

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.21
(ID # 8462)

MEETING DATE:

Tuesday, December 11, 2018

FROM : ENVIRONMENTAL HEALTH:

SUBJECT: ENVIRONMENTAL HEALTH: Introduce and Adopt Ordinance 657.7, a revision of an Ordinance Regulating the Collection, Transfer and Removal of Solid Waste, All Districts [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and adopt Ordinance 657.7, an Ordinance Regulating the Collection, Transfer, And Removal of Solid Waste; and
2. Waive further reading of the Ordinance.

ACTION: Policy


Steve Van Stockum, Director Environmental Health 12/3/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: December 11, 2018
xc: Environmental Health, COB

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-------------------------|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: | | | Budget Adjustment: | No |
| | | | For Fiscal Year: | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Department of Environmental Health is responsible for oversight and enforcement in solid waste collection, service and disposal.

Ordinance 657 was adopted by the Board of Supervisors on December 19, 1988 as item 3.18. It has been revised six times since, with the last revision occurring on May 17, 1994 as item 11.3.

Ordinance 657 addresses the collection, transfer and removal of solid waste in the unincorporated areas of Riverside County. The majority of the ordinance addresses the permitting of waste haulers to collect residential and commercial waste in the unincorporated county. In 1998 and 1999 the Board of Supervisors approved a system of franchising waste collection in the unincorporated area that superseded the permitting language in Ordinance 657. Two sections of the ordinance not related to permitting that cover removal frequency of waste and waste removal by non-franchise haulers were moved into Ordinance 745.3 that is being approved in a separate action by the board on December 4, 2018.

The Department of Environmental Health desires to repeal Ordinance 657 to remove outdated or superseded language and incorporate language from Ordinance 657 to consolidate solid waste collection oversight into one ordinance.

Previous Agenda References:

- Item 3.18 of 12/19/88
- Item 3.7 of 6/13/89
- Item 3.21 of 9/5/89
- Item 3.7 of 11/21/89
- Item 11.1 of 2/16/93
- Item 11.1 of 3/22/94
- Item 11.3 of 5/17/94
- Item 3.42 of 11/6/18 (MT# 8065)
- Item 3.31 of 12/4/18 (MT# 8461)
- Item 3.32 of 12/4/18 (MT# 8066)

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**


Impact on Residents and Businesses

Solid waste oversight has been consolidated into one ordinance, Ordinance 745.3

Attachments

Ordinance 675.6

Ordinance 675.7



Gregory V. Priamos, Director County Counsel 12/5/2018

**ORDINANCE NO. 657
(AS AMENDED THROUGH 657.6)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 657 REGULATING THE COLLECTION,
TRANSFER, AND REMOVAL OF SOLID WASTE**

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Definitions. The terms as used in this ordinance shall have the following meanings:

- A. **"Bulky Waste"** shall mean large, heavy or otherwise difficult to handle items, including but not limited to, stoves, refrigerators, water tanks, water heaters, washing machines, furniture, large concrete and asphalt chunks, tree stumps, or other waste materials with weights or volumes greater than those allowed for containers.
- B. **"Collection Permit Areas"** shall mean all those portions of the unincorporated area of the County of Riverside divided into collection permit areas, as shown on the map entitled "Solid Waste Collection Permit Areas of Riverside County" on file in the office of the Clerk of the Board and in the Office of the Health Officer of Riverside County.
- C. **"Commercial Units"** shall mean Commercial, Industrial or Institutional facilities.
- D. **"Comprehensive Collection Areas"** shall mean those areas in the unincorporated territory of the County, as established by the Board of Supervisors, by Resolution or Ordinance, in which residents are required to subscribe to and pay for solid waste collection services.
- E. **"County"** shall mean, the County of Riverside, State of California.
- F. **"Dead Animals"** shall mean animals or portions thereof equal to or greater than 10 pounds which have died from any non-infectious cause (except those slaughtered or killed for human use). Dead animals may be included as part of the normal garbage and refuse collection only in the event that such collection is allowed and authorized by the County Health Officer.
- G. **"Disposal Site"** shall mean a solid waste facility including, but not limited to, sanitary landfills, transfer stations, incinerators and waste processing/separation centers that are licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.
- H. **"Exempt Areas"** shall mean all those portions of the unincorporated area of the County of Riverside that do not have any regular solid waste collection service available to the residents in the areas due to accessibility, sparse population density, hauling distance or other factors. Such areas are noted as "Exempt Areas" on the map entitled "Solid Waste Collection Permit Areas of Riverside County", which is on file in the office of the Clerk of the Board and in the office of the Health Officer of

Riverside County.

- I. **"Extremely Hazardous Waste"** shall mean any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or illness, during or as a proximate result of, any disposal of such waste or mixture of wastes because of its quality, concentration, or chemical characteristics.
- J. **"Franchise"** shall mean a written contract or agreement entered into between the County of Riverside and a solid waste hauler in which the County grants to thee hauler the right to collect and haul solid waste and/or recyclables as permitted by law from residential and/or commercial customers in a specified area or areas. A franchise may be non-exclusive, exclusive, or partly exclusive and partly non-exclusive.
- K. **"Franchisee"** shall mean any person who has been issued a franchise by the County of Riverside to collect, transfer, or remove solid waste.
- L. **"Hazardous Waste"** shall mean any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to wildlife, during, or as a proximate result of any disposal of such wastes or mixture of wastes. The term "toxic", "corrosive", flammable", "irritant", or "strong sensitizer" shall be given the same meaning as found in the California Hazardous Substances Act in the Health and Safety Code, Section 108100 et seq.
- M. **"Health Officer"** shall mean the Health Officer of the County of Riverside or his designated representative.
- N. **"Multi-Residential Units"** shall mean permanent buildings containing three or more residential units including, but not limited to, condominiums, apartment houses, motels, hotels, mobile home parks, travel trailer parks, and recreational vehicle parks.
- O. **"Permit Documents"** shall mean the permit requirements, permit specifications, performance bonds and the actual permit.
- P. **"Permittee"** shall mean any person who has been issued a permit to collect, transfer, or remove solid waste under the provisions of this ordinance.
- Q. **"Person"** shall mean any person, firm, business, sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.
- R. **Recyclable Materials** means material which has been segregated from other solid waste material for the purpose of reuse or recycling, including, but not limited to, discarded paper, glass, cardboard, plastic, ferrous materials, yard waste or aluminum.
- S. **"Residential Unit"** shall mean a dwelling within the unincorporated area of the County occupied by a person or group of persons comprising not more than two

