

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



**ITEM: 19.1
(ID # 13837)**

MEETING DATE:

Tuesday, December 08, 2020

FROM: ENVIRONMENTAL HEALTH:

SUBJECT: ENVIRONMENTAL HEALTH: Public Hearing to Adopt Ordinance 745.4, an Amendment to of the County of Riverside Amending Ordinance No. 745 Relating to Providing for the Comprehensive Collection and Disposal of Solid Waste Within Specified Unincorporated Areas of Riverside County. Find the adoption of Ordinance 745.4 to be categorically exempt from the California Environmental Quality Act (CEQA). All Districts. [\$0] (Initiation 7-14-2020 MT# 12869, Introduction 11-17-2020 MT# 13836)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the Public Hearing on Ordinance 745.4 an Amendment to the County of Riverside Ordinance No. 745 Relating to Providing for the Comprehensive Collection and Disposal of Solid Waste Within Specified Unincorporated Areas of Riverside County;
2. Find the adoption of Ordinance No. 745.4 to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption and Section 15308 – Class 8 Action by Regulatory Agencies for Protection of the Environment based on the findings and analysis contained in the attached Notice of Exemption;
3. Adopt Ordinance 745.4; and
4. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk for posting.

ACTION: Policy

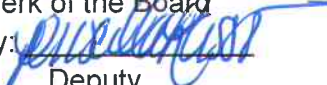
Keith Jones, Director Environmental Health 11/9/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 745.4 is adopted as recommended with weaver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: December 8, 2020
xc: EH, Record

Kecia R. Harper
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: | 20/21 |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In an effort to reduce the cumulative effects of greenhouse gas in California, a number of recycling initiatives have been passed by the State to decrease the amount of material that is placed into landfills. AB 341 (2011), AB 1826 (2014) and SB 1383 (2016) set a number of standards for jurisdictions on the recycling of organic and non-organic material.

Ordinance 745.4 incorporates new definitions and concepts related to recycling requirements established by State law. It expands the idea of compulsory collection to include the need for recycling to be an essential element of service. It further defines what is considered standard service under compulsory collection and expands and details the reasons an unincorporated site may seek a waiver from some or all of the elements of compulsory collection. Elements of the ordinance revision are intended to meet the requirements of State rules that aren't enforceable until 2022 and as such will not be addressed by the Department until that time.

Initiation to revise Ordinance 745 was approved by the Board of Supervisors on July 14, 2020, Agenda Item 3.2 (MT 12869). Introduction of Ordinance 745 was approved by the Board of Supervisors on November 17, 2020 (MT 13836).

The proposed adoption of Ordinance No. 745.4 is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility for the activity in question to have a significant effect on the environment and under Section 15308 – Class 8 Action by Regulatory Agencies for Protection of the Environment. Waste hauling, by its very nature is designed to reduce the harmful impact of waste on the environment. The recent updates to state law, and this ordinance, will further decrease environmental impacts through additional removal, diversion, recycling and reuse of waste material.

Impact on Residents and Businesses

The revisions will clarify compliance with the State's recycling standards and may mandate new services to some residential and business customers. The rates for any additional services are already established in the rate sheets previously approved by the Board of Supervisors.

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

Attachments

Ord. 745.3

Ord. 745.4 redline

Ord. 745.4

Ord. 745 NOE



Jason Farin, Principal Management Analyst

12/1/2020



Gregory L. Priamos, Director County Counsel

11/9/2020



County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909

KEITH JONES, DIRECTOR

Original Negative Declaration/Notice of
Determination prepared by County
Clerks for posting to:

NOTICE OF EXEMPTION

12/10
Date

JK
Initial

November 6, 2020

Project Name: County of Riverside, Department of Environmental Health, Approval of Ordinance 745.4, an Ordinance of the County of Riverside Amending Ordinance No. 745 Relating to Providing for the Compulsory Collection and Disposal of Solid Waste and Recyclable Material with Specified Unincorporated Areas of Riverside County

Project Location: All Unincorporated Areas of Riverside County

Description of Project: The County of Riverside (County), on behalf of the Department of Environmental Health, desires to amend Ordinance No. 745, Relating to Providing for the Comprehensive Collection and Disposal of Solid Waste Within Specified Areas of Riverside County. The purpose of this amendment is the continued effort to reduce the cumulative effects of greenhouse gas in California, by implementing a number of recycling initiatives that have been passed by the State to decrease the amount of material that is placed into landfills. AB 341 (2011), AB 1826 (2014) and SB 1383 (2016) set a number of standards for jurisdictions, including the County, on the recycling of organic and non-organic material.

