

# ORDINANCE NO. 6361

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MANDATING SOLID WASTE REMOVAL AND PARTICIPATION IN ORGANICS WASTE DIVERSION PROGRAMS, SUBJECT TO CERTAIN EXEMPTIONS, AND PROVIDING FOR THE GRANTING OF RELATED EXCLUSIVE FRANCHISES

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

### Section I. Purposes and Findings.

- A. The purposes of this Ordinance are to mandate the removal of solid waste from residential and commercial premises in the unincorporated area, to provide for the issuance of exclusive franchises for the removal of solid waste, and to establish other regulatory requirements in connection with these purposes.
- B. The County is committed to protecting public health, safety, welfare, and the environment. To meet these goals, the County must promote the proper management of solid waste, recyclables, and organics. Under California Law, as embodied in the California Waste Management Act (the “Act”) (California Public Resources Code Sections 40000 *et seq.*), the State of California has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for solid waste management and disposal within their jurisdiction.
- C. The State of California has found and declared that the amount of solid waste generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from land filling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of the Act, directed the responsible State agency, and all local agencies, to promote disposal site diversion and to maximize the use of feasible solid waste reduction, re-use, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of in disposal sites.
- D. The Board of Supervisors hereby finds that the frequency of collection, means of collection and transportation, level of services, and the nature, location, and extent of solid waste handling services provided in the County are all matters of local concern. Further, the Board of Supervisors finds that issuing franchises requiring the provision of solid waste collection and disposal services and diversion services to residential and commercial premises is in the best interest of the County, and its residents and businesses. In addition, the Board of Supervisors finds that the public health, safety, and well-being of County residents requires

solid waste collection, disposal, and diversion services to be provided through exclusive franchise arrangements, as set forth in this Ordinance. The Board of Supervisors further finds that this Ordinance is consistent with, and tends to promote, the policy objectives set forth in this Section 1 and in the Act.

- E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including counties, cities, local agencies, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- F. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food that would otherwise be disposed, be recovered for human consumption.
- G. The requirements in this ordinance are consistent with other adopted goals and policies of the County, including zero waste goals, greenhouse gas reduction goals, and the Climate Action and Resiliency Pillar of the County's strategic plan.
- H. Finally, for reasons set forth above, the Board of Supervisors finds that the adoption of this Ordinance will promote public health, safety, and welfare.

## Section II. Amendment of Chapter 22 to the Sonoma County Code.

Chapter 22 of the Sonoma County Code shall be repealed and replaced as reflected in Exhibit A.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 2nd day of November, 2021, and finally passed and adopted this 16th day of November, 2021, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Aye      Rabbitt: Aye      Coursey: Aye      Gore: Aye      Hopkins: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors

## **EXHIBIT A**

### **CHAPTER 22 WASTE, RECYCLABLES, AND ORGANICS**

#### **Article 1. Title and Purpose.**

##### **Section 22-1 Title and Purpose.**

This Chapter shall be known as the “Waste, Recyclables, and Organics Regulations.” Its purpose is to regulate the Collection and Disposal of Solid Waste, Recyclables, Organics, and other materials from Residential and Commercial Premises in the unincorporated area, to provide for the issuance of exclusive franchises for the removal of Solid Waste, Recyclable Materials, and Organic Waste (with specified exceptions) and to establish other regulatory requirements in connection with these purposes. The California Integrated Waste Management Act governs the management of solid waste and recyclable materials. (*See California Public Resources Code §§ 40000 et seq.* and accompanying regulations. This chapter of the Sonoma County Code supplements, and implements portions of, state law.)

#### **Article 2. Definitions.**

##### **Section 22-2 Definitions.**

As used in this Chapter, the following words and phrases shall be defined as follows:

- (a) “AB 341” means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as “AB 341”, as amended and supplemented, superseded, and replaced from time to time.
- (b) “AB 1826” means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as “AB 1826”, as amended and supplemented, superseded, and replaced from time to time.
- (c) “Act” means the California Integrated Waste Management Act of 1989 (California Public Resources Code § 400000 *et. seq.*), as amended, supplemented, superseded and replaced from time to time and as implemented by the regulations of the California Department of Resources Recycling and Recovery (CalRecycle), or its successor agency.
- (d) “Bin” means a Container with capacity of approximately one to six cubic yards, with a hinged lid, and with wheels where appropriate, that is serviced by a front end-loading Collection vehicle.
- (e) “Blue Container” means a Container where either: (A) The lid of the container is blue in color or (B) The body of the container is blue in color and the lid is blue, gray, or black in color. The Blue Container shall be used exclusively for the purpose of storage and collection of Source Separated Recyclable

Materials.

- (f) “Cart” means a plastic Container with a hinged lid and wheels that is serviced by an automated or semi-automated Collection vehicle. A Cart has a capacity of 32, 64 or 96 gallons (or similar volumes).
- (g) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (h) “Collection” means the act of collecting Solid Waste, Recyclable Materials, Organics, and C&D and other material at the place of generation in the County.
- (i) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential dwelling. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- (j) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.
- (k) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (l) “Compactor” means a mechanical apparatus that compresses materials together with the Container that holds the compressed materials or the Container that holds the compressed material if it is detached from the mechanical compaction apparatus. Compactors include two to four cubic yard Bin Compactors serviced by front-end loader Collection vehicles and 10 to 50 cubic yard Drop Box Compactors serviced by roll-off Collection vehicles.
- (m) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the Effective Date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

