hazardous Waste in compliance with Sections 41500 and 41802 of the California Public Resources Code as they may be amended from time to time.

(GGG) “State” means the State of California.

(HHH) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket; defined as a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items; or as otherwise defined in 14 CCR Section 18982(71).
- (2) Grocery store with a total facility size equal to or greater than 10,000 square feet; defined as a store primarily engaged in the retail sale of canned food, dry goods; fresh fruits and vegetables, fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments; or as otherwise defined in 14 CCR Section 18982(a)(30).

- (3) Food service provider; defined as an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of entities, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (4) Food distributor; defined as a company that distributes food to entities including, but not limited to, supermarkets and grocery stores; or as otherwise defined in 14 CCR Section 18982(a)(22).
- (5) Wholesale food vendor; defined as a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, and/or prepared for distribution to a retailer, warehouse, distributor, or other destination; or as otherwise defined in 14 CCR Section 18982(a)(76).

If the definition in 14 CCR Section 18982(a)(73) for Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Chapter.

(III) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats or a total facility size equal to or greater than 5,000 square feet. A restaurant is defined as an establishment primarily engaged in the retail sale of food and drinks for on-Premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (2) Hotel, as defined in 14 CCR Section 18982(a)(34), with an on-site food facility and 200 or more rooms.
- (3) Health facility, as defined in 14 CCR Section 18982(a)(32), with an on-site food facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A local education agency with an on-site food facility. A local education agency is defined as a school district, charter school, or County office of education that is not subject to the control of city or County regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

If the definition in 14 CCR Section 18982(a)(74) for Tier Two Commercial Edible Food Generator conflicts with the definition in this Section, the definition in 14 CCR Section 18982(a)(74) shall apply to this Chapter.

(JJJ) “Urban Services Line” shall have the meaning set forth in SCCC 17.02.030.

(KKK) “Yard Trimmings” means those discarded plant or otherwise non-animal Organic Materials that will decompose and/or putrefy and are specifically approved by the County for collection in its Organic Materials Collection Program. Yard Trimmings are a subset of Organic Materials.

Article II. Franchises

7.20.030 Discarded Materials Collection or Transport—Franchise or Authorization Required.

It is unlawful for any Person to commercially collect or transport Discarded Materials through any street or public place within any of the unincorporated area of the County unless: (A) such Person is a County-Authorized Service Provider; (B) such Person is permitted to Self-Haul Discarded Materials generated from Residential, Commercial, or industrial activities conducted solely by such Person, in accordance with SCCC 7.20.250; or, (C) such Person is acting in their capacity as an employee or agent of the County.

7.20.040 Unauthorized Collection of Covered Materials.

- (A) Curbside Collection. Covered Materials Segregated from other Discarded Materials and placed for collection by Generators shall become the property of the County-Authorized Service Provider at the time of placement for collection. The County, the County-Authorized Service Provider, or a Person expressly authorized by the owner or occupant of the Residential property and the County under this Chapter shall have the right to collect such Recyclable and/or Organic Materials. It is unlawful and shall constitute an infraction for any Person, except as otherwise authorized in this Article, to collect or remove such Covered Materials. The collection or removal of such Covered Materials from the curb or the edge of the roadway in front of each separate Premises shall constitute a separate violation.
- (B) Other Recyclable Materials Collection. Unless otherwise provided by contract, Recyclable Materials which are Segregated from other Discarded Materials for the purposes of recycling and placed at any Designated Collection Location, may not be collected or removed by anyone other than the County-Authorized Service Provider(s), a Person expressly authorized by the County under this Chapter, or the Generator who placed the material for collection. It is unlawful and shall constitute an infraction for any Person, except as otherwise provided in this Section, to collect or remove such Recyclable Materials. The collection or removal of such materials from each separate Designated Collection Location shall constitute a separate violation.
- (C) Nothing in this Chapter shall limit the right of an individual Person to donate, sell, reuse, or otherwise manage their material property, as permitted by the County and subject to Applicable Law.

7.20.050 Grant of Franchise.

Any franchise for the collection and transportation of Discarded Materials within the unincorporated area of the County may be granted by the Board of Supervisors on such terms and conditions determined by the County Board of Supervisors to be in the best interests of the County. Such terms and conditions may be evidenced by a written franchise agreement executed by the County and franchisee. A franchise granted pursuant to this Chapter may be exclusive or nonexclusive, as to a particular service area and as to categories and classes of Discarded Materials.

7.20.060 Franchise Area.

In granting a franchise relating to Discarded Materials service in the unincorporated area of the County, pursuant to this Chapter, the Board of Supervisors may define the area to be served by the franchise to encompass the entire unincorporated area of the County, or any portion thereof. The Board of Supervisors may limit the number of nonexclusive franchises serving a particular area within the unincorporated area of the County.

7.20.070 Categories of Discarded Materials.

Any franchise granted pursuant to this Chapter shall specify the categories and classes of Discarded Materials covered thereby. Any categories and classes of Discarded Materials not reserved exclusively to a particular exclusive franchisee may be served through other franchises or Discarded Materials collection licenses or permits.

7.20.080 Other Materials.

Other services related to the collection and transportation of Discarded Materials, including but not limited to the provision of Roll-Off or Drop Box Containers, which are not exclusively reserved to a particular franchisee, may be provided for by the County through licenses, permits, franchises or any means determined by the County.

7.20.090 Fees.

In granting a franchise pursuant to this Chapter, the Board of Supervisors may establish a fee or fees to be paid by a franchisee in consideration for the rights and privileges granted by the County and in consideration of the impact of the conduct of Discarded Materials collection and transportation services upon the County, real property within the County, and County residents and businesses. Any such fee(s) shall be determined by the Board of Supervisors in its grant and, without limitation, may be a flat fee, a periodic fixed or variable fee, or a fee based on gross revenues of the franchisee derived from the exercise of the franchise. The franchise agreement may specify how these fees are determined and adjusted.