families. A residential unit to which service must be rendered under the provisions of this ordinance shall be either a single-family residential unit or a duplex residential unit that requires waste collection service. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A duplex is considered to be two (2) attached residential units. This definition shall apply also to mobilehome subdivisions where the mobilehome lot is individually owned.

- T. **"Solid Waste"** for the purposes this ordinance, shall mean garbage, rubbish or construction waste as hereinafter defined.
1. **"Garbage"** shall include all kitchen and table food waste, animal waste, vegetable waste and all household waste or residue resulting from the preparation, storage, cooking, handling, or treatment of food and shall also include put rescible waste as defined in California Administrative Code, Title 14, Section 17225.52.
 2. **"Rubbish"** shall mean all non-put rescible waste matter or debris, manure, including combustible or non-combustible materials that result from normal household, community, and business activities, including grass clippings, tree trimmings, litter, wood, glass, bedding, crockery, plastics and similar materials, but not including bulky wastes, construction or demolition wastes as defined in California Administrative Code, Title 14, Sections 17225.8 and 17225.15, respectively, car bodies, rocks, tree stumps, or source separated materials having commercial value and intended for reuse, recycling or resale.
 3. **"Construction Waste"** shall mean all non-hazardous waste material and rubble resulting from the construction, alteration, repair, removal or demolition of buildings or from the production or development of real property which is customarily handled and transported by means of roll-off boxes, bodies or containers.
- U. **"Solid Waste Collector"** shall mean any person who operates collection routes for the removal of solid waste from residential, multi-residential, commercial or industrial premises.
- V. **"Transfer Station"** shall include those intermediate waste handling facilities where solid wastes are transferred from hauling vehicles to a transfer vehicle and where the solid waste or a portion thereof may undergo incidental processing, recycling or further handling before transportation to a disposal site, solid waste processing facility, or other facilities. The following facilities do not constitute a "transfer station":
1. Locations where less than 15 cubic yards of combined container volume are provided to serve as community or multi-residence receptacles for residential refuse.
 2. Storage receptacles for waste from multi-residential buildings or for commercial solid wastes.
 3. A container used to store construction or demolition wastes at the place of generation.
 4. Containers used to store salvaged materials.
- W. **"Transfer Vehicle"** shall mean a vehicle or roll-off unit used to transport solid waste

from a transfer station to a landfill or processing facility.

Section 1.1. Permits and Franchises

- A. Permits to collect and haul solid waste and/or recyclables as permitted by law in the unincorporated areas of Riverside County may be issued to qualified parties as provided in Section 6 of this Ordinance.
- B. At its discretion, the Board of Supervisors may grant franchises to qualified parties to collect and haul solid waste and/or recyclables as permitted by law in the unincorporated areas of Riverside County on such terms and conditions as may be agreed to by the County and by the party or parties receiving the franchise or franchises. Franchises as granted by the Board may be non-exclusive, exclusive, or partly exclusive and partly non-exclusive. The Board may grant franchises through the process of negotiation or pursuant to competitive bidding.

Section 2. Collection Permit Areas.

- A. The Board of Supervisors hereby declares that the unincorporated area of the County of Riverside is divided into collection permit areas as shown on the map entitled "Solid Waste Collection Permit Areas of Riverside County" which map has been adopted by resolution of the Board of Supervisors, and is on file in the Office of the Clerk of the Board and in the Office of the Health Officer of Riverside County.
 - 1. The Board of Supervisors hereby finds that it is necessary in the interests of the public health, safety, welfare, and convenience of the residents of the County, to establish and maintain such collection permit areas.
 - 2. The boundaries of the collection permit areas shall be subject to modification by the Board of Supervisors, by resolution, whenever the Board finds that such modifications are necessary and are in the public interest.
 - 3. All permittees in any collection permit area where a modification in boundaries is proposed shall first be provided not less than thirty (30) calendar days written notice prior to the consideration of any such modification.
- B. The Board of Supervisors hereby reserves the right to establish, by Resolution or Ordinance, comprehensive collection areas, the right to set fees and charges in such areas, and the right to include or exclude territory from such areas.

Section 3. Exempt Areas.

- A. The Board of Supervisors hereby finds that there are certain portions of the unincorporated area of the County of Riverside that do not have any regular solid waste collection service available to the residents therein on an economically feasible basis. These portions of the County that do not have such service available are shown as "Exempt Areas" on the map entitled "Solid Waste Collection Permit Areas of Riverside County", which has been adopted by resolution of the Board of Supervisors and is on file in the Office of the Clerk of the Board, and in the Office of the Health Officer of Riverside County.
- B. The Health Officer shall periodically review the Exempt Areas to determine the availability of garbage and rubbish collection service in such areas, and shall recommend changes to the Board of Supervisors when adequate collection service becomes available. The collection areas as so modified may be added to the area of the adjacent collection permit area or established as a separate collection permit area in which case the permit of an existing hauler servicing that area shall be

issued for the new or revised collection permit area.