- (n) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- (o) “Containers” means Carts, Bins, Compactors, and Drop Boxes.
- (p) “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (q) “Construction and Demolition Debris,” or “C&D Debris” means wood, wallboard, ferrous and non-ferrous metals, glass, any fibrous material (including paper, cardboard, newspaper), plastic, concrete, and other Recyclable Materials and Solid Waste, including discarded building materials, packaging, debris, and rubble resulting from or generated by construction, alteration, remodeling, repair, demolition, or post-disaster operations at Residential, Commercial and industrial Premises, excluding Excluded Waste.
- (r) “County” means the unincorporated area of the County of Sonoma.
- (s) “Curb (or Curbside)” means the location of a Container for pick-up, where such Container is placed on the street or alley against the face of the Curb, or where no Curb exists, the Container is placed not more than five feet from the outside edge of the street or alley nearest the property’s entrance; or alternate location designated by the County for flagship lots and other special circumstances.
- (t) “Customer” means the Person whom Contractor submits billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.
- (u) “Department” means the County of Sonoma, Transportation and Public Works Department.
- (v) “Designated Waste” means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment and which may be Disposed of only in Class II Disposal Sites or Class III Disposal Sites pursuant to variance issued by the California Department of Health Services.
- (w) “Disposal or Dispose (or variation thereof)” means the final disposition of Solid Waste at a Disposal Site.
- (x) “Disposal Site” means a facility for ultimate Disposal of Solid Waste.

- (y) “Drop Box” means an open-top Container or debris box with a capacity of 10 to 50 cubic yards that is serviced by a roll-off Collection vehicle.
- (z) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (aa) “Excluded Waste” means Hazardous Substances, Hazardous Waste, Infectious Waste, Designated Waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material. It also includes waste that a Franchisee or other authorized Collection enterprise reasonably believes would, as a result of or upon 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, waste that in the opinion of the County Franchisee or other authorized Collection enterprise would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose such enterprise or County to potential liability.
- (bb) “Food Distributor” means 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).
- (cc) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (dd) “Food Recovery” means actions to collect and distribute food for human consumption that 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 or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
  - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.



A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). 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 ordinance.

- (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). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (gg) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (hh) “Food Service Provider” means 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 organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (ii) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (jj) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- (kk) “Franchisee(s)” or “County Franchisee(s)” means the party or parties that have entered into a franchise agreement with the County that remains in effect for Solid Waste, Recyclable Materials, Organics or C&D Debris Collection services in the unincorporated area of the County. Such franchise agreements may or may not be exclusive as to certain materials.
- (ll) “Gray Container” Gray container" means a container where either: (A) The lid of the container is gray or black in color or (B) the body of the container is entirely gray or black in color and the lid is gray or black in color. The Grey Container shall be used exclusively for the purpose of storage and collection of Solid Waste.
- (mm) “Green Container” means a container where either: (A) The lid of the container is green in color or (B) The body of the container is green in color and the lid is green, gray, or black in color. The Green Container shall be used exclusively for the purpose of storage and collection of Source Separated

Organic Waste.

- (nn) “Generator” means any Person whose act or process produces Solid Waste, Recyclable Materials, Organics or C&D Debris as defined herein, or whose act first causes any such material to become subject to regulation.
- (oo) "Hauler" means a person who collects material from a generator and delivers it to a reporting entity, end user, or a destination. "Hauler" includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter, not a hauler.
- (pp) “Hazardous Substance” means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as “Hazardous Substances”, “hazardous materials”, “Hazardous Wastes”, “toxic waste”, “pollutant”, or “toxic substances” or similarly identified as hazardous to human health or the environment, in or pursuant to (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq. (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §1609 et seq.; (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety Code §25115- 25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 et seq.; and (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated there under to such enumerated statuses or acts currently existing or hereafter enacted; and (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other applicable law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyl’s (“PCBs”), petroleum, natural gas and synthetic fuel products, and by-products.
- (qq) “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 Sections 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 Resources Conservation and Recovery Act (42 USC §6901 *et seq.*), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (rr) “Household Hazardous Waste” means Hazardous Waste generated at Residential Premises within the County.
- (ss) “Infectious Waste” means 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 it may be amended from time to time.

- (tt) “Inspection” means a site visit where the County or its delegate reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter.
- (uu) "Local Enforcement Agency" means the County of Sonoma Department of Health Services, Environmental Health Division, which has been so designated by the Board of Supervisors and certified by the California Department of Resources, Recycling, and Recovery (CalRecycle).
- (vv) “Multi-Family” means any Residential Premises, other than a Single-Family Premises, with five or more dwelling units used for Residential purposes (regardless of whether residence therein is temporary or permanent) and which receive centralized Collection service for all units on the Premises with billing to one Customer at one address.
- (ww) "Nuisance," as used in this chapter, means any activity that meets the following criteria: (1) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property; (2) affects an entire community or neighborhood or a considerable number of persons; and (3) occurs as a result of the storage, removal, transport, processing or disposal of Solid Waste, Organic Waste or Recycled Materials in violation of this chapter.
- (xx) “Occupant” means the Person who occupies a Premises.
- (yy) “Organics” or “Organic Waste” means Solid Wastes 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. Biosolids and digestate are as defined by 14 CCR Section 18982(a). Organic Waste does not include Excluded Waste.
- (zz) “Owner” means the Person(s) holding legal title to rent property and/or any improvements thereon, and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.
- (aaa) “Paper Products” means paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (bbb) “Printing and Writing Paper” means copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila

envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

- (ccc) “Person(s)” means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.
- (ddd) “Premises” means any land or building in the County where Solid Waste, Recyclable Materials, Yard Trimmings, Organics or C&D are generated or accumulated.
- (eee) “Processing” means to prepare, treat, or convert through some special method.
- (fff) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials pursuant to Section 22-4(c); (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Organic Waste pursuant to Section 22-4(c); (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Wastes that may be placed in the Green Container and/or Blue Container; (iv) ashes, industrial wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge or manure placed in any Container; and (v) Excluded Waste placed in any Container.
- (ggg) “Recyclable Materials or Recyclables” means those discarded materials that are capable of being Recycled and that exclude Excluded Waste. No discarded materials shall be considered Recyclable Materials unless such material is separated from Solid Waste, Organic Waste and C&D. Recyclable Materials shall include, but not be limited to: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, telephone books, grocery bags, colored paper, construction paper, writing paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes yet excluding contaminated paper tissues, paper towels, paper with plastic coating, paper contaminated with food, wax paper, foil-lined paper, Tyvek non-tearing paper envelopes); chipboard; corrugated cardboard; glass containers of any color (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers, small pieces of scrap metal); steel, tin or bi-metal cans; mixed rigid plastics such as plastic container (no. 1 to 7) and bottles including containers made of HDPE, LDPE, or PET. For the purposes of Chapter 22, “Recyclable Materials” shall not include C&D Materials. “Recyclable Materials” shall also exclude Source-Separated Organic Waste, except as materials specifically included in this definition of “Recyclable Materials” are

compostable products acceptable in either the Blue Container or Green Container pursuant to Section 22-4(c) of this Chapter.

- (hhh) “Recycle or Recycling” means the process of sorting, cleansing, treating and reconstituting at a Recyclable Materials Processing Site materials that would otherwise be Disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused, or reconstituted products.
- (iii) “Remote Monitoring” means the use of wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (jjj) “Residential” shall mean of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including single-family homes, apartments, condominiums, townhouse complexes, mobile home parks, and cooperative apartments.
- (kkk) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (lll) “SB 1383 Regulations” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (mmm) “Self-Hauler” means a Person who hauls Organic Waste he or she has generated to another Person. Self-hauler also includes a Person who back-hauls Organic Waste. Back-haul means generating and Transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment.
- (nnn) “Single-Family” means, notwithstanding any contrary definition in the County Code, any detached or attached house or residence designed or used for occupancy by one family, provided that Collection service feasibly can be provided to such Premises directly or via an adjacent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Single-Family also include Residential units of a duplex or tri-plex Residential structure.

- (ooo) “Solid Waste” means Solid Waste as defined in California Public Resources Code Section 40191 and regulations promulgated thereunder, which define Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes. Excluded from the definition of Solid Waste is Excluded Waste, C&D Debris, Source Separated (i.e., separated by the Generator) Recyclable Materials, Source Separated Organics, radioactive waste and Infectious Waste.
- (ppp) “Source Separated” means separated from Solid Waste (or from other categories of discarded materials defined in this Chapter 22), at the point of generation, for separate Collection, for the purpose of additional sorting or processing those materials for Recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products. For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Solid Waste for the purposes of collection and processing.
- (qqq) “Transfer Station” means those facilities utilized to receive Solid Wastes, temporarily store, separate, convert, or otherwise process the materials in the Solid Wastes, or to transfer the Solid Wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation, which for the purposes of this ordinance shall specifically include but is not limited to those certain County-owned transfer stations which are commonly known as the Central Transfer Station; the Annapolis Transfer Station; the Guerneville Transfer Station; the Healdsburg Transfer Station; and the Sonoma Transfer Station. The Transfer Stations expressly exclude closed County landfills. For this purposes of this Chapter, “Transfer Station” shall exclude those facilities and operations that are specifically excluded from the definition of a “Transfer Station” under Public Resources Code section 40200.
- (rrr) “Transportation” or “Transport” means the act of transporting or state of being transported.
- (sss) “Supermarket” means 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 nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- (ttt) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
  - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  - (3) Food Service Provider.
  - (4) Food Distributor.
  - (5) Wholesale Food Vendor.
- (uuu) “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.
  - (2) Hotel with an on-site Food Facility and 200 or more rooms.
  - (3) Health facility with an on-site Food Facility and 100 or more beds.
  - (4) Large Venue.
  - (5) Large Event.
- (vvv) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
- (www) “Yard Trimmings” means tree trimmings, grass cuttings, plant materials, leaves, branches, and dead trees (not more than four (4) inches in diameter) and similar yard debris.

### **Article 3. Waste Collection.**

#### **Section 22-3 Mandatory Service; Exemptions.**

- (a) **Mandatory Service.** Unless exempted pursuant to this Section, the Owners or Occupants of all Single-Family, Multi-Family and Commercial Premises shall subscribe to weekly Solid Waste, Recyclable Materials, and Organic Waste Collection services provided by an authorized County Franchisee.
- (b) **Exemptions, Generally.** The Owner or Occupant, of any Single-Family, Multi-Family, or Commercial Premises may apply to the Department to be exempt from the mandatory service requirement set forth in subsection (a) above. Such application shall be made on a form supplied by the Department, and shall be granted provide the Owner or Occupant can demonstrate one or more of the following to the Department:
  - (1) The Premises are presently undeveloped, such that no discarded Solid Waste or Organic Waste is generated thereon;
  - (2) The Premises is inaccessible due to road conditions that render access to the Premises by Franchisee-provided trucks unsafe, severely