Article III. Unauthorized Removal of Materials from County Resource Management Facilities

7.20.100 Prohibition Against Removal of Materials from Solid Waste Facilities.

It shall be unlawful for any individual, corporation or Person to remove from any County Resource Management Facility any materials that have been brought to such facility for transfer, processing, or disposal. Members of the public, when disposing of Discarded Materials at any County

Resource Management Facility which transfers, processes, or disposes of such Discarded Materials, do not have any right to remove any of the materials that have been deposited with the County at such facilities.

7.20.110 Exemptions.

A Person may be exempt from the provisions of this Article if the Director determines, and memorializes that determination through written authorization prior to any removal and salvage of specified materials by said Person, that removal and salvage of specified materials is in the best interests of the County and beneficial to its Discarded Materials transfer, processing, or disposal operations.

Article IV. Storage and Accumulation of Discarded Materials on Private Property

7.20.120 Containers – Required.

- (A) Every Person owning, occupying, or controlling any Residential dwelling unit, industrial Premises, Commercial Business, or other Premises, other than a County Resource Management Facility, where Discarded Materials are produced or accumulated, shall provide and maintain on the Premises suitable Containers in good repair and of sufficient capacity to store the accumulation of Discarded Materials during the intervals between collection, transport, processing, or disposal. Containers must be easily-identifiable and accessible to tenants, employees, vendors, contractors, visitors, and customers, and must display proper signage of the approved and prohibited Discarded Material types for that Container. Such Containers may be provided and maintained by the County-Authorized Service Provider(s). Generators may be required to exclusively use Containers provided by the County-Authorized Service Provider(s) in order to ensure that the Containers are compatible with collection equipment and Applicable Law. The Director retains the right to require Containers to meet certain standards, such as Container color, labels, or other specifications, including, but not limited to, those specified in 14 CCR, Division 7, Chapter 12, Article 3.
- (B) In Multi-Family or multiple-occupancy structures or Premises, it is the responsibility of the property owner or proprietor to provide and maintain suitable Discarded Materials Containers in good repair and of sufficient capacity for tenants and visitors of the Premises. The property owner or proprietor may be required to exclusively use Containers provided by the County-Authorized Service Provider(s) in order to ensure that the Containers are compatible with collection equipment and Applicable Law. The Director retains the right to require Containers to meet certain standards, such as Container color, labels, or other specifications, including but not limited to those specified in 14 CCR, Division 7, Chapter 12, Article 3.
- (C) Every contractor or builder engaged in the erection or repair of a building shall provide Containers of adequate capacity at or near such building for the deposit and storage of any waste resulting from the erection or repair work.

- (D) In every case cited in subsections (A), (B) and (C) of this Section, separate Containers shall also be required for the deposit and storage of Covered Materials, pursuant to Articles VI and VII of this Chapter, as may be generated on site by the conditions described therein.

7.20.130 Waste Storage and Accumulation.

It shall be unlawful for the owner, occupant, or manager of any Premises to allow the accumulation of any Discarded Materials in, on, or under any Premises at any time which is, or may become, a menace to health and sanitation or a fire hazard. It shall be unlawful for the owner, occupant, or manager of any Premises to ever at any time suffer, permit, or allow any Discarded Materials of any kind to remain in, on, or under such Premises for a period exceeding that allowed by Applicable Law. Any unauthorized accumulation of Discarded Materials on any property or Premises is hereby declared an unlawful public nuisance, is hereby prohibited, and may be abated pursuant to Article X of this Chapter.

7.20.140 Bulk Waste Storage.

Any industrial, commercial, or business establishment wherein Discarded Materials are handled, produced or stored in large quantities is subject to review by a County Code Enforcement Officer. The Person in possession of the establishment shall comply with such requirements as the Enforcement Officer may deem necessary for the sanitary storage, collection, transport, processing, or disposal of the waste on the Premises.

7.20.150 Discarded Materials Containers – Customer Use and Placement for Pick-Up.

Discarded Materials Containers shall not be placed on curbside or otherwise adjacent to streets or roadways to facilitate Discarded Materials collection more than twenty-four (24) hours prior to pick-up time, and they shall be removed from the pick-up site within twenty-four (24) hours after they have been emptied. Certain fees may be assessed for customers of the County-Authorized Service Provider regarding proper use, care, and placement of collection Containers; and these fees shall be described in the franchise agreement, if applicable.

7.20.160 Discarded Materials Containers—Removal and Transport.

Discarded Materials Containers on all Premises shall be emptied and Discarded Materials shall be collected and properly transported to a County Resource Management Facility or other approved location not less than once per week. Discarded Materials may be collected and transported by a County-Authorized Service Provider or Self-Hauled in accordance with SCCC 7.20.250. A County Code Enforcement Officer or other County-authorized designee may require occupants of the Premises to manage, transport, or dispose of Discarded Materials in a prescribed manner or place. More frequent collection or transport of Discarded Materials may be required of Premises where Discarded Materials are produced in such quantities, or is of such nature, that such increased frequency is necessary to prevent the occurrence of vector infestations or odor nuisances.

7.20.170 Burning Discarded Materials Prohibited.

No Person shall burn Discarded Materials unless such burning is conducted in a properly constructed incinerator approved by the Monterey Bay Unified Air Pollution Control District. No

Person shall burn Discarded Materials except as permitted by the Monterey Bay Unified Air Pollution Control District and the local fire authority.

Article V. Illegal Dumping

7.20.180 Dumping at Unauthorized Sites Prohibited.

Except as otherwise provided by Applicable Law, no Person shall deposit or discharge, or cause to be deposited or discharged, any Discarded Materials in any place other than an approved Discarded Materials Container or at a County Resource Management Facility, in accordance with this Chapter.