Ordinance 745.4 incorporates new definitions and concepts related to recycling requirements established by State law. It expands the idea of compulsory collection to include the need for recycling to be an essential element of service. It further defines what is considered standard service under compulsory collection and expands and details the reasons an unincorporated site may seek a waiver from some or all of the elements of compulsory collection. Elements of the ordinance revision are intended to meet the requirements of State rules that are not enforceable until 2022 and to prepare the County to address those over the coming months through amendments of Franchise Waste Hauler Agreements.

Name of Public Agency Approving Project: County of Riverside, Department of Environmental Health

Name of Person or Agency Carrying Out Project: County of Riverside, Department of Environmental Health; Burrtec Waste and Recycling Services, LLC.; CR&R, Inc.; Desert Valley Disposal, Inc.; Waste Management of Inland Empire, a Division of USA Waste of California, Inc. Waste Management Collections and Recycling, Inc.

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, Section 15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment; Section 15061(b)(3), General Rule or "Common Sense" Exemption.

Office Locations: Blythe • Corona • Hemet • Indio • Murrieta • Palm Springs • Riverside

(888)722-4234 • rivcoeh.org

DEC 08 2020 19.1

Reasons Why Project is Exempt: The Project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The Project will not cause any impacts to scenic resources, historic resources, or unique sensitive biological environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The amendment of a County ordinance that regulates the collection and disposal of solid waste within the unincorporated areas of the County is not anticipated to result in any significant physical environmental impacts.

- Section 15308 – Class 8 Actions by Regulatory Agencies for Protection of the Environment. This exemption includes the continued and increased operation of the County, as the local regulatory agency, overseeing the disposal, recycling and reuse of solid waste within the unincorporated areas of the County. The Project is the result of the evolvement of state laws and regulations that cover the diversion of recyclable and reusable solid waste in order to increase the recycling and reuse and to limit the ultimate disposal at landfills of these recyclable and reusable materials that would otherwise contribute to greenhouse gasses. These increased requirements that mandate the separation of waste material will have an increased reduction in the amount of greenhouse gasses and a positive effect on the environment. Therefore, the project meets the scope and intent Class 8 Exemption.
- Section 15061(b)(3) – “Common Sense” Exemption. In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b)(3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *Muzzy Ranch Co. v Solano County Airport Land Use Comm’n* (2007) 41 Cal.4th 372.

With certainty, there is no possibility that the proposed project may have a significant effect on the environment. The purpose of the project is to increase the recycling and reuse of material within the unincorporated areas of the county and to divert that material from the landfill to locations where the waste can be recycled and reused, thus resulting in lower greenhouse emissions and a net positive effect on the environment.

Based upon the identified exemptions above, the County of Riverside, Department of Environmental Health hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____



Greg Reyes, Program Chief
County of Riverside, Department of Environmental Health

Date: _____

11/6/2020

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ORDINANCE NO. 745.4


AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROVIDING FOR THE COMPULSORY COLLECTION AND DISPOSAL OF SOLID
WASTE AND RECYCLABLE MATERIAL WITHIN SPECIFIED UNINCORPORATED
AREAS OF RIVERSIDE COUNTY

The Board of Supervisors of the County of Riverside, State of California, Ordains as
Follows:

SECTION 1. PURPOSE

The Board of Supervisors of the County of Riverside hereby makes the following
findings:

- A. A considerable volume and variety of Solid Waste and Recyclable Material is generated in Riverside County;
- B. These items can create conditions which threaten the public health, safety, and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment;
- C. It is necessary for the protection of the health, safety and welfare of the residents in the unincorporated areas of Riverside County that Solid Waste and Recyclable Materials generated in such areas be promptly and safely collected and processed in an orderly and efficient manner; and
- D. The States goal to reduce greenhouse gas effects related to landfill decomposition requires a compulsory recycling program in the unincorporated areas of Riverside County.