- impractical, or impossible, in the judgment of both County and Franchisee;
- (3) The Residential Premises shares service with a neighboring Residential Premises with sufficient container size to accommodate the waste of two households, and the shared service arrangement is approved by both County and its Franchisee;
  - (4) A Commercial Premises lacks adequate space for Collection Containers.
- (c) Exemptions for Commercial Businesses. The Owner, or by special arrangement approved by the Department, the Occupant, of any Commercial Premises may apply to the Department to be exempt from the mandatory service requirement for weekly Organic Waste Collection services provided by an authorized County Franchisee as set forth in subsection (a) above. Such application shall be made on a form supplied by the Department, and shall be granted provided the Owner or Occupant can demonstrate one or more of the following:
- (1) The Commercial Business' total Solid Waste collection service is two (2) cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste;
  - (2) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - (3) The Commercial Business maintains a back-haul program in compliance with the Self-Hauler requirements set forth in Section 22-16 of this chapter.
- (d) Scope of Mandate. The mandatory service requirement set forth in subsection (a), above, also shall not apply to any Premises owned by a school district or university, city or county, the State of California, or the federal government.
- (e) Proof of Waiver Eligibility. Any Owner or Occupant that is granted a waiver under subsections (b) or (c) shall, at such intervals as are reasonably established by the Department, provide proof to the Department of compliance with the requirements set forth herein and any additional requirements or conditions imposed by the Department.
- (f) Revocation. A waiver may be revoked by the Director of Transportation and Public Works or designee upon a finding that there is a violation of any of the requirements of this Section or the exemption, or that an unsanitary condition, potential public health threat, environmental contamination or nuisance condition is being created.



- (g) Term of Waiver. Any waiver issued shall be valid for a period of five years and is non-transferable. The exemption may be renewed at the end of such-five year period upon reapplication and demonstration that the terms and condition of the exemption(s) still exist.

#### **Section 22-4 Container Availability and Use Requirements for All Generators.**

- (a) Solid Waste and Organic Waste Containers Required. All persons occupying or maintaining any premises within the county where Solid Waste or Organic Waste is created, produced or accumulated shall maintain and use sufficient standard containers for receiving and holding all Solid Waste and Organic Waste which is produced, created or accumulated on such Premises.
- (b) Containers Must be Closed. Containers shall be kept continuously closed, except when Solid Waste Materials, Recyclable Materials or Organics are being placed therein or removed therefrom, to prevent access by flies, rodents and other animals.
- (c) Prohibited Container Requirements for all Generators. Generators shall not place Prohibited Container Contaminants in Collection Containers. Generators shall Source-Separate discarded materials in accordance with their designations as Solid Waste, Organic Waste, and Solid Waste and shall place such designated materials in the appropriate containers as follows, except as may be specifically directed by the Franchisee pursuant to an agreement with the Department as described in Section 22-4(d):
  - (1) Generators shall place Source Separated Organic Waste, excluding non-compostable paper and textiles, in the Green Container;
  - (2) Generators shall place Source Separated Recyclable Materials in the Blue Container; and
  - (3) Generators shall place Solid Waste in the Gray Container.

Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

- (d) Composting and Recycling Facility Processing Limits. Notwithstanding designation of certain materials as Organic Waste or Recyclable Materials under this Chapter, Generators shall not place materials in the Green Container or the Blue Container that cannot be processed by available compost and recycling facilities, as may be determined by agreement between the County and the County's Franchisee(s) from time to time. Generators shall be provided with advanced written notice of the same determination.

As of the Effective Date of this chapter, compostable plastics, manure, biosolids, digestate, sludges, textiles, carpets (whether or not organic), and lumber are not accepted in the Green Container. Only Yard Trimmings, Food Waste, Paper Products and Printing and Writing Paper may be deposited into

the Green Container as of the Effective Date of this ordinance. As of the Effective Date of this chapter, Paper Products and Printing and Writing Paper may also be placed in the Blue Container, in addition to other Source Separated Recyclable Materials.

- (e) Container Availability Requirements for Commercial Businesses, Including Multi-Family Residential Dwellings. In addition to the Container use requirements set forth in Section (a), above, Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall supply and allow access to an adequate number, size and location of Collection Containers for employees, contractors, tenants, and customers, consistent with the County Franchisee's Blue Container, Green Container, and Gray Container collection service offerings, to enable compliance with the provisions of this Chapter requiring Source Separation and weekly removal and Disposal of Solid Waste, Organic Waste and Recyclable Materials as mandated by State Assembly Bill (AB 341), Assembly Bill (AB1826), and Senate Bill 1383 (SB 1383).
- (f) Containers for Business Customers. In addition to the Container use requirements set forth in Section (a), above, and the container provision requirements of Subsection (e), above, Generators that are Commercial Businesses, excluding Multi-Family Residential Dwellings, shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. The Containers provided by the business shall have either:
  - (1) A body or lid that conforms with the Container colors provided through the collection service provided by the County's Franchisee, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.
  - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The Container labeling requirements are required on new Containers commencing January 1,

2022.

- (g) Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (h) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of Article 5.

**Section 22-5 Containers – Placement for Collection.**

- (a) Single-Family Residences. Containers shall be placed at the Curb/Roadside for Collection unless a County Franchisee agrees to collect such Containers from an alternative location due to the disability of a Customer. Except for Containers placed at the Curb/Roadside for Collection, Containers, including any Recyclable Containers, or Organics Containers, shall not be placed or allowed to remain in or on any street or alley right-of-way unless authorized by the Department.
- (b) All Other Premises. Containers shall be placed in a location that is easily accessible for Collection, to be decided between the Owner or Occupant and an authorized County Franchisee.