7.20.190 Unlawful and Unauthorized Dumping.

(A) It shall be unlawful for any Person to:

- (1) Fail to arrange for the lawful collection, processing, and/or disposal of Discarded Materials generated on the Premises which that Person owns, occupies, controls or manages, including failing to maintain a continuous subscription for regular Discarded Materials removal by a County-Authorized Service Provider, and/or using unauthorized service providers to collect, process, or dispose of Discarded Materials;
- (2) Cause, maintain, or permit Discarded Materials to be placed in a Container other than provided for in this Chapter;
- (3) Cause, maintain, or permit the Illegal Dumping of Discarded Materials on the right-of-way of any public highway, street, easement or thoroughfare; upon any camping place or public grounds; on any Premises or in any container without the express permission of the owner thereof; or into any stream or dry watercourse within the County's jurisdiction; or
- (4) Cause, maintain or permit the Illegal Dumping of Discarded Materials within the County in any manner that violates the provisions of this Chapter.

7.20.200 Dumping at County Resource Management Facilities.

It is unlawful for any Person to place, deposit or dump or cause to be placed, deposited or dumped any Discarded Materials at any County Resource Management Facility:

- (A) Without first paying the fees prescribed by the Board of Supervisors; or
- (B) In violation of the rules and regulations prescribed by the Board of Supervisors for the operation of the County Resource Management Facility. A copy of the fee schedule and the rules and regulations governing the County Resource Management Facility shall be on file at the Department of Public Works and the Clerk of the Board and shall be open to inspection by the public.

7.20.210 Deposit of Discarded Materials in Unauthorized Receptacles Prohibited.

- (A) Private receptacles. It is unlawful for any Person to place, deposit or dump, or cause to be placed, deposited or dumped in any Discarded Materials receptacles reserved for the use of any other household, business or other entity, any Discarded Materials without express written permission from such household, business or other entity.
- (B) Public receptacles. It is unlawful for any Person to place, deposit or dump, or cause to be placed, deposited or dumped any Discarded Materials in any of the public Discarded Materials receptacles within the unincorporated areas of the County, unless that Person or entity is utilizing the public Discarded Materials receptacles in conjunction with a legitimate outdoor recreational activity that necessitates the use of public Discarded Materials Containers.

7.20.220 Enforcement Actions.

- (A) The procedures contained in this Article and Article X of this Chapter for the citation and penalization of Persons caught committing the act of Illegal Dumping are expressly intended as a deterrent and remedy to further the abatement of Illegal Dumping; to protect residents and the public at large from harm to their health, safety and welfare; to avoid destruction and injury to lives and property; and, to compensate the County for damages incurred as a result of the occurrence of the nuisance activities. Examples of such damages are the costs of cleaning up Illegal Disposal sites and diverting limited public agency resources to address the nuisance activities through direct enforcement or other programs designed to prevent Illegal Dumping.
- (B) Any Person who violates the provisions of this Article is subject to the enforcement actions specified in Article X of this Chapter. The Director is responsible for the enforcement of this Article and shall act as the Enforcement Officer for the purposes of this Article.
- (C) In a criminal proceeding alleging a violation of this Article, upon a prima facie showing by the prosecution that a Person's items, Solid Waste, or property have been found in any location where it is unlawful to dispose of Discarded Materials, under circumstances which would lead a reasonable trier of fact to conclude that the items had been discarded in that location, or that surveillance data collected under any lawful surveillance program undertaken by the County would lead a reasonable trier of fact to conclude that the Person has Illegally Dumped the materials in violation of this Chapter, shall be sufficient to constitute a rebuttable presumption that the Person is guilty of a violation of this Article.
- (D) For purposes of conducting any administrative hearing under this Chapter, the presence of at least two (2) pieces of addressed mail or other identifying information in the Illegally Dumped material shall constitute a rebuttable presumption that the Person so identified by those items has committed Illegal Dumping in violation of this Article and is subject to the penalties and remedies provided for in Article X of this Chapter.
- (E) In the event of a conviction of a violation of this Article and under appropriate circumstances, the court may order the defendant to pay restitution in an amount according to proof to any public entity and/or private party which and/or whom has incurred out-of-

pocket expenses as a result of restoring the Premises used as an Illegal Dumping site to its prior condition, in addition to any other penalty imposed.

Article VI. Universal Service Requirements

7.20.230 Mandatory Recyclable Materials, Organic Materials, and Solid Waste Collection Service.

No Person shall reside in or lease to any other Person a Residential property, and no Person shall operate any Commercial Business or lease to any other Person Commercial property within the Urban Services Line or the Rural Services Line, and, as of January 1, 2022, within any area of the unincorporated County, at any time during which Recyclable Materials, Organic Materials, and Solid Waste collection service is not being provided to the Premises from a County-Authorized Service Provider, unless exempt as provided herein. No real estate broker, service, or salesperson shall arrange for rentals of Residential or Commercial property without assuring that the rental agreement includes requirements that such services exist. The legal owner of the Premises shall be responsible for ensuring compliance with these provisions.

7.20.240 Geographic Area Exemptions.

- (A) As of January 1, 2022, the requirements of this Article shall apply to all areas within the unincorporated County, unless the Board of Supervisors specifically exempts a certain area in accordance with Applicable Law. Considerations for such an exemption may include, but are not limited to, the population density of the area.
- (B) Decisions of the Board of Supervisors regarding geographic exemptions under this Article shall be final and will not be subject to further administrative appeal.

7.20.250 Exception for Self-Haulers.

- (A) Generators or other approved entities may opt to Self-Haul, as defined, their own Discarded Materials to a County Resource Management Facility, with the express and prior written permission of the Director, provided that their own vehicle is used and the Discarded Materials are generated in or on their own Premises. Permission from the Director to use an alternative facility shall be conditioned on the County receiving satisfactory documentation of the proper management of Discarded Materials from those Premises. Provision of such information shall not require approval by the Director of an alternate disposal site.
- (B) Self-Haulers must establish an account at a County Resource Management Facility, or provide alternate arrangements deemed acceptable to the Director in the written Exemption Approval.
- (C) Self-Haulers must properly separate all Covered Materials and deposit materials in appropriate Containers or designated areas at the County Resource Management Facility, and must follow all other applicable rules and regulations.