FORM APPROVED COUNTY COUNSEL
BY:  ERIC STOPHER
DATE: 12/7/20

1 E. California Government Code, Sections 25827 and 25828 authorize the
2 compulsory collection of Solid Waste in unincorporated areas and requires
3 payment therefore by those persons and properties benefitted thereby.
4

5 In light of the findings above, it is the intent and desire of the Board of
6 Supervisors of this County to establish a Program of Compulsory Collection in such areas
7 as may be hereafter identified by a Resolution duly adopted by the Board.
8

9 **SECTION 2. DEFINITIONS**

10 Unless otherwise stated, the terms defined in this Section shall, for all purposes
11 of this Ordinance, have the meanings herein specified. The definitions shall be equally
12 applicable to both the singular and plural forms of any of the terms herein defined:
13

14 A. **“Blue Container”** has the same meaning as in 14 CCR Section
15 18982.2(a)(5) and shall be used for the purpose of storage and collection of
16 source separated Recyclable Materials such as glass, metal, plastics,
17 cardboard and other similar items.

18 B. **“Commercial Business”** or “Commercial” means a firm, partnership,
19 proprietorship, joint-stock company, corporation, or association, whether
20 for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential
21 dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-
22 Family Residential Dwelling that consists of fewer than five (5) units is not
23 a Commercial Business for purposes of implementing this ordinance.

24 C. **“Compulsory Collection”** means the standard trash and recycling service

1 required for all residential and commercial sites within the unincorporated
2 portions of Riverside County.

3 **D. "County"** means the County of Riverside.

4 **E. "Department"** means the County of Riverside Department of
5 Environmental Health.

6 **F. "Director"** means the Director of the Department of Environmental Health
7 of the County of Riverside or their designee.

8 **G. "Gray Container"** has the same meaning as in 14 CCR Section
9 18982.2(a)(28) and shall be used for the purpose of storage and collection
10 of non-recyclable waste.

11 **H. "Green Container"** has the same meaning as in 14 CCR Section
12 18982.2(a)(29) and shall be used for the purpose of storage and collection
13 of source separated Organic Waste such as food, lawn trimmings, green
14 material and other similar items.

15 **I. "Hauler"** means a Solid Waste Hauler duly franchised by the County of
16 Riverside.

17 **J. "Multi-Family Residential Dwelling" or "Multi-Family"** means of, from, or
18 pertaining to residential premises with five (5) or more dwelling units. Multi-
19 Family premises do not include hotels, motels, or other transient occupancy
20 facilities, which are considered Commercial Businesses.

21 **K. "Organic Waste"** means Solid Wastes containing material originated from
22 living organisms and their metabolic waste products, including but not
23 limited to food, green material, landscape and pruning waste, organic
24 textiles and carpets, lumber, wood, paper products, printing and writing

1 paper, manure, biosolids, digestate, and sludges or as otherwise defined in
2 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14
3 CCR Section 18982(a).

4 **L. "Owner"** means any person, firm or business that owns, or otherwise
5 controls real property.

6 **M. "Recyclable Materials"** means material which has been segregated from
7 other Solid Waste material for the purpose of reuse or recycling, including,
8 but not limited to, discarded paper, glass, cardboard, plastic, ferrous
9 materials, Organic Waste or aluminum. Recyclable Materials also include
10 mixed recyclables consisting of two or more of the above-referenced material
11 types separated from non-Recyclable Materials at the point of Collection and
12 offered for Collection in a mixture including not more than five (5) percent
13 Solid Waste by weight.

14 **N. "Residential Unit"** means a dwelling within the unincorporated area of the
15 County occupied by a person or group of persons. A residential unit to which
16 service must be rendered under the provisions of this ordinance shall be
17 either a single-family residential unit or a duplex residential unit that requires
18 waste collection service. A residential unit shall be deemed occupied when
19 either water or power services are being supplied thereto. A duplex is
20 considered to be two (2) attached residential units. This definition shall apply
21 also to mobile home subdivisions where the mobile home lot is individually
22 owned.

23 **O. "Self-Hauler"** means a person, who hauls Solid Waste, Organic Waste or
24 Recyclable Material he or she has generated to another person. Self-hauler

1 also includes a person who back-hauls waste, or as otherwise defined in 14
2 CCR Section 18982(a)(66). Back-haul means generating and transporting
3 Organic Waste to a destination owned and operated by the generator using
4 the generator's own employees and equipment, or as otherwise defined in 14
5 CCR Section 18982(a)(66)(A).

6 **P. "Solid Waste"** shall have the same definition as is set forth in California
7 Public Resources Code Title 30 Section 40191.

8 9 **SECTION 3. AREA OF COMPULSORY COLLECTION**

10 Any Program of Compulsory Collection and payment therefore shall be established
11 and operated only in those areas of the County as specified in a Resolution or Resolutions
12 adopted by the Board of Supervisors following a duly noticed public hearing.