Section 4. Solid Waste Removal Responsibility.

- A) Every tenant, occupier, operator, or owner of a residence or construction or demolition site shall, not less than once a week, cause to be removed all solid waste created, produced or brought upon the property to an approved disposal facility. Every person in charge of a commercial unit or industrial unit shall, not less than twice a week, cause to be removed from the property upon which the building is located all solid waste created, produced or brought upon the property. Reduced commercial, or industrial collection may be allowed upon written approval of the Health Officer. Should conditions warrant at any commercial, industrial or multi-residential unit, the Health Officer may require increased frequency of collection.
1. All solid waste in or about any residential, commercial or industrial building shall be deposited in commercial solid waste bins or suitable containers as approved by the Health Officer. All solid waste bins and other suitable containers shall be leak proof. Bins shall be covered if any garbage is placed therein.
 - a. No container shall exceed 36 gallons in size or have a loaded weight in excess of 55 pounds, except where mechanical loading systems are utilized.
 - b. No container shall be placed adjacent to a street for collection more than twelve (12) hours prior to a permittee's collection time. All containers shall be removed from the street location within twelve (12) hours after collection.
 2. Where bins are utilized, arrangements shall be made by the users and the permittee for placement of the containers so as to minimize traffic, aesthetic and other problems both on the property and for the general public. The Health Officer may designate a placement.
- B. Dead animals and bulky waste shall not be set out for collection. Bulky waste shall be collected only during annual cleanups or by contractual arrangement between the resident or business and permittee.
- C. Following pickup, the permittee and its employees shall set the cans in a properly upright position on the park strip. Permittee shall pickup any spillage caused during collection. Permittee is not responsible, however, for spillage caused by dogs, animals, vandals, the wind or other natural causes.
- D. No person or permittee shall place in service any container found to be in a deteriorated condition as determined by the Health Department.
- E. No person shall tamper with, remove from or deposit, solid waste or recyclable materials in any container which has not been provided for his or her own use without the permission of the owner of the container.
- F. Tree trimmings and brush shall be cut into four (4) foot lengths and tied bundles of not larger than twenty-four (24) inches in diameter for ease in pickup.

- G. All residential solid waste must be placed out at the curb pickup site by 6:00 A.M. on the designated pickup day. Collection shall be made only between the hours of 6:00 A.M. and 5:00 P.M. of any day, Monday through Saturday. Commercial pickup may begin at 5:00 A.M.
- H. A person located within an Exempt Area shall not be subject to the requirements of this section. However, the Health Officer may require compliance with the standards specified in this section should he determine that there is a danger of a public health nuisance occurring within the Exempt Area.

Section 5. Prohibitions.

- A. No person shall collect, transfer or remove solid waste in the unincorporated area of the County of Riverside without a valid permit or franchise issued by the County of Riverside.
- B. A permittee or franchisee shall not collect, transfer or remove solid waste in any area for which it does not hold a current and valid permit or franchise.
- C. Exempted from the foregoing prohibitions are the following:
 - 1. A person may haul solid waste generated from his own residence. However, in a Comprehensive Collection Area, the resident is not excused from having to pay any comprehensive collection fee which may be applicable.
 - 2. A business may remove commercial or industrial solid waste produced in the course of its own business, and utilizing only its own employees and equipment. Such a business shall not be required to obtain a permit, but is required to use equipment meeting the standards set forth in this ordinance. However, in a Comprehensive Collection Area, the business is not excused from having to pay any comprehensive collection fee which may be applicable.
 - 3. Construction contractors or their subcontractors, building remodeling contractors and demolition contractors, may haul their own construction debris and waste provided they utilize only their own employees and equipment.
 - 4. The County of Riverside.
- D. No person shall accept solid waste at any place, location, tract of land, area or premises that is not a solid waste facility as defined in Public Resources Code 40194, which facility is duly licensed, permitted, properly zoned and approved by all governmental bodies and agencies having jurisdiction.

Section 6. PERMITS

A. Issuance of Permits.

- 1. The Board of Supervisors hereby establishes a system of permits to regulate the collection, transfer, and removal of solid waste by granting permits to qualified applicants who meet the standards set forth in this ordinance, and to revoke permits where a permittee has failed to meet those standards or has violated the laws or ordinances applicable to solid waste collection, transfer, and removal.
- 2. Any permit issued under this ordinance may be revoked or suspended by the Board of Supervisors following written recommendation from the Health Officer for cause in accordance with the guidelines contained in Paragraph F. of this section and Paragraph J of Section 7.

B. Existing Permittees.

1. Solid waste collectors who are lawfully providing solid waste collection, transfer, or removal services in an unincorporated area of Riverside County on the effective date of this ordinance, and who hold a valid permit issued under Ordinance No. 513, shall be granted a new permit by the Board of Supervisors to continue such services for the collection permit area, provided that such collector(s) are furnishing adequate service and otherwise qualify for a permit by meeting all other applicable requirements of this ordinance.
2. The permittee, under the new permit as issued, shall not collect, transfer, or remove solid waste in any area outside the permit area.

C. The permittee shall be required to furnish a performance bond as a security for the faithful performance of his permit. Said performance bond shall be in the amount as set forth in Section 7.H. of this ordinance and in accordance with California Administrative Code, Title 14, Section 17333.