**Article 4. Waste Transportation and Disposal Requirements, Generally.**

**Section 22-6 Transportation, Generally.**

- (a) Spill Prevention. No Person shall Transport Solid Waste, Organic Waste, or Recyclable Materials, of any type, upon or across any public property, public right-of-way, watercourses, or bank of any watercourse, or upon the Premises of any other Person, except at a Solid Waste Site, recycling facility, or composting facility approved by the Department, without covering or enclosing the materials and taking effective measures to prevent any fluid or materials from blowing, leaking, or dropping from the vehicle during Transport. Load covers and control measures on transport vehicles shall be adequate to prevent the release or potential release of materials and fluids. The Department and Local Enforcement Agency may enforce this provision.
- (b) Spill Kits. Each vehicle hauling Solid Waste, C&D Materials, Recyclable Materials, or Organic Waste in the County under permit shall carry a shovel, broom, spill absorbent and fire extinguisher.
- (c) Fire Prevention. No Person shall Transport recently-burned Solid Waste.

**Section 22-7 Responsibility for Solid Waste Materials, Generally.**

All Solid Waste shall be the property and responsibility of the Person that produced it. In the event the Generator of Solid Waste is unknown, such materials shall be the property and responsibility of the Owner of the parcel upon which they have been deposited. Once collected by the authorized County Franchisee or other entity responsible for said collection, all discarded materials with the exception of Excluded Waste shall become the responsibility of the authorized County Franchisee or other entity that is responsible for their Collection. If such County Franchisee or other entity can identify the Person or business that produced Excluded Waste inadvertently collected by that enterprise, responsibility for Excluded Waste shall remain with said Person. If such Person cannot be identified, the County Franchisee or other entity shall be responsible for proper Disposal of the Excluded Waste and shall assume responsibility for its Disposal and related costs.

#### **Section 22-8 Containers – Deposit of Excluded Waste Prohibited, Generally.**

No Person shall deposit any Excluded Waste in a collection Container. The storage and Disposal of Excluded Waste shall be subject to all applicable local, state and federal laws.

#### **Section 22-9 Containers-Interfering With, Generally.**

No Person, except for the Owner or Occupant of the Premises, shall dispose of, place or deposit Solid Waste, Organic Waste, Recyclable Materials, or C&D in Containers stored on public or private property without the express written permission of the Owner or Occupant. In addition, except in connection with the Collection and related activities authorized in this Chapter, no Person shall remove, tamper with or interfere in any manner with any Collection Container or the contents thereof. Further, no Person shall by any means hinder, obstruct or interfere with the Collection or Transportation of Solid Waste, Organic Waste, Recyclable Materials, or C&D by an authorized County Franchisee or other enterprise eligible to provide Collection services under this Chapter.

#### **Section 22-10 Storage and Disposal, Generally.**

- (a) **Unlawful Accumulations.** No person shall accumulate Solid Waste, Organic Waste, Recyclables, C&D Debris, or Excluded Waste in any amount that creates a Nuisance. Solid Waste and Organic Waste shall not be allowed to remain on a Premises for more than seven (7) days, or such lesser period as may be prescribed by applicable permits.
- (b) **County Approved Disposal or Non-Disposal Sites.** The Board shall provide approved Disposal and non-Disposal Sites (e.g. Transfer Stations and Composting facilities) for the management of Solid Waste, Organic Waste, and Recyclable Materials collected within the County. The Board may, by resolution, establish regulations governing the use of approved Disposal and non-Disposal Sites, including Transfer Stations. The Board reserves the authority and right to establish, by resolution, a schedule of fees for the disposal of Solid Waste, including all Organic Waste, and the acceptance of Recyclables for processing and diversion at any approved Disposal or non-Disposal Site owned or maintained by the County. Nothing in this section is intended to modify or restrict the authority of the Local Enforcement Agency

to issue Solid Waste facility permits as may be required under state law and all Solid Waste facilities shall be subject to applicable land use restrictions and regulations.

- (c) Design Review. The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage and disposal of Solid Waste and Recyclables generated on the Premise during the designated removal period. The design shall be submitted for approval to the permit and resource management department and shall meet all applicable regulations. This subsection shall not apply to one (1) or two (2) family dwellings.
- (1) Collection container areas shall be adequate to be serviced by commercial mechanical loading trucks.
  - (2) Commercial buildings with fifteen thousand (15,000) square feet of floor space or greater, and multiple housing units with seven (7) or more bedrooms, or any facility generating or anticipated to generate one (1) cubic yard or more Solid Waste per week, shall provide sufficient container area(s) to house the number and size of containers required. Container areas shall not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
  - (3) Gates, if installed on the container area, shall be double doors, opening at the center and level with the access road.
  - (4) Access roads shall provide all weather access and be capable of supporting collection vehicle weight. Access roads shall have a minimum width of twelve feet (12').
  - (5) A turn around for the collection vehicle shall be provided in the immediate vicinity of the container area. The turn around area shall not be less than a thirty-two (32') radius.
  - (6) Overhangs, wiring or other obstructions on the approach to the container area must be at least fifteen feet (15') high and at least sixteen feet (16') high directly over the container area.
  - (7) Collection Containers shall be of sufficient size and adequate number to contain without overflowing any of the Solid Waste, Organic Waste, Recyclable Materials, that are generated on the Premises during the designated removal period.
  - (8) Storage containers shall be placed to minimize traffic, aesthetic and other problems, both on the property and for the general public.

#### **Section 22-11 Littering Generally.**<sup>[131](#)</sup>

- (a) Generally. No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at an approved disposal or non-disposal facility or in a manner that is otherwise authorized by federal, state and local laws.
- (b) State Law Relative to Littering. The attention of all persons is directed to Section 374 of the Penal Code and other provisions of the laws of the state prohibiting the littering of public highways.