- (D) Self-Haulers must comply with all County administrative policies and guidelines and all Applicable Law. Compliance requirements may include, but are not limited to, maintaining records and submitting reports to the County or any other applicable agency(ies) upon request.
- (E) Self-Haulers must dispose of Discarded Materials at intervals determined satisfactory by the Director in the written Exemption Approval.
- (F) Self-Haulers may be required to maintain records as a condition of the Exemption Approval, such as, but not limited to, records of the weight and volume of Discarded Material delivered to each applicable County Resource Management Facility, and supporting documentation such as weight tickets, or other information specified in the terms of the Exemption Approval. Such records are subject to inspection by the County and shall be retained for the period of time specified in the written Exemption Approval.
- (G) Self-Haulers who fail to abide by the above requirements may have their written Exemption Approval revoked at the discretion of the Director and may be assessed fees pursuant to SCCC 7.20.440.
- (H) An administrative fee for Self-Haulers shall be collected annually to offset the cost of administration of the exemption in the amount specified in the Unified Fee Schedule.

7.20.260 Temporary Exemptions.

Temporary exemptions may be available, at the sole discretion of the Director, in accordance with Article XI of this Chapter. Decisions of the Director in regard to temporary exemptions shall be final and are not subject to further administrative appeal.

Article VII. Required Diversion of Covered Materials

7.20.270 Covered Materials Diversion Requirements — Generators.

- (A) All Generators, including all property owners, owners of Commercial Businesses, and residents living in Single-Family structures, Multi-Family structures and mixed-use buildings, including those entities authorized to Self-Haul their waste pursuant to SCCC 7.20.250, must participate in a program to divert Covered Materials, including the requirements to:
 - (1) Subscribe to Covered Materials collection service offered by a County-Authorized Service Provider, or Self-Haul Covered Materials in accordance with SCCC 7.20.250 and Applicable Law.
 - (2) Separate Covered Materials for collection or transport, and ensure that no Covered Materials are deposited in a Solid Waste Container or receptacle; deposited at any County disposal facility; or are otherwise disposed of. Generators shall not place Prohibited Container Contaminants in Discarded Materials Containers. Failure to properly Segregate Covered Materials or observation of Prohibited Container

Contaminants may result in non-collection and/or the assessment of contamination processing fees by the County or its authorized designee(s).

- (B) In addition to the requirements of subsection (A), Generators that own or otherwise manage a Multi-Family Dwelling or Commercial Business shall:
 - (1) Arrange for Covered Materials collection services consistent with this Section and supply and ensure convenient access to Covered Materials Containers of an adequate size and number, and with highly visible signage, for all employees, tenants, customers, contractors, and visitors;
 - (2) Educate and provide information to employees, contractors, and tenants about Covered Materials diversion requirements and proper sorting, at least annually. Such education information shall also be provided to any new employees or contractors upon employment and any new tenants upon occupation of the Premises before or within fourteen (14) calendar days of employment or occupation of the Premises; and,
 - (3) Provide or arrange for access to their Premises during all inspections conducted pursuant to SCCC 7.20.410 and 7.20.420.
- (C) In addition to the requirements of subsections (A) and (B), a Generator that is a Commercial Business shall meet the following requirements.
 - (1) Provide Containers for the collection of Covered Materials in all areas where Solid Waste Containers are provided for customers, except restrooms. If a business does not generate any of the Discarded Materials that would be collected in one type of Container then the business does not have to provide that Container type for customers in all areas where Solid Waste Containers are provided. The Covered Materials Containers provided to Customers shall have one or both of the following: (i) a body and lid that conforms with the colors of the Containers provided through the County's Recyclable Materials Collection Program, Organic Materials Collection program, or other Discarded Materials Collection Programs, as applicable; and/or, (ii) highly-visible Container labels that include language, graphic images, or both indicating the primary materials accepted and the primary materials prohibited in each Container; or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in each Container. A Commercial Business is not required to replace functional Containers that do not comply with these color and labeling requirements prior to the end of the useful life of the Containers, or prior to January 1, 2036, whichever date comes first.
 - (2) Prohibit employees from placing Covered Materials in a Container not designated to receive Covered Materials; periodically inspect Containers for contamination with Prohibited Container Contaminants; and, if contamination by Prohibited Container Contaminants is found, inform employees of the observed Prohibited Container Contaminants and the proper use of Covered Materials Containers.

- (D) Generators may additionally manage their Covered Materials by preventing or reducing their waste generation; and/or managing Organic Waste on-site or through Community Composting conducted in compliance with Applicable Law.
- (E) Generators authorized to Self-Haul Discarded Materials must handle Covered Materials in accordance with SCCC 7.20.250.
- (F) Special event diversion requirements. Owners and operators of Large Venues and organizers and operators of Large Events are required to participate in a Covered Materials diversion program for Large Events and events held at Large Venues, including, but not limited to, the requirements to:
 - (1) Arrange for Covered Materials collection services with a County-Authorized Service Provider; Self-Haul Covered Materials in accordance with and pursuant to SCCC 7.20.250 and Applicable Law; and/or engage, in other activities to divert Covered Materials, as approved by County and in compliance with Applicable Law;
 - (2) Ensure easily-identifiable and convenient access by attendees to Covered Materials Containers or other receptacles at locations throughout the utilized Premises;
 - (3) Educate all attendees about the accepted and prohibited Discarded Material types in each Container through highly visible signage located on or immediately above each Container; and,
 - (4) Educate all vendors, permanent or temporary staff, and volunteers about the Covered Materials diversion program. This may include the use of vendor contract requirements, written flyers, or other methods approved by the County.
- (G) Edible Food Recovery. Commercial Edible Food Generators shall recover Edible Food pursuant to SCCC 7.20.360.
- (H) Exemptions. Exemptions to the requirements of this Article may be available, at the sole discretion of the Director, pursuant to Article XI of this Chapter.