D. Applications for Permits.

1. Applications for renewal of an existing permit for collection, transfer, or removal of solid waste, shall be submitted to the Health Officer upon forms provided by the Health Department at least forty-five (45) calendar days prior to the end of the year, shall be accompanied by a renewal fee as established by resolution of the Board of Supervisors, and shall contain such information as required by this ordinance.
2. The annual fee for existing permits and the renewal fee for transfer vehicles operated in conjunction with transfer stations shall be as established by resolution of the Board of Supervisors. Transfer vehicles will be permitted in conjunction with permitted transfer stations and shall be deemed to have satisfied the need and necessity requirement.
3. The Exempt Area Permit Fee for collection solely within exempt areas shall be as established by resolution of the Board of Supervisors.
4. Applications for a new permit to collect, transfer, or remove solid waste, shall be made to the Health Officer upon forms provided by the Health Department, shall be accompanied by an application fee as established by resolution of the Board of Supervisors, and shall contain the following information:
 - a. The name and address of the applicant.
 - b. The Collection Permit Area for which the permit is sought.
 - c. The type of organization such as sole proprietorship, partnership, joint venture, corporation, business trust or company, including the names, home addresses, and percentage of ownership of all owners and officers. Information as to ownership interests of less than one percent (1%) need not be provided, however, any greater corporate control or relationship with other permittees in the permit area shall be disclosed.
 - d. A list of equipment and information related thereto submitted on forms provided by the Health Department, including:
 - 1) an itemized list of the permit applicant's equipment;
 - 2) identification of each vehicle with supporting information relative to

- all of the vehicles for service (primary or backup) in Riverside County;
- 3) a list of vehicle identification numbers; and
 - 4) the type, year, make, model and mileage of all vehicles.
- e. Identification of the manager and responsible office personnel.
 - f. Financial Statements, for the applicant and its parent corporation if the applicant is a subsidiary or division. Financial statements shall be for the last three (3) years and shall include a statement whether the statements have been audited by an independent firm of Certified Public Accountants. The financial statements shall consist of at least the following documents:
 - 1) income statements;
 - 2) balance sheets; and
 - 3) The total operating budget
 - g. Evidence that the applicant is licensed and in good standing in the State of California and, in the case of a corporation, that it is organized pursuant to the laws of any state.
 - h. A statement setting forth facts demonstrating that the applicant owns or has access to suitable facilities for equipment cleaning, maintenance, storage, and business offices. The addresses of all such facilities shall be provided with the application. Included with this statement, shall be a clearance from the appropriate planning agency, Water Quality Control Board, or other appropriate public or private agencies.
 - i. A statement regarding the applicant's experience and capability in the collection and transportation of solid waste.
 - j. A statement describing the applicant's proposed procedure for the processing of customer complaints.
 - k. A description of the type(s) of service(s) the applicant will be offering and an estimation of the number of commercial and/or residential customers it plans to serve.
 - l. Three (3) letters of recommendation.
 - m. Evidence that the applicant can provide insurance policies in the amounts specified in Section 7., Paragraph G.
 - n. Evidence that the applicant can provide a bond in accordance with the specifications in Section 7., Paragraph H.
 - o. A demonstration of need when required by this Ordinance.
5. Denial of application may be for one or more of the following causes, or for other reasons as specified by the Health Officer:
 - a. Lack of responsibility as shown by past work.
 - b. Lack of competency as revealed by financial statements, experience, inadequate equipment, or size of operation.
 - c. Default on a previous municipal or district contract for failure to adequately perform.
 - d. Failure to demonstrate a definite need.
 - 1) In determining the need for the issuance of a new permit, the Board shall consider and balance the interests of the County Administration, the consumers to be affected, and the existing permittee or permittees in the area. The Board shall also consider

whether the existing permittee, or permittees, are presently servicing the permit area satisfactorily and are financially able, and structurally capable, of servicing the anticipated growth in the permit area.

- 2) In reviewing the matter of need for issuance of a new permit, it shall be the Board's policy to promote orderly competitive service between permittees in any given area, thus a second applicant whose corporate control is independent from others already permitted in any one area shall not be denied on the basis of need alone. Third and subsequent applicants shall be considered under provisions of this ordinance including the issue of demonstrated need. Written notice of the denial of an application for a new permit, denial of a renewal of an existing permit, or the suspension or revocation of any permit shall be given by personal delivery or by mailing by certified mail to the applicant or permittee at the address on file with the Health Department.
6. Upon receipt of a completed application for a new permit including supporting documentation, the Health Officer shall determine if the applicant meets all of the requirements of this ordinance and is capable of rendering efficient service. In reaching his determination, the Health Officer is authorized to conduct an investigation. When an application is deemed complete by the Health Officer, he shall take the following actions:
 - a. Notify all existing permittees within the permit area for which the new permit is sought and other interested parties, that a completed application is now on file and under review, with a recommendation to be made to the Board of Supervisors within one hundred twenty (120) calendar days.
 - b. Invite existing permittees to review all non-proprietary information on file with the County, included with the application.
 - c. Provide forty-five (45) calendar days from the date of notification for existing permittees to provide input and comments on the proposed permit.
 - d. Recommend to the Board of Supervisors that a permit for a specific area or areas be granted or denied including a summary of the comments received on the pending application.
 - e. Issue the permit for the area specified upon approval of the granting of a new permit by the Board of Supervisors.
 7. Whatever information in the application and supporting documents is considered to be proprietary information by the applicant or permittee, should be clearly marked as such. Once such information has been marked as proprietary, it may not be released to the public or to other applicants.
- E. **Moratorium on Issuance of New Permits.** The Board of Supervisors hereby reserves its right to adopt at any time a Resolution placing a moratorium on the issuance of new permits with such moratorium to be operative in any one or more permit areas and to remain in effect for such period of time as specified in the Resolution.