Footnotes:

--- (3) ---

As to littering of the courthouse building and grounds, see §19-3 of this code. As to littering of public property generally, see §19-6 of this code.

### **Section 22-12 Burning Solid Waste.**<sup>[4]</sup>

The burning of Solid Waste or any other offensive odor-producing materials may be done only in accordance with the appropriate requirements of any governmental agency having jurisdiction, including the department of emergency services, local fire districts, the Northern Sonoma County air pollution control district and the Bay Area air quality management district.

Footnotes:

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Wood-burning appliance requirements are contained in chapter 7C of this code. Open burning permit requirements are contained in chapter 13 of this code.

### **Section 22-13 Foreign Solid Waste.**

- (a) Generally. No person shall dispose of any Solid Waste that is generated outside the County at any Disposal Site within Sonoma County, except as otherwise authorized in this chapter and state and federal laws.
- (b) Geothermal Drilling Waste. Nonhazardous geothermal drilling wastes may be imported and disposed of in permitted or exempted Sonoma County geothermal area disposal facilities if specifically permitted by a resolution of the Board. A solid waste facility permit exemption also must be obtained from the Local Enforcement Agency pursuant to state law.
- (c) Other. Other foreign Solid Waste may be disposed of at approved disposal facilities if specifically permitted by a resolution of the Board.

### **Section 22-14 Scavenging at Disposal Sites and Transfer Stations.**

No person shall engage in any scavenging activities at any Disposal Site or Transfer Station unless specifically permitted by a resolution of the board or by authorization of the Department.

### **Section 22-15 Prohibition Against Disposing Recyclable Materials.**

No person shall Dispose of any of the following materials at any Disposal Site within Sonoma County:

- (a) Tires, whether shredded or not; provided, however, that if the Department Director of Transportation and Public Works determines that tires cannot be recycled for a specific time period, then the Department Director of Transportation and Public Works may permit the disposal of tires at any approved Disposal Site for that time period;
- (b) Major appliances, including but not limited to: refrigerators, freezers, air-conditioners, washing machines, clothes dryers, hot water heaters, dehumidifiers, conventional and microwave ovens, stoves, trash compactors and residential furnaces; provided, however, that if large appliances cannot be recycled for a specified time period, then the Director of Transportation and Public Works may permit the disposal of large appliances at any approved Disposal Site for that time period;
- (c) Organic Waste; provided however, that if the Department Director of Transportation and Public Works determines that Organic Waste, or any specific type, cannot be recycled for a specific time period, then the Director of Transportation and Public Works may permit the disposal of Organic Waste at any approved Disposal Site for that time period;
- (d) Recyclable Materials; provided however, that if the Department Director of Transportation and Public Works determines that Recyclable Materials, or any specific type, cannot be recycled for a specific time period, then the Director of Transportation and Public Works may permit the Disposal of Recyclable Materials at any Disposal area for that time period.

#### **Section 22-16 Organic Waste Hauling Requirements – Self-Haulers**

- (a) Self-Haul Rights. This Section describes provisions applicable to self-haul of Organic Waste by Commercial Businesses that have received a waiver from the obligation to subscribe to Collection service pursuant to Section 22-3. The provisions of this section also apply to any Commercial or Residential Generator who subscribes to Collection service as required by Section 22-3, but who may have excess Organic Waste to manage from time to time. The provisions of this Section also apply to service providers hauling Organic Waste pursuant to Section 22-18(b)(2).
- (b) Source Separation. Self-Haulers shall source separate all Organic Waste (materials that the County otherwise requires Generators to separate for Collection service via a Franchised Hauler) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (c) Required Diversion. Self-Haulers shall haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- (d) **Records Required.** Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the County. The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the waste.
  - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
  - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (e) **Reporting to County.** Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 12(c) to the Department if requested.
- (f) **Exceptions for Residential Generators.** A Residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 22-16 (c) and (d).
- (g) **Mandatory Service.** The provisions of this Section 22-16 do not relieve a Generator from the applicable requirements of Section 22-3 (Mandatory Service).

## **Article 5. Edible Food Recovery Program**

### **Section 22-17 Edible Food Recovery, Record-keeping, and Reporting.**

- (a) **Compliance Deadlines.** Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022. Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.
- (b) **Recovery and Record-Keeping for Generators.** Commercial Edible Food Generators shall comply with the edible food recovery and record keeping requirements of 14 CCR Section 18991.3 and 14 CCR Section 18991.4, as such regulations may be amended from time to time by CalRecycle.
- (c) **Food Recovery Organizations.** A Food Recovery Organization or service that has established a contract or written agreement to collect or receive edible



food directly from commercial edible food generators shall maintain records specified in 14 CCR Section 18991.5.