7.20.280 Covered Materials Diversion Requirements—Service Providers.

- (A) Prohibition on collection of Covered Materials intermixed with Solid Waste. No County-Authorized Service Provider shall collect for landfill disposal any Covered Materials intermixed with Solid Waste.
- (B) Prohibition on disposal of Covered Materials. No County-Authorized Service Provider shall deliver for landfill disposal to any County disposal facility any Covered Materials regardless of whether such Covered Materials are intermixed with Solid Waste or are Segregated.
- (C) Collection service. County-Authorized Service Providers shall provide collection service for Covered Materials to all of their customers, pursuant to the provisions of their authorized franchise agreement with the County.

- (D) Capacity planning. A County-Authorized Service Provider shall be required to provide information to the County, upon written request of the Director, to support Discarded Materials capacity planning assessments or other studies that are conducted by the County, within the County, or that require participation by the County. This information may include, but is not limited to, conducting or supporting waste characterization studies; providing information regarding existing and potential new or expanded capacity in their operations for the collection, transport, or processing of Covered Materials; and, any other information deemed necessary by the Director for purposes of the study. The County-Authorized Service Provider shall respond to any request for information within sixty (60) calendar days, unless another timeframe is otherwise specified or authorized by the Director in writing.
- (E) Exceptions. If the Director determines that a particular Covered Material cannot be recycled or processed for a specific time period, then the Director, at their sole discretion, may permit the disposal or alternative handling of that Covered Material at a facility that is an approved County Resource Management Facility for that specified time period, in accordance with the terms of a franchise agreement, facility agreement, or as otherwise authorized by the Director.

7.20.290 Covered Materials Diversion Requirements—County Resource Management Facilities.

- (A) Prohibition on disposal of Covered Materials. A County Resource Management Facility that accepts Covered Materials shall under no circumstances deposit Covered Materials received at the facility for landfill disposal. A County Resource Management Facility shall under no circumstance use Organic Waste as Alternative Daily Cover or Alternative Intermediate Cover.
- (B) Capacity planning. A County Resource Management Facility shall be required to provide information and consultation to the County, upon request of the Director, to support Discarded Materials capacity planning assessments or other studies that are conducted by the County, within the County, or that require participation by the County. This may include, but is not limited to, estimating the amount of existing and potential new or expanded capacity at the facility that is available or may be made available for use by the County or jurisdictions within the County, including information about throughput and permitted capacity necessary for planning purposes; and supporting community outreach activities conducted by the County, if applicable. A County Resource Management Facility shall respond to any request for information within sixty (60) calendar days of that request being made by the Director, unless another timeframe is otherwise specified or authorized by the Director in writing.

7.20.300 Covered Materials Diversion Requirements—Community Composting.

- (A) Operations. Community Composting operators shall conduct their operations in a manner that complies with Applicable Law.

- (B) Capacity planning. A Community Composting operator that operates within or services any part of the unincorporated areas of the County shall be required to provide information and consultation to the County, upon request of the Director, to support Organic Waste capacity planning assessments or other studies that are conducted by the County, within the County, or that require participation by the County. This information may include, but is not limited to, the estimated amount of Organic Materials that have been or will be handled by the Community Composting operation in a specified time frame. The Community Composting operation shall respond to any request for information within sixty (60) calendar days of that request being made by the Director, unless another timeframe is otherwise specified or authorized by the Director in writing.

7.20.310 Other Covered Materials Diversion Requirements.

In addition to the requirements of this Article, the County may make rules or policies from time to time which may require an entity or entities to participate in recycling and diversion-related activities. Such rules or policies may include, but are not limited to, requiring: participation in Recyclable Materials Collection Programs, Organic Materials Collection Programs, Edible Food Recovery programs, source reduction or Reusable Materials programs, take-back programs, or other County stewardship programs; education of customers, employees, tenants, and visitors about diversion programs; support for capacity planning or other studies conducted by the County, within the County, or that require participation by the County; and, record keeping and/or reporting to the County or any applicable agency(ies) regarding diversion-related activities. The County may provide additional exemption and waiver opportunities for these requirements, as approved in writing by the Director and in accordance with Article XI of this Chapter.

Article VIII. Recycling of Electronic Waste

7.20.320 Meeting E-Waste Recycling Standards.

- (A) No Person shall collect any Electronic Device for recycling in the unincorporated area of the County unless the Electronic Device will be delivered to a Certified Electronic Device Recycler and meets all other standards required by the County, regardless of that Certified Electronic Device Recycler's physical location.
- (B) No Electronic Device Recycler located within the unincorporated area of the County shall accept any Electronic Device for recycling unless that recycler is a Certified Electronic Device Recycler and meets all other standards required by the County and Applicable Law.
- (C) Basel Action Network e-Stewards Recycler is designated as the initial acceptable third-party E-Waste recycling certification standard. The Board of Supervisors, by Resolution, may select different certification programs as new standards evolve. The Director shall provide information about any change in standards to collectors, recyclers, and the community, using whatever means the Director, in the Director's sole discretion, determines would be most appropriate.