13 14 **SECTION 4. SOLID WASTE AND RECYCLABLE MATERIALS REMOVAL** 15 **RESPONSIBILITY**

16 **A.** Every tenant, occupier, operator, or owner of a residential or commercial
17 unit site shall have service as noted in Section 5 unless exempted from some
18 or all services by the Director according to Section 8.

19 **B.** Not less than once a week all Solid Waste created, produced or brought upon
20 the property shall be moved to an approved disposal facility. Should
21 conditions warrant, the Director may require increased frequency of collection
22 or removal so as to prevent the creation of a nuisance.

23 **C.** No container shall be placed adjacent to a street for collection more than
24 twelve (12) hours prior to collection day. All containers shall be removed from

1 the street location onto the owner's property within twelve (12) hours after
2 collection.

3 **D.** No person shall tamper with, remove from or deposit, any Solid Waste or
4 Recyclable Materials in any container without the permission of the owner of
5 the container.

6 **E.** All residential Solid Waste and Recyclable Materials must be placed out at the
7 curb pickup site by 6:00 A.M. on the designated pickup day.

8
9 **SECTION 5. SERVICE REQUIREMENTS**

10 **A.** Residential

11 All residential properties in the unincorporated portions of the County shall
12 participate in the County's three-container system for source separated
13 Organic Materials, source separated Recyclable Materials, and waste
14 collection services, except those residents that meet the Self-Hauler
15 requirements in Section 8 of this ordinance. Participation in the collection
16 programs requires that residents place Organic Waste, including food waste,
17 in the Green Container; source separated Recyclable Materials in the Blue
18 Container; and all other waste in the Gray Container. Generators shall not
19 place materials designated for the Gray Container into the Green Container
20 or Blue Container.

21 **B.** Commercial

22 All commercial properties in the unincorporated portion of the County shall
23 participate in the County's three-container collection services and comply
24 with requirements for using the Gray, Blue and Green Containers, except

1 Commercial Businesses that meet the Self-Hauler requirements in Section 8
2 of this ordinance. The Director shall have the right to review the number and
3 size of a generator's containers and frequency of collection to evaluate
4 adequacy of capacity provided for each type of collection service for proper
5 separation of materials and containment of materials; and, Commercial
6 Businesses shall adjust their service level for their collection services as
7 requested by the Director.

8 **C. Contamination**

9 Each account holder shall be responsible for ensuring:

- 10 1. That all material is source separated and placed into the appropriate
11 container.
- 12 2. That contamination in containers is minimized or eliminated.

13
14 **SECTION 6. SOLID WASTE REMOVAL PROHIBITIONS**

15 A. No person shall collect, transfer or remove Solid Waste in the unincorporated
16 area of the County of Riverside without a franchise issued by the County of
17 Riverside.

18 B. A franchisee shall not collect, transfer or remove Solid Waste in any area for
19 which it does not hold a current and valid franchise.

20 C. Exempted from the foregoing prohibitions are the following:

- 21 1. A person may haul Solid Waste generated from his own residence.
22 However, in a Compulsory Collection Area, the resident is not excused
23 from having to pay any compulsory collection fee which may be
24 applicable.

1 2. A business may remove commercial or industrial Solid Waste
2 produced in the course of its own business and utilizing only its own
3 employees and equipment. However, in a Compulsory Collection
4 area, the business is not excused from having to pay any compulsory
5 collection fee which may be applicable.

6 3. Construction contractors or their subcontractors, building remodeling
7 contractors and demolition contractors, may haul their own construction
8 debris and waste provided they utilize only their own employees and
9 equipment.

10 4. The County of Riverside.

11 D. No person shall accept Solid Waste at any place, location, tract of land, area
12 or premises that is not a Solid Waste facility as defined in Public Resources
13 Code 40194, which facility is duly licensed, permitted, properly zoned and
14 approved by all governmental bodies and agencies having jurisdiction.

15
16 **SECTION 7. OWNER RESPONSIBLE FOR PAYMENT FOR COMPULSORY**
17 **COLLECTION SERVICE**

18 A. The Owner of any Dwelling or Commercial unit shall subscribe to and pay for
19 compulsory refuse collection service to such Dwelling or Commercial unit.