- (d) **Reporting Required.** Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the unincorporated area of the County and contract with one or more Commercial Edible Food Generators for purposes of edible food recovery shall report to the Department or its designee the total pounds of Edible Food recovered in the previous calendar year from all Tier One and Tier Two Commercial Edible Food Generators they have established a contract with pursuant to no later than June 1 each year.
- (e) **Cooperation with the Department.** A Food Recovery Organization or service contacted by the Department or its designee shall respond within 60 days of the Department's request for information regarding available and potential new or expanded edible food recovery capacity.
- (f) **No Conflict with Other Laws.** Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

## **Article 6. Franchises.**

### **Section 22-18 Franchise Required; Exceptions.**

- (a) **Requirement.** No Person shall collect, handle, transfer, store, process, Transport or use Solid Waste, Recyclable Materials, or Organic Waste in the unincorporated area of the County without first entering into a franchise agreement with the County authorizing such activity.
- (b) **Exceptions.** The provisions of this Section shall not apply to any of the following:
  - (1) **Materials Hauled by Owner or Occupant.** Persons hauling their own Solid Waste, Organic Waste, or Recyclable Materials generated from their own residences, farms, agricultural operations, industrial, commercial or business establishments with their own transport vehicles and their own containers.
  - (2) **Materials Hauled by Service Provider.** Building contractors, professional gardeners, landscapers, cleanup services engaged in the

hauling of their own Solid Waste, Organic Waste or Solid Waste or Organic Waste generated by themselves in the course of rendering a service that is not principally a hauling service, provided the hauling is done with their own transport vehicles and their own containers, all Solid Waste is disposed of at an approved Disposal Site, and all Organic Waste is delivered to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a High Diversion Organic Waste Processing Facility.

- (3) C&D Debris. Any person, firm or entity collecting and Transporting C&D Debris, provided that at least 65% of each load is actually recycled, and not disposed of as Solid Waste. All C&D collection containers shall be prominently marked "Recycle" with a minimum of twelve-inch (12") high letters on at least the widest two (2) sides of such containers. Upon request of the Director of Transportation and Public Works, the C&D Hauler shall provide adequate documentation to the Director of Transportation and Public Works showing that at least 65% of such materials were recycled or re-used. Proof shall consist of third party documentation of the sale of materials for recycle or reuse to the third party.
- (4) Purchased Commodities. Any person, firm or entity that purchases, collects and transports Source-separated Recyclable Materials provided that:
  - (a) The Generator is compensated reasonably for the materials Collected or the Generator is not paying a fee for any hauling or other service in connection with such arrangement;
  - (b) Such materials are not disposed of as Solid Waste; and
  - (c) The Source Separated Recyclable Materials collected shall be separated from Solid Waste by the Generator so that they are at least 90 percent (90%) Recyclable or Compostable.
  - (d) All containers shall be prominently marked "Recycle" with a minimum of twelve-inch (12") high letters on at least the widest two (2) sides of such containers; and
  - (e) Upon request of the Director of Transportation and Public Works, the Hauler shall provide adequate documentation to the Director of Transportation and Public Works showing that all such materials were recycled or re-used. Proof shall consist of third party documentation of the sale of materials for recycle or reuse to the third party.
- (5) Hazardous Wastes and Infection Waste. Household Hazardous Waste, Hazardous Waste, Infectious Waste, and Designated Waste regardless of its source.
- (6) Materials Generated by Entities Not Within the Jurisdiction of the County. Materials, including Solid Waste, Organic Waste and Recyclable Materials, generated by public schools and universities, and City, County, State and Federal facilities located in the County,

provided that the Generator has arranged for Collection services with other Persons through a separate agreement.

- (7) Donations. Items being collected or dropped off for reuse or repurposing at a thrift store.
  - (8) Bulky Items Direct from Retailer. Bulky items such as mattresses or large appliances that are removed and recycled as part of a service, provided by a retailer, when a Customer purchases a new similar product.
  - (9) Food Delivery. Food delivered to Food Recovery Organizations for the purposes of human consumption consistent with SB1383 regulations.
- (c) For the purposes of this Section, the gross vehicle weight of vehicles used by independent Recycling Haulers shall not exceed 16,000 pounds.

#### **Section 22-19 Territorial limits of Franchise Agreement.**

The Director of Transportation of Transportation and Public Works shall specify in all franchise agreements issued under the provisions of this chapter the territory in which the Franchisee may collect and transport Solid Waste, Recyclable Materials, and Organic Waste. Within the franchise territory defined by the franchise agreement, the County Franchisee shall have exclusive rights to provide Solid Waste, Recyclable Materials, and Organic Waste Collection service to all Single- Family Premises, Multi-Family and Commercial Premises, except as provided in Section 22-18(b) (Exceptions to Franchise Agreement Requirements).

- (a) Maps. The Department shall maintain a map or maps of the unincorporated area that reflect the boundaries of the exclusive franchise areas. Such map or maps shall be provided to any Person for review upon request, and may be posted on the internet or otherwise made readily available for public review.
- (b) Alterations. The Board of Supervisors reserves the right to adjust the boundaries of the Exclusive franchise areas (s) from time to time, in its sole discretion.
- (c) No Franchisee shall at any time collect Solid Waste, Organic Waste or Recyclable Materials in the county outside the territorial limits fixed by the applicable franchise agreement. The territory so specified in any such franchise agreement may be modified by the Board of Supervisors following reasonable notice and hearing.

#### **Section 22-20 Requirements for All Franchisees.**

- (a) Must Furnish Service. All Franchisees shall provide Solid Waste, Organic Waste and Recyclables Collection service to all Residential and Commercial Premises situated within the franchise area specified in their franchise agreement.