7.20.330 Notification of E-Waste Collection Events.

- (A) All notices of E-Waste collection events, activities, or programs open or available to the public, whether mailed, delivered directly, or placed as advertisements in any media, must include the Electronic Device Collector's name, address, telephone number, web site address (if any), and the name of a contact Person.
- (B) All notices of E-Waste Collection Events must indicate that all collected materials will be delivered to a Certified Electronic Device Recycler as required in this Chapter and must specify the Certified Electronic Device Recycler(s) to which the materials will be delivered.
- (C) Information required in subsections (A) and (B) of this Section must be prominently displayed at any E-Waste Collection Event open or available to the public.
- (D) No less than ten (10) days before the beginning of any E-Waste Collection Event, notification including all information in subsections (A) and (B) of this Section must be provided to the County of Santa Cruz by email to dpwwweb@santacruzcounty.us or in Person or by mail to the address below:

County of Santa Cruz
Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, CA 95060

7.20.340 Exemptions.

- (A) The County recognizes that electronic components are being included in an increasing number of products, some of which may be impractical to process as E-Waste due to size, composition, or complexity.
- (B) The Director, at their sole discretion, may exempt a product or product category from the requirements set forth in this Article upon demonstration that this Article would create an undue hardship or practical difficulty. The Director's decision to grant or deny an exemption shall be in writing, and shall be final and without appeal.
- (C) The Director may include new products or reinstate previously exempted products to the requirements set forth in this Article at their discretion with no less than thirty (30) days' written public notice.
- (D) An exemption from processing certain materials as E-Waste does not exempt Electronic Device Collectors or Electronic Device Recyclers from other requirements for proper recycling or disposal of other Discarded Materials.
- (E) To the extent this Chapter or Article are preempted by an express provision of State or Federal law, that express provision of State or Federal law shall control.

- (F) To the extent Applicable Law and regulations governing a governmental entity prohibit application of this Chapter or Article to Electronic Device Recycling organized in whole or in part by a governmental entity, this Article does not apply.

Article IX. Edible Food Recovery Program

7.20.350 General Provisions.

- (A) Nothing in this Article shall be construed to limit or conflict with the provisions of the California Good Samaritan Food Donation Act of 2017 or the Edible Food Recovery program requirements set forth in 14 CCR, Division 7, Chapter 12.
- (B) Nothing in this Article shall be construed to require or authorize the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

7.20.360 Commercial Edible Food Generator Requirements.

- (A) Program requirements. Commercial Edible Food Generators located in the unincorporated areas of the County shall comply with the requirements of this Article.
 - (1) Tier One Commercial Edible Food Generators shall comply with the requirements of this Section no later than January 1, 2022; and Tier Two Commercial Edible Food Generators shall comply with the requirements of this Section no later than January 1, 2024.
 - (2) Commercial Edible Food Generators shall arrange to recover the maximum amount of Edible Food that would otherwise be disposed. A Commercial Edible Food Generator shall comply with the requirements of this Section through a contract or written agreement with any or all of the following:
 - (a) Food Recovery Service(s) or Food Recovery Organization(s) that will collect the Generator's Edible Food for Food Recovery; or,
 - (b) Food Recovery Organization(s) that will accept the Edible Food that the Commercial Edible Food Generator transports to the Food Recovery Organization for Food Recovery.
 - (3) A Large Venue or Large Event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of this Section.
 - (4) A Commercial Edible Food Generator shall comply with the requirements of this Section unless the Commercial Edible Food Generator demonstrates the existence of extraordinary circumstances beyond its control, in accordance with 14 CCR Section 18991.3(d), that makes such compliance impracticable. The Director shall have sole discretion to determine whether such extraordinary circumstances qualify for exemption under 14 CCR Section 18991.3(d), and shall memorialize that determination in writing. If an enforcement action is commenced against a

Commercial Edible Food Generator for noncompliance with this Article, the burden of proof shall be upon the Commercial Edible Food Generator to demonstrate extraordinary circumstances beyond its control that make compliance impracticable.

- (5) A Commercial Edible Food Generator shall not intentionally discard or spoil Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
 - (6) Commercial Edible Food Generators shall provide written information and in-person training, on an annual or more frequent basis, to employees, contractors, and tenants about the Edible Food Recovery program requirements, including information about proper separation, storage, and, if applicable, transportation of Edible Food and related record keeping and reporting requirements. Such education information shall also be provided by Commercial Edible Food Generators to any new employees or contractors within fourteen (14) calendar days of employment; and to new tenants, if applicable, within fourteen (14) calendar days of occupation of the Premises.
 - (7) Commercial Edible Food Generators shall store and transport Edible Food using methods that comply with Applicable Law.
- (B) Record keeping requirements. A Commercial Edible Food Generator shall keep a record that includes the following:
- (1) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established in accordance with this Section; including a record of the following information for each Food Recovery Service or Food Recovery Organization:
 - (a) The name, address and contact information of the Food Recovery Service or Food Recovery Organization;
 - (b) The types of Edible Food that will be collected by or transported to the Food Recovery Service or Food Recovery Organization;
 - (c) The established frequency that Edible Food will be collected or transported; and,
 - (d) The quantity of Edible Food collected or transported, measured in pounds recovered per month.
 - (2) A copy of all contracts or written agreements between the Commercial Edible Food Generator and the Food Recovery Service(s) or Food Recovery Organization(s).
 - (3) An Edible Food Recovery log that includes, but is not limited to, the following information for each delivery of Edible Food to a Food Recovery Service or Food Recovery Organization:

- (a) The date of each delivery of Edible Food;
 - (b) The name of the Food Recovery Service or Food Recovery Organization that received the Edible Food;
 - (c) The types of Edible Food delivered; and,
 - (d) The quantity of food delivered in each delivery, in pounds.
- (4) A record of all educational information provided to employees, contractors, and tenants about Edible Food Recovery and proper procedures for separating, storing, and, if applicable, transporting Edible Food. The record shall include a copy of all written educational materials provided, the dates of in-person trainings conducted, and the number of attendees at each in-person training.
- (C) Capacity planning. A Commercial Edible Food Generator shall be required to provide information to the County, upon request of the Director, to support Edible Food Recovery capacity planning assessments or other studies that are conducted by the County, within the County, or that require participation by the County. This information may include, but is not limited to, the estimated amount of Edible Food that has been or will be disposed of by the Commercial Edible Food Generator in a specified time frame. The Commercial Edible Food Generator shall respond to any County request for information within sixty (60) days, unless another timeframe is otherwise specified or authorized by the Director in writing.
- (D) Reporting. A Commercial Edible Food Generator may be required to submit reports to the County annually, or more frequently, upon written request of the Director, which may include the information specified in SCCC 7.20.360(B). The Commercial Edible Food Generator shall submit such reports in a format approved or specified by the Director within thirty (30) calendar days of the Director's request, unless another timeframe is authorized by the Director in writing.