20 B. Nothing in this section is intended to prevent an arrangement, or the
21 continuance of an existing arrangement, under which payments for refuse
22 collection service are made by a tenant or tenants, or any agent, on behalf of
23 the Owner. However, any such arrangement shall not legally excuse the
24 Owner's obligation to the Hauler or to the County under this Ordinance.

1 C. Tax Lien Guaranteed Compulsory Collection Areas shall be subject to the
2 remedies established in this Ordinance.

3 D. When an Owner or tenant fails to initiate adequate refuse collection service
4 within fifteen (15) calendar days of occupancy of a dwelling, the Director shall
5 give the Owner written notification that such service is required. If service is
6 not initiated within fifteen (15) calendar days from the date of mailing of the
7 notice, then the Director may require the Hauler to initiate and continue Solid
8 Waste collection service for said dwelling or dwellings.

9
10 **SECTION 8. WAIVER FROM COMPULSORY COLLECTION SERVICE.**

11 A. Self Haul Waiver - Only the owner of a residential unit or commercial unit may
12 request a waiver from compulsory collection service by applying to the
13 Director for a self haul waiver. Requests for a waiver from service shall be
14 submitted to the Department of Environmental Health on an application
15 provided by the Department and shall comply with the following:

16 1. For a waiver from service to be considered the owner must provide the
17 following information with an application provided by the Department:

18 a) Proof of ownership for the property requesting waiver.

19 b) Site to which the Solid Waste will be taken by the owner.

20 c) Certification that the owner will provide receipts of proper disposal of
21 all Solid Waste.

22 d) The fees for a waiver from service shall be as noted in the Ordinance
23 640.

24 2. Self-Haulers shall source separate all Recyclable Materials and Organic

1 Waste generated on-site from Solid Waste in a manner consistent with 14
2 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High
3 Diversion Organic Waste Processing Facility as specified in 14 CCR
4 Section 18984.3.

5 3. Self-Haulers shall haul their Source Separated Recyclable Materials to a
6 facility that recovers those materials; and haul their Source Separated
7 Green Container Organic Waste to a Solid Waste facility, operation,
8 activity, or property that processes or recovers Source Separated Organic
9 Waste. Alternatively, Self-Haulers may haul Organic Waste to a High
10 Diversion Organic Waste Processing Facility.

11 4. Self-Haulers that are Commercial Businesses (including Multi-Family
12 Residential Dwellings) shall keep a record of the amount of Organic Waste
13 delivered to each Solid Waste facility, operation, activity, or property that
14 processes or recovers Organic Waste; this record shall be subject to
15 Inspection by the Department on request. The records shall include the
16 following information:

17 a) Delivery receipts and weight tickets from the entity accepting the
18 waste.

19 b) The amount of material in cubic yards or tons transported by the
20 generator to each entity.

21 c) If the material is transported to an entity that does not have scales on-
22 site, or employs scales incapable of weighing the Self-Hauler's vehicle
23 in a manner that allows it to determine the weight of materials received,
24 the Self-Hauler is not required to record the weight of material but shall

1 keep a record of the entities that received the Organic Waste.

2 **B. De Minimis Waivers -** A Commercial Business may request a waiver to
3 comply with some or all of the Organic Waste requirements of this ordinance
4 if the Commercial Business provides documentation that the business
5 generates below a certain amount of Organic Waste material as described in
6 part (B)(2) below. Commercial Businesses requesting a de minimis waiver
7 shall:

8 1. Submit an application provided by the Department specifying the services
9 that they are requesting a waiver from and provide documentation as
10 noted in part (B)(2) below.

11 2. Provide documentation that either:

12 a) The Commercial Business' total Solid Waste collection service is two
13 cubic yards or more per week and Organic Waste subject to collection
14 in a Blue Container or Green Container comprises less than 20 gallons
15 per week per applicable container of the business' total waste; or,

16 b) The Commercial Business' total Solid Waste collection service is less
17 than two cubic yards per week and Organic Waste subject to collection
18 in a Blue Container or Green Container comprises less than 10 gallons
19 per week per applicable container of the business' total waste.

20 c) Notify the Department if circumstances change such that Commercial
21 Business' Organic Waste exceeds threshold required for waiver, in
22 which case waiver will be rescinded.

23 d) Provide written verification of eligibility for de minimis waiver every 5
24 years, if the Director has approved de minimis waiver.