- F. **Revocation of Permits.** A permit may be revoked or suspended by the Board of Supervisors whenever the permittee has violated a material provision of this ordinance, or State rules or regulations, or is in non-compliance with a resolution of the Board of Supervisors or for failure of performance as defined in Section 7., Paragraph J. of this Ordinance. In such instance, a written notice of intended revocation or suspension as proposed by the Health Officer shall first be delivered in person or by certified mail to the business address of the permittee appearing on the permit application. The written notice shall state the grounds for the proposed revocation or suspension.
- G. **Appeals.** The applicant or permittee may appeal such proposed denial, suspension or revocation of the Health Officer by filing a written request for a hearing before the Board of Supervisors with the Clerk of the Board, not more than fifteen (15) calendar days after notice of the proposed denial, suspension or revocation has been given. Upon receipt of a written request for a hearing, the Clerk of the Board shall set the matter for public hearing on a date not more than sixty (60) calendar days following receipt of such written request, and shall give the applicant or permittee and the Board of Supervisors at least thirty (30) calendar days written notice the time, date, and place of the hearing. The Board of Supervisors shall issue its written decision and findings on the appeal within fifteen (15) working days after the close of the hearing. Such decision shall be final. Where the permit is suspended or revoked, the permittee shall terminate its operations forthwith as determined by the Board of Supervisors.

Section 7. Specifications.

- A. **Type of Service Provided.** Permittee shall provide collection service(s) for all residential and commercial units on its collection routes in a given collection permit area on a frequency as contained in Section 4.a. of this Ordinance in accordance with a schedule proposed and published by the permittee.
1. The permittee shall be required to collect all solid waste as herein defined, from each residential and commercial unit on its routes without regard to the amount of solid waste which may be placed out for collection by the occupants of the unit. The average amount of waste collection per household is established at approximately 150+ pounds per week. Should the average amount be consistently higher, an additional fee may be charged.
 2. Permittee shall provide bin collection service for commercial, industrial and multi-residential units pursuant to the requirements of this ordinance.
 3. When deemed necessary by the Health Officer to protect the public health and safety, a permittee shall provide collection service upon request of any residential, multi-residential, or any commercial or industrial establishment located within the adjacent Exempt Area.
 4. In order to prevent problems of traffic, noise, wear and tear on the highway, or other problems having the potential to adversely affect health, safety, or the environment, which may develop in any specific area as a result of solid waste collection, the Health Officer reserves the right to regulate the routes, intervals, delivery points, and times for collection by all permittees operating in the area.
 5. The permittee shall notify all affected customers of the discontinuance of residential, commercial or industrial collection in an area or region at least three (3) months prior to the effective date of that discontinuation. A copy of

the notification and the specific areas and number of affected customers shall be submitted to the Department of Environmental Health at least two (2) weeks prior to the notification given to the customers.

B. Operation. The permittee shall take all steps as may be reasonable and necessary in order to assure that the collection of solid waste is completed in a timely and efficient manner. The permittee shall maintain customer relations phone lines from 8:00 A.M. to 5:00 P.M., Monday through Friday, and during hours of service on Saturdays if any solid waste collection service is provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public.

1. **Holidays.** For the purposes of this ordinance, the following days shall be holidays:
 - a. New Year's Day (January 1st)
 - b. Memorial Day (4th Monday in May)
 - c. Independence Day (July 4th)
 - d. Labor Day (1st Monday in September)
 - e. Thanksgiving Day (4th Thursday in November)
 - f. Christmas Day (December 25th)

Whenever Christmas, New Year's Day or Independence Day falls on a Sunday, the holiday shall include the following Monday. Additional holidays will be observed whenever County landfills are closed by Resolution of the County Board of Supervisors. In the event a holiday falls upon a normal collection day, the permittee shall make adequate provisions for the collection of solid waste to be made at least once during the week in which the holiday occurs. Such collection of solid waste after the holiday may be delayed by one (1) day for the remainder of the week.

2. **Handling of Complaints.** Prior to the commencement of service, permittee shall file with the Health Department, a written procedure to resolve complaints together with a written statement of permittee's general orientation to customer relations. The permittee shall directly receive and fully process all complaints associated with the service provided. The Health Department shall provide general customer complaint assistance. The permittee shall give prompt, courteous attention to all complaints and resolve them to the satisfaction of the Health Officer.

- a. Each permittee shall maintain a written log of all complaints (oral or written), listing the following information:
 1. the date and time the complaint was received;
 2. the complainant's name, address and telephone number;
 3. the date and time of the incident which is being complained of;
 4. the nature of the problem; and
 - 5) the date and a description of the final action taken on the complaint;
- b. The complaint log shall be available for inspection by the Health Department at all reasonable times. Records of complaints and dispositions shall be kept a minimum of two (2) years and shall be submitted to the Health Officer upon request.

3. **Hauling.** All solid waste hauled by the permittee shall be so contained, tied or enclosed to prevent leaking, spilling or blowing.
 4. **Disposal.** All solid waste collected by the permittee shall be hauled to a duly authorized and permitted landfill or transfer station.
 5. **Annual Cleanup.** Once a year the permittee shall provide a one (1) day cleanup service to all customers on its routes wherein all materials left on the curb or at designated locations will be removed. All rules and regulations specified above in Section 4. apply. Such annual cleanups shall be advertised, in advance, by the Permittee and shall be coordinated well in advance with the Health Officer and the Director of the Department of Waste Management. Such costs of collection shall be included within the normal monthly rates of solid waste collection, except for bulky wastes which cannot be reasonably handled by two route personnel, in which case an additional charge may be made.
 6. **Weather and Conditions.** The permittee understands that the collection service area is subject to variable weather conditions, including but not limited to, heat, rain, flooding, fog, smog, wind, snow and ice, along with weather conditions, along with changing road conditions, including but not limited to, closures, detours, maintenance, parking, earthquakes, and construction. Permittee shall be responsible for providing solid waste collection services in all weather and road conditions, provided it can be undertaken safely and within reasonable expectations, and shall make reasonable efforts, including but not limited to, the use of additional trucks, personnel, etc., to continue to provide consistent, reliable service. The permittee shall advise the Health Officer if collection services cannot be carried out as required by Section 4. of this ordinance. Solid waste collection services shall be provided as close to the same time and same day each week as is reasonably possible.
 7. **Labor Disputes.** In the event of war, riot, strike and/or labor disputes, during which time the permittee is unable to perform services under the terms of this permit and as a result thereof, a public hazard or public nuisance is deemed to exist as determined by the Health Officer, then, the permittee shall permit the County to temporarily assign or lease, at the County's risk, the permittee's collection and disposal vehicles, on such schedules and in such numbers as are determined to be necessary by the Health Officer, to continue service and to eradicate the health hazard or nuisance. All costs thereof which would have been incurred by the permittee had it not been for the war, riot, strike and/or labor dispute, including cost of the operation, maintenance of the vehicles, insurance, costs of laborers or drivers, other help employed in rendering collection and disposal services, shall be payable by the permittee to the County and may be deducted from any monies due the permittee.
- C. **Equipment and Personnel.** The permittee shall provide an adequate number of vehicles and crew members for regular collection services. The permittee shall designate in the application, the number of vehicles to be assigned along with personnel necessary to operate and support the vehicles.
1. **Maintenance Yard.**
 - a. Collection and transfer vehicle parking/service yards shall be maintained