7.20.370 Food Recovery Services and Food Recovery Organizations Requirements.

- (A) Program requirements. Food Recovery Services and Food Recovery Organizations that operate within or service any part of the unincorporated areas of the County shall comply with the requirements of this Article.
- (1) Food Recovery Services and Food Recovery Organizations shall comply with the requirements of this Article on or before January 1, 2022, unless another date is specified by written notice from the County.
 - (2) Food Recovery Services and Food Recovery Organizations shall store, transport, and distribute Edible Food using methods that comply with both Applicable Law and industry best practices.

- (3) Nothing in this Chapter prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept Edible Food from a Commercial Edible Food Generator.
- (B) Record keeping. A Food Recovery Service or Food Recovery Organization that has established a contract or written agreement to collect or receive Edible Food from a Commercial Edible Food Generator shall maintain the following records.
- (1) A Food Recovery Organization shall maintain a record that includes, at a minimum:
 - (a) The name, address, and contact information for each Commercial Edible Food Generator and Food Recovery Service that the Food Recovery Organization receives Edible Food from; and,
 - (b) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month, listed separately by each Commercial Edible Food Generator and in total.
 - (2) A Food Recovery Service shall maintain a record that includes, at a minimum:
 - (a) The name, address, and contact information for each Commercial Edible Food Generator that the Food Recovery Service collects Edible Food from;
 - (b) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month;
 - (c) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery; and,
 - (d) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
- (C) Reporting requirements.
- (1) No later than January 1, 2022, and annually thereafter, Food Recovery Services and Food Recovery Organizations shall report updated organizational information to the County, including, but not limited to the following:
 - (a) Name and physical address of the Food Recovery Service or Food Recovery Organization;
 - (i) If the location for the business or organization office, if any, differs from the location(s) for collecting or receiving Edible Food, both shall be listed.
 - (b) Contact information;

- (c) Collection service area;
 - (d) The types of Edible Food that the Food Recovery Service or Food Recovery Organization can collect or receive for Food Recovery.
- (2) No later than January 31, 2022, and annually thereafter, a Food Recovery Service or Food Recovery Organization that has operated within or serviced any part of the County during the previous calendar year shall report the information specified in SCCC 7.20.370(B) to the County for the previous calendar year, in a format designated by the Director.
- (D) Capacity planning assistance. A Food Recovery Service or Food Recovery Organization that operates within, services, or has previously serviced any part of the County shall provide information and consultation to the County, upon written request of the Director, to support Edible Food Recovery capacity planning assessments or other studies that are conducted by the County, within the County, or that require participation by the County; including information on existing Edible Food Recovery capacity and any new or expanded capacity that has been proposed that could be accessed by the County and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization shall respond to any request for information within sixty (60) calendar days of that request being made by the Director, unless another timeframe is otherwise specified or authorized by the Director in writing.

7.20.380 Compliance Monitoring and Enforcement.

Compliance monitoring and enforcement provisions of Article X of this Chapter apply to Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations. Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations shall provide or arrange for access to the Premises used in their operations during all inspections conducted pursuant to SCCC 7.20.410 and 7.20.420.

Article X. Enforcement

7.20.390 General.

The County may enforce the provisions of this Chapter by the means specified in SCCC 1.12 (General Penalty and Enforcement), SCCC 1.13 (Administrative Citations), SCCC 1.14 (Nuisance Abatement), SCCC 7.108 (Enforcement of Designated Code Chapters), or any other remedy available to the County under Applicable Law.

This Chapter is not intended to be utilized as the exclusive enforcement mechanism related to Solid Waste. This Chapter is intended to be remedial in nature and to supplement and be utilized in addition to any other remedies available under Applicable Law, or administrative policies enacted by the County.

7.20.400 Compliance Education.

The Director shall establish education and outreach initiatives to promote County programs, limit contamination by Prohibited Container Contaminants, and ensure compliance with Applicable Law.

- (A) Educational notice tags will be placed on Discarded Materials Containers or distributed to County Resource Management Facility customers, if an appreciable amount of Prohibited Container Contaminants is observed in any Discarded Materials Containers. Specific procedures and allowable amounts of Prohibited Container Contaminants shall be established through administrative policies or an approved franchise agreement between the County and County-Authorized Service Provider(s).
 - (1) A violation of Prohibited Container Contaminant standards by a customer of a County-Authorized Service Provider may result in the refusal for collection by the County-Authorized Service Provider. In such case, the customer shall be required to remove these items from a contaminated Discarded Materials Container before it will be collected, or other actions specified in the approved franchise agreement between the County and the County-Authorized Service Provider. Additional instances of contamination by Prohibited Container Contaminants may result in non-collection, contamination processing fees, or other remedies available to the County or County-Authorized Service Provider in accordance with an authorized franchise agreement or Applicable Law.
 - (2) Self-Haulers shall be prohibited from disposing of Discarded Materials with Prohibited Container Contaminants at a County Resource Management Facility. The Self-Hauler shall be required to remove these items before the Discarded Materials will be accepted, or other such processes required by the County and/or County Resource Management Facility.
- (B) Further action in cases of non-compliance may include, but is not limited to: the provision of additional educational materials, compliance monitoring and inspections, issuance of notices of violation, contamination processing fees, or any other methods determined appropriate by the Director or required by Applicable Law. The County-Authorized Service Provider(s) may be responsible for supporting or performing some or all of these education and compliance monitoring procedures, acting as the County's designee, as specified in the authorized franchise agreement(s) between the County and the County-Authorized Service Provider(s).