- (b) Lettering on Trucks. All Franchisees shall have painted or stenciled on a prominent place on the exterior of each truck used in providing Collection service the following information in four (4)-inch capital letters:

NAME OF AGENCY OR FIRM OPERATING THE VEHICLE

TELEPHONE NUMBER

- (c) Truck Beds, etc.—Generally. The bodies of trucks used in the collection or transportation of Solid Waste, Organic Waste and Recyclable Materials shall have watertight beds of metal or of impervious material which can be cleaned. The beds shall be cleaned and disinfected at least once a day when in use. Franchisees shall provide adequate means to prevent collected materials from escaping from the truck during collection or transportation.
- (d) Packer-type Trucks. Packer-type completely enclosed trucks shall be used by Franchisees under this chapter to the fullest possible extent. Other suitable equipment as required by terrain, type of material to be hauled or other special conditions may be approved by the Director Transportation of Transportation and Public Works.
- (e) Cleaning and Disinfection of Tanks, Containers, etc. All garbage-conveying tanks and other receptacles shall be cleaned and disinfected, both on the inside and outside thereof, immediately after being used and, at all times, shall be kept free from spills on the outside thereof.
- (f) Commitment to Deliver Waste. All Franchisees shall deliver all Solid Waste and Organic Waste collected within the unincorporated area to locations as directed by the Director of Transportation and Public Works.

## **Section 22-21 Delinquent Accounts; Liens.**

Any account with a County Franchisee with unpaid charges for 180 days or longer shall be considered a delinquent account. At the request of a County Franchisee, and upon the submission to the County of appropriate information demonstrating that an account is delinquent and that the Franchisee has issued proper written notice to the account holder of such delinquency, the County will send a letter to the Owner of the property with the delinquent account and request payment within 30 days. If complete payment of all unpaid amounts is not received by the County within 30 days, the County shall place a lien on the property in accordance with Government Code Section 25828, and proceed to collect any unpaid amounts in the manner set forth therein. Such unpaid amounts shall include any administrative or late fees (including interest) charged to the delinquent account by the County, or by the Franchisee pursuant to the Franchise Agreement, provided the County is legally able to collect such fees under Government Code Section 25828. All amounts collected by the County pursuant to this Section shall be remitted in full to the Franchisee, less any offset for amounts due the County from that Franchisee pursuant to the Franchise Agreement or this Chapter 22.

## **Article 7. Inspections & Enforcement**

### **Section 22-22 Enforcement Officers.**

The Director of Transportation and Public Works or designee shall be the Enforcing Officer for the purposes of this Chapter, and pursuant to Chapter 1 of the Sonoma County Code regarding administrative citations and code enforcement. In addition, the Director may designate the Director of Environmental Health, of the Department of Health Services to enforce specified portions of this Chapter on behalf of the County. Nothing in this Section shall be construed to limit the County's right to contract with the Sonoma County Waste Management Agency and/or County Franchisees to perform Inspections, monitor compliance with this Chapter, and investigate complaints, on behalf of the County.

### **Section 22-23 Inspections.**

- (a) **Authority to Conduct.** County staff, Local Enforcement Agency staff, the Sonoma County Waste Management Agency, and/or, their respective designees, which may include County Franchisees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow inspectors to enter the interior of a private Residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Sections 22-3, 22-4, 22-15 or 22-16 of this chapter, representatives of entities authorized pursuant to this subsection may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring.
- (b) **Cooperation with Inspectors Required.** Generators shall provide or arrange for access during all Inspections (with the exception of Residential property interiors) and shall cooperate with the County's staff or its designees during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (iii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- (c) **Public Records.** Any records obtained during Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and

applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 *et seq.*

- (d) Complaints. Written complaints from persons regarding an entity that may be potentially non-compliant with this Chapter, including anonymous complaints, may be directed to the Department and/or its designee.

#### **Section 22-24 Enforcement Procedures.**

- (a) Citations, Generally. Violation of any provision of this ordinance shall constitute grounds for issuance of an administrative citation and assessment of a fine by County staff and/or Local Enforcement Agency Staff, with consent of the Director of Transportation and Public Works. Chapter 1 of the Sonoma County Code of Ordinances establishing procedures for the imposition of administrative fines is hereby incorporated in its entirety, as it may be modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance, except as otherwise indicated in this Chapter 22.
- (b) Alternative Remedies Reserved. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction, subject to the maximum fine or penalty amounts for infractions set forth in Government Code Section 25132 and Section 36900(b).
- (c) Unpaid Citations. Designated Enforcing Officers may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. Enforcing officers may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of County staff and resources.
- (d) Responsible Entity for Enforcement.
  - (1) County Enforcing Officers, in consultation with County Counsel as needed, will interpret this ordinance; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met.
  - (2) County Enforcing Officers may issue Notices of Violation(s).
- (e) Process for Enforcement.
  - (1) For the first violation, the Enforcing Officer, or his or her designee, upon determination that a violation of this chapter has occurred, shall issue a written warning notice to the responsible party specifying that a

violation of this chapter has occurred, along with the appropriate penalties in the event of future violations.

- (2) For any subsequent violation, a Notice of Violation shall be issued, which shall require compliance within 60 days of issuance of the notice.
- (3) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, County shall commence an action to impose penalties as allowed by this Chapter 22 and pursuant to Chapter 1 of the Sonoma County Code.

(f) **Penalty Amounts for Types of Violations.**

Penalties shall be assessed as follows, except as larger sums may be allowable by state laws, as they may be amended from time to time:

- (1) For a first violation, a fine of \$100 per violation.
- (2) For a second violation, a fine of \$200 per violation.
- (3) For a third or subsequent violation, a fine of \$500 per violation.

(g) **Compliance Deadline Extension Considerations.**

The Enforcing Officer may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section 22-24 upon finding that there are extenuating circumstances beyond the control of the responsible party that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the County is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) **Appeals Process.**

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation pursuant to the procedures described in Chapter 1, Section 1-7.3 of this Code.

**Sec. 22-25. No Conflict with Federal or State law.**

Nothing in this chapter shall be interpreted or applied so as to create any requirement, power or duty in conflict with any Federal or State law.