in a clean and safe condition.

- b. Parking areas shall be clearly delineated and vehicles not in service shall be clearly identified.
- c. Vehicle and container washing facilities shall adequately drain to an approved subsurface disposal system. The entire lot shall be adequately sloped for drainage control.
- d. All solid waste containers stored at the yard shall be kept in a clean and empty condition.

2. Containers.

- a. Every permittee shall place and maintain, on the outside of all commercial and industrial containers of more than one (1) cubic yard capacity, in legible letters and numerals, not less than three (3) inches in height, the permittee's firm name or DBA and telephone number.
- b. Every permittee shall, at all times, keep such containers and lids leak proof and in good repair.
- c. It shall be the responsibility of the user of the containers to provide a clean and safe area for the storage thereof and to maintain such area and containers in a condition acceptable to the Health Officer.

3. Vehicles.

- a. Each vehicle shall have clearly visible, on each side, the identity and telephone number of the permittee, in a size of not less than three (3) inches.
- b. All vehicles must have been refurbished within the past three (3) years or 100,000 miles, whichever occurs first, and shall have an engine that was rebuilt within the past five (5) years.
- c. Maintenance and repair work shall be logged and shall be made available for inspection by the Health Officer at reasonable times.
- d. In no case, may a replacement vehicle be in excess of ten (10) years of age.
- e. All vehicles shall be kept in good repair, good serviceable order, recently painted with an acceptable appearance, not leaking oil or other fluids, and maintained in a condition acceptable to the Health Officer.
- f. Vehicles shall meet all emission standards and limits on noise.
- g. Vehicles shall be designated and maintained in such a manner as to prevent leakage of liquids or spilling or blowing and loss of trash during transportation.
- h. Vehicles shall carry a shovel, broom, fire extinguisher, and first aid kit.
- i. All vehicles must meet OSHA requirements (including backup alarms) and be equipped with communication equipment capable of communicating with the permittee's office.
- j. Permittee shall cause its collection vehicles to be inspected by the California Highway Patrol annually, and a report of said inspection shall be provided to the Health Officer upon request.

- 4. Supervisor.** The permittee shall provide at least one (1) crew supervisor to manage field operations. The permittee shall reserve for use of the crew

supervisor at least one (1) vehicle capable of resolving the majority of complaints daily.

5. **Personnel.** Personnel of the permittee should be experienced in waste collection and use acceptable public relations skills. The permittee should have a low rate of personnel turnover and a rate at least comparable to the average of the industry.

D. Indemnity.

1. The permittee shall, at all times, act as an independent contractor, and neither the permittee, his agents or employees, shall be considered agents or employees of the County of Riverside. Further, the permittee, his agents or employees shall have no authority to bind the County, in any manner or on any matter, whatsoever.
2. The permittee shall defend, indemnify, and hold harmless, the County, its officers, agents, and employees from and against any and all claims, demands, expenses, costs, suits, actions, legal proceedings, and attorneys' fees incident to any work done in the performance of this permit, arising out of willful or negligent acts or omissions of the permittee, its officers, agents, and employees; provided, however, that the permittee shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees, arising out of the sole willful or negligent act or omission of the County, its officers, agents, or employees.
3. The permittee or applicant for a permit shall defend, indemnify, and hold harmless, the County, its officers, agents, servants and employees, from and against any and all suits, actions, legal proceedings, claims, demands, damages, losses, costs, expenses and attorneys' fees, incident to, or arising out of the application for, the issuance of, or operations conducted under, any permit issued or applied for pursuant to this ordinance.

E. Licenses and Taxes. The permittee shall obtain and maintain, at its own expense, all required licenses and permits and shall promptly pay all taxes required by the City, County, State and Federal government.

F. Term and Renewal.

1. The terms, covenants and conditions of the permit shall commence upon execution of the permit, for a term of one(1) year; provided, however, that each year, on the anniversary of the effective date of this ordinance, for all existing permittees and on the anniversary date of the issuance date for all subsequently issued permits, the term of each permit shall be automatically extended for one (1) year, unless the Riverside County Board of Supervisors makes a decision not to automatically extend the term by the one (1) year period and gives notice and a reason or reasons thereof to the permittee.
2. The making of a decision of non-renewal and the reason(s) therefor, shall lie within the sole discretion of the Board of Supervisors, following a written recommendation from the Health Officer.