7.20.410 Compliance Monitoring — Right of Entry.

An authorized employee or agent of the County or State, or other agent with authority under Applicable Law, shall be authorized, when in the performance of their duty and upon presenting credentials and identification as an employee of the County to the Person apparently in control of a Premises, to enter the Premises owned, operated, managed, or otherwise controlled by any entity regulated under this Chapter between the hours of 8:00am and 6:00pm, but not in the dwelling of any Person without permission or a court order, to conduct inspections and investigations to

monitor and determine compliance with this Chapter. The regulated entity shall provide or arrange for access to its properties and cooperate during all inspections. These inspections and investigations may include, but are not limited to, Covered Materials recovery activities; Discarded Materials service and accumulation or storage of Discarded Materials; Edible Food Recovery activities; record keeping requirements; or, any other requirement of this Chapter or County administrative policy. Failure of a Person to provide or arrange for access to its Premises for any inspection or investigation in accordance with this Section is a violation of this Chapter and may result in penalties pursuant to SCCC 7.20.440.

7.20.420 Investigation of Violation — Right of Entry.

Any County officer with responsibility to enforce any provisions of this code may, upon reasonable cause to believe that a violation of the provisions of this Chapter or related County administrative policy exists, conduct an investigation to determine whether such a violation does in fact exist. The officer shall have the power, when in the performance of their duty and upon the officer presenting credentials and identification as an employee of the County to the Person apparently in control of the Premises, if available, to enter upon any such Premises between the hours of 8:00 a.m. and 6:00 p.m., but not in the dwelling of any Person without permission or a court order, to inspect any condition which appears to constitute such a violation. The officer may examine such Premises or conditions; take such samples and photographs, and make such tests as needed; and, take any other steps reasonably necessary for the proper investigation and determination of whether such a violation exists. Failure to provide or arrange for access to an entity's Premises for any inspection or investigation is a violation of this Chapter and may result in penalties pursuant to SCCC 7.20.440.

7.20.430 Reporting Violations of California Penal Code Section 374.3 — Reward.

- (A) The County will pay a reward to any Person who gives information which leads to the arrest and conviction of any Person for a violation of Section 374.3 of the California Penal Code. The amount of such reward for each arrest and conviction shall be 50 percent of any fine levied against and collected from such Person as a result of an enforcement action conducted pursuant to Penal Code section 374.3 of the California Penal Code or Article V of this Chapter. If such a reward is payable to two or more Persons, it shall be divided equally between them.
- (B) Any Person who wishes to claim a reward pursuant to subsection (A) of this Section shall file a claim in writing with the County Auditor in which they shall state the title of the action or case for which they are seeking reward; the names of the parties to that action, if known; the number of the case or enforcement action in which a Person was convicted of a violation of Section 374.3 of the California Penal Code or Article V of this Chapter; and a statement of the information which they gave which led to the arrest and conviction of, or assessment of a penalty against, such Person, and shall identify the location in the unincorporated territory of the County where the violation occurred or was committed. The Auditor also may require an appropriate certificate from the District Attorney or other prosecuting attorney to the effect that the information given by the claimant led to the arrest and conviction of such Person. No law enforcement officer shall be eligible for any reward

under this Section for any information or services rendered by them in the course of their duties.

7.20.440 Violations and Penalties.

- (A) In the event that any County officer with responsibility to enforce any provision of this Chapter determines that any act or omission that constitutes a violation of the provisions of this Chapter exists, that officer may proceed to issue citations, assess penalties, or conduct other enforcement actions in accordance with the provisions of SCCC 1.12, SCCC 1.13, SCCC 1.14, and 14 CCR, Division 7, Chapter 12, Article 14 and Article 16.
- (B) In addition to the imposition of penalties, fees, or other enforcement actions provided for in this Section, the County may, at its sole discretion, take any other action necessary to respond to or address violations of this Chapter including, but not limited to, revocation, suspension, or denial of any permit, registration, license, or other authorization permitting a Person to conduct activities under this Chapter.

Article XI. Waivers and Exemptions

7.20.450 Waivers and Exemptions.

The Director, in their sole discretion and in accordance with Applicable Law, may offer waivers, including those described in this Chapter, or other temporary exemptions that may be granted on the basis of demonstrated extenuating circumstances for some of the requirements of this Chapter. Qualified and interested Persons may apply for such waivers, in accordance with the administrative processes prescribed by the County, and shall pay all relevant administrative fee(s) in the amount specified in the Unified Fee Schedule for the County's administration of the waiver process. In determining whether to grant the waiver or exemption, the Director shall evaluate all relevant factors including, but not limited to: physical space constraints; volume of Discarded Materials generated; collection frequency needs; occupancy or development of the Premises; demonstrated extenuating circumstances by the applicant; and, other factors related to exemptions that may be available under Applicable Law, as amended. The Director may, in their sole discretion, add or remove factors considered in the criteria for waivers and exemptions granted under this Article. Any Person granted a waiver by the County shall follow all terms and conditions incorporated as part of the waiver, or otherwise prescribed by the County, regardless of whether or not those terms have been specified in this Chapter or other sections of the County Code. The County reserves the right to conduct inspections to verify compliance with the conditions of any waiver or exemption, or application therefore, both prior to granting of such waiver or exemption, and at subsequent times thereafter as determined appropriate by the Director.

SECTION III

The Board finds and determines that repeal of the existing Chapter 7.20, 7.21, 7.23, 7.24, 7.25 and 7.26 and adoption of the revised Chapter 7.20 by means of this Ordinance, are categorically exempt from the provisions of the California Environmental Quality Act under California Code of Regulations Title 14, Section 15308, as an action taken by a regulatory agency to ensure the maintenance, restoration, enhancement, or protection of the environment.

SECTION IV

This ordinance shall be effective 30 days following final adoption.

Passed and adopted this _____ day of _____, 20____, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

Office of the County Counsel