- a. Such decision by the Board of Supervisors shall be preceded by written notice to the permittee at least sixty (60) calendar days prior to the anniversary date of the permit. The permit shall be reviewed by the Health Officer each year. Notice shall be mailed to the permittee by the Health Officer within fifteen (15) working days of completing his review as to his recommendation to the Board of Supervisors regarding a year extension for the term.
 - b. Any proposal for non-renewal of the permit shall entitle the permittee, (when he so requests) to a hearing before the Board of Supervisors on the proposal for non-renewal. The request shall be made in writing and shall be filed with the Clerk of the Board of Supervisors.
3. The maximum term of the permit for transfer vehicle operations shall coincide with the operation of the transfer station only. Should the transfer station cease operations or move to a different location, the permit shall terminate.

G. Insurance.

1. The permittee shall, at all times during the term of the permit, maintain in full force and effect Employer's Liability Insurance, Workers' Compensation Insurance, Public Liability and Property Damage Insurance, including liability coverage. All insurance shall be by insurers and for policy limits acceptable to the County. Before commencement of any work, the permittee shall furnish the County with certificates of insurance, or other evidence satisfactory to County, indicating that insurance has been procured and is in force. The certificates shall contain the following express obligation:
"This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate holder, thirty (30) calendar days prior written notice will be given the certificate holder."
2. The certificates for Public Liability Insurance and Property Damage Insurance shall provide that the coverage afforded is primary and not contributing.
3. For the purposes of obtaining and maintaining a permit, the permittee shall carry insurance of the types and with the minimum limits as specified by Resolution of the Board of Supervisors:
4. As an alternative to the above a hauler may qualify with a bona fide plan of self-insurance containing at least the following four (4) components:
 - a. The company shall have an Actuarial Study done by a Big Eight C.P.A. firm, at least every two (2) years, which study projects the same levels of insurance as stated in the Resolution for insurance requirements.
 - b. The company shall fund a separate, trackable fund for self-insurance on its financial statements.
 - c. The company shall fund the actuarial contribution at 100% of a reasonable confidence level.

- d. The company shall submit to the County the actuarial study and supporting documentation to show adequate levels of funding.
 5. In the event permittee's insurance coverage fails or lapses, the permit issued hereunder shall terminate immediately, and permittee shall be deemed in default.
 6. Permittee shall be under a duty to promptly notify the Health Officer of any cancellation or non-renewal of insurance coverage.
- H. **Bonds.**
1. **Security Bond.** Permittee shall furnish a corporate surety bond as security for performance under the permit. The amount of the bond shall be the average of two months expected gross income. The Health Department shall have the right to require a surety bond in the above-described amount, such right to be dependent upon the reasonable need thereof, as may be determined by the Health Officer.
 2. **Premium.** Premium for the above-described bond(s) shall be paid by permittee. A certificate from the surety showing that the bond premiums have been paid, in full, shall accompany the bond.
 3. **Authorized Company.** The surety on the bond shall be a company acceptable by the County and shall be a corporate surety company authorized to do business in the State of California.
- I. **Power of Attorney.** Attorneys-in-fact who sign performance bonds or permit bonds must file with each bond, a certified, effectively dated copy of their power of attorney.
- J. **Failure to Perform.**
1. Permittee shall be deemed to have failed to perform in the following circumstances:
 - a. Failure to provide the services indicated;
 - b. Bonafide complaints, by phone or in writing, and subsequent County investigation that verifies lack of, or significantly delayed, service to three percent (3%) or more of the customers during any week;
 - c. Failure to comply with the terms of this ordinance, a County resolution, State or Federal law; or
 - d. A decision by the Health Officer, after a meeting with the permittee, outlining problems deemed to be unacceptable by the Health Officer.
 2. Permittee shall be given a specified three (3) month probationary period during which the problems, outlined in writing by the Health Officer, must be resolved to the satisfaction of the County. The criteria used by County in evaluating the permittee's performance during this probationary period shall be the following:
 - a. Continuing complaints (has the permittee solved the problem?); or
 - b. Responsiveness by permittee (how quickly and with what quality and degree of effort did the permittee resolve the problem?).
- K. **Insolvency.** If, at any time during the term of the permit, the permittee shall become "insolvent", as hereinafter defined, then the permit, rights and privileges

granted thereby shall immediately cease, be forfeited, and canceled without notice and without suit or other proceeding. For purposes of this section, "insolvent" shall mean any one of the following events:

1. Bankruptcy proceedings as commenced by or against the permittee, its parent corporation or owner;
2. The appointment of a receiver for any property of the permittee, parent corporation or owner; or
3. Assignment, whether voluntary or involuntary, for the benefit of permittee's creditors or creditors of the permittee's parent corporation or owner.

L. **Transferability of Permit.** No assignment or transfer, whether voluntary or involuntary, of the permit issued under this ordinance or any right thereunder, shall be made in whole or in part be the permittee without the express, prior, written views of the Health Officer and Consent of the Board of Supervisors. A decision on such transferability by the Board of Supervisors shall rest within the sole discretion of the Board of Supervisors and shall be rendered within thirty (30) calendar days of receipt by the Board of Supervisors of all documentation and the written views of the Health Officer regarding the proposed transfer.

M. **Reservation of County's Right to Manage Waste Stream.**

1. Title to the solid waste shall pass to the permittee when placed in the permittee's collection vehicle, or when removed by permittee from a bin, or when removed by permittee from the customer's premises, whichever occurs last.
2. County reserves the right to manage flow control of the County solid waste stream, including the right to direct deliveries to designated transfer stations or disposal sites, and to require recycling, waste to energy undertakings, and such other enterprises and undertakings as may be based upon future technologies and new concepts in the field of solid waste management, recycling, energy projects and waste disposal.

N. **Hazardous Waste.**

1. A permit obtained under this ordinance shall not authorize the collection, handling, or disposal of hazardous or extremely hazardous waste.
2. In the event that permittee collects or hauls hazardous or extremely hazardous waste, permittee shall immediately notify, by telephone and in writing, the Health Officer, or the local fire agency, or the affected city, listing the following information:
 - a. Name, address, and telephone numbers of the collector.
 - b. Name, address, and telephone number of the facilities from which the hazardous or extremely hazardous waste was collected.
 - c. A description of the type of hazardous or extremely hazardous waste collected.
 - d. Location at which the hazardous or extremely hazardous waste is being held.
3. Cost of removal shall be borne by the generator and/or party placing the hazardous waste out for removal as determined by the Health Officer. Where the generator and/or party placing the hazardous waste out for removal cannot be identified as determined by the Health Officer, cost of removal, transportation and disposal shall be in accordance with applicable hazardous waste and materials laws and regulations.

O. Financial Records.

1. Permittee shall make its financial records available to the Health Officer, or his representative, at reasonable times for purposes relevant to performance under the permit and this ordinance.
2. Permittee shall provide audited financial statements by a Certified Public Accountant as may be requested by Health Officer.

P. Health Department's Review.

1. Health Officer shall provide for each vehicle or container used by permittee, a distinctive, durable decal which shall be displayed by permittee on each vehicle or container.
2. Health Officer may suspend the use of said decal for any vehicle or container which fails to meet the requirements of this ordinance. Said vehicle or container shall not be used for collection, transfer, or removal of solid waste until it has been cleared for return to service, in writing, by the Health Officer.

Section 8. Rates.

1. The ranges currently established by resolution shall remain in effect until such time as the Board of Supervisors takes action by resolution to establish a methodology for setting new rates and sets such rates by further resolution.
2. Permittee shall charge only the monthly rates for residential, multi-residential, commercial and industrial refuse collection, removal and disposal in the County of Riverside, as are established from time to time by resolution of the Board of Supervisors.
3. Rates for any service not covered in the fee schedule as established by resolution of the Board of Supervisors, shall be submitted initially to the Health Officer and through him to the Board of Supervisors for approval, prior to the scheduling and performance of such service. Billing for said special services shall be by the permittee. Said services, if of a continuing nature, shall be included, as soon as practicable, in the fee schedule established by resolution of the Board of Supervisors.
4. If, for any reason, added financial obligations are placed upon the permittee because of options selected or enforced by the County, the County shall adjust the rate schedules to the extent said financial obligations are adequately documented by permittee.
5. Permittee may deny service(s) to a customer for non-payment of customer's billing or customer's failure to substantially comply with the requirements of this ordinance. After permittee has given fifteen (15) days' notice to customer for non-compliance, permittee shall notify the Health Officer, in writing, of any service termination including a copy of the written notice to the customer.
6. County reserves its right to establish at any future time, a system of Comprehensive Collection and designate the permit collection areas to be included within the comprehensive collection area and to establish and set rates in said areas. In the event a comprehensive collection area is established, a delinquent account fund may be established in such area(s) and initially used for the payment of delinquent accounts and collection thereon. Procedures for recovering costs on delinquent accounts shall be as determined by the County Auditor-Controller.

Section 9. Right of Further Regulation Reserved.

The County hereby reserves its right to regulate or further regulate aspects of solid waste handling including, but not limited to, frequency of collections, means of collection and transportation, delivery point, level of services, charges and fees, nature, location, extent of providing solid waste handling services, whether such services are to be by

means of non-exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, or, if in the opinion of the Board of Supervisors, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, authority to provide such solid waste handling services may be granted under such terms and conditions as are prescribed by the Board of Supervisors pursuant to resolution or ordinance.

Section 10. Violations.

- A. Violations by any person, firm, partnership, association, or corporation, whether holding a permit franchise or not, or by any customer, owner, occupant or agent, of a customer or user of solid waste services of any of the provisions of this ordinance, constitutes an infraction or misdemeanor as hereinafter specified. Such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is committed, continued or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relive a person from the responsibility for correcting the violation.

- B. The additional remedies, penalties and procedures for violation of this ordinance and for recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated herein by this reference.

Section 11. Public Nuisance Declaration.

In addition, any violation of this ordinance is hereby deemed to be a public nuisance, and may be abated by the Health Officer or his designee, irrespective of any other remedy hereinabove provided.

Section 12. Severability

If any clause, provision, sentence, or paragraph of this ordinance, or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of this ordinance which shall still be in effect, and to its end, it is hereby declared that the provisions of this ordinance are severable.

Section 13. Repeal.

Ordinance No. 513 and all amendments thereto, shall be repealed and be of no further force or effect upon and after the effective date of this ordinance.

Section 14. Effective Date

This ordinance shall take effect thirty (30) days after the date of adoption.

Adopted: 657 Item 3.18 of 12/19/1988 (Eff. 02/17/1989)

Amended: 657.1 Item 3.7 of 06/13/1989 (Eff. 07/13/1989)

657.2 Item 3.21 of 09/05/1989 (Eff: 10/05/1989)

657.3 Item 3.7 of 11/21/1989 (Eff: 12/21/1989)

657.4 Item 11.1 of 02/16/1993 (Eff: 03/18/1993)
657.5 Item 11.1 of 03/22/1994 (Eff: 04/21/1994)
657.6 Item 11.3 of 05/17/1994 (Eff: 06/16/1994)
(798) (10/26/1999) (Eff: 11/25/1999)

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ORDINANCE NO. 657.7
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REPEALING ORDINANCE 657

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Ordinance No. 657 entitled "Regulating the Collection, Transfer and Removal of Solid Waste" is repealed in its entirety due to the rewrite and consolidation of solid waste oversight into Ordinance 745.3 passed by the Board of Supervisors on December 4, 2018.

Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)