1 C. Physical Space Waivers – A Commercial Business or property owner may
2 request a waiver to complying with some or all of the Recyclable Materials
3 and/or Organic Waste collection service requirements if the Department has
4 evidence from its own staff, a hauler, licensed architect, or licensed engineer
5 demonstrating that the premises lacks adequate space for the collection
6 containers required for compliance with the Organic Waste collection
7 requirements of Section 5.

8 A Commercial Business or property owner may request a physical space
9 waiver through the following process:

- 10 1. Submit an application provided by the Department specifying the type(s)
11 of collection services for which they are requesting a compliance waiver.
- 12 2. Provide documentation that the premises lacks adequate space for Blue
13 Containers and/or Green Containers including documentation from its
14 hauler, licensed architect, or licensed engineer.
- 15 3. Provide written verification to the Department that it is still eligible for
16 physical space waiver every five years, if the Department has approved
17 application for a physical space waiver.

18 D. Collection Frequency Waiver – The Director, at their discretion and in
19 accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or
20 tenant of any residence, premises, business establishment or industry that
21 subscribes to the unincorporated county's three-container Organic Waste
22 collection service to arrange for the collection of their Blue Container, Gray
23 Container, or both once every fourteen days, rather than once per week.

24

1 **SECTION 9. TEMPORARY DISCONTINUANCE OF SERVICE**

- 2 **A.** An Owner may discontinue Solid Waste collection service up to two (2) times
3 during a given fiscal year (i.e., July 1-June 30), providing the dwelling(s) will be
4 unoccupied throughout the entire period of discontinuance.
- 5 **B.** The Owner shall give written notification to the Hauler at least fifteen (15)
6 working days prior to the date that discontinuance of service is requested.
- 7 **C.** Fees for discontinuance of service shall be as noted in the current fee
8 schedule for compulsory collection approved by the Board of Supervisors.
- 9

10 **SECTION 10. BILLS AND STATEMENTS OF NONPAYMENT**

- 11 **A.** The Hauler shall be entitled to payment from the Owner for services and in
12 the amounts as specified in a Resolution or Resolutions adopted by the
13 Board of Supervisors, which may include advance billing for such services;
14 provided, however, that any advance billed services not subsequently
15 rendered by Hauler shall be refunded to Owner.
- 16 **B.** Failure to make timely payment for any service by the Hauler shall constitute
17 a violation of this ordinance and be subject to the penalty provisions herein
18 included.
- 19 **C.** Upon the expiration of not less than thirty (30) calendar days from the date
20 that the Hauler first presented a bill to the occupants of the premises, if the
21 bill has not been paid in full, the Hauler shall send the Owner a second,
22 written request for payment.
- 23 **D.** The second, written request shall include a Warning Notice that if the fees
24 due are not paid within sixty (60) calendar days, waste collection services

1 shall be terminated and the county advised of a Failure to Maintain a waste
2 Collection service by the occupants of the premises. The Warning Notice
3 shall also be sent to the most recent address of the Owner as shown on the
4 records of the Riverside County Assessor's Office and shall include
5 information with respect to penalties that may become due.

6 **E.** Unless otherwise provided by the Director, the Hauler shall not be required
7 to continue to provide such Solid Waste collection service if the account
8 remains unpaid past the sixty (60) days specified in the second notice.

9 **F.** The Hauler may submit a report to the Director each year of properties with
10 unpaid trash charges that would be considered for property tax assessment.

11
12 **SECTION 11. NONPAYMENT OF REFUSE COLLECTION SERVICES GIVES**
13 **RISE TO PROPERTY TAX ASSESSMENT**

14 **A.** At least once a year, the Director shall prepare a report of delinquent charges
15 for the Board of Supervisors. Upon receipt of the report, the Board shall fix a
16 time, date, and place for hearing the report and any protests or objections to
17 the report.

18 **B.** The Board shall cause notice of the hearing to be mailed to the owners of
19 property listed on the report not less than 10 days prior to the date of the
20 hearing.

21 **C.** At the hearing, the Board shall hear any objections or protests of property
22 owners liable to be assessed for delinquent charges. The board may make
23 revisions or corrections to the report as it deems just, after which, by
24 resolution, the report shall be confirmed.

1 D. The delinquent charges set forth in the report as confirmed shall constitute
2 special assessments against the respective parcels of land and are a lien on
3 the property for the amount of the delinquent charges.

4 E. The report shall be filed with the Riverside County Auditor Controller's Office
5 (ACO) in a manner and timeframe dictated by the ACO. The ACO shall
6 assess the delinquent charges to each property identified in the final report
7 and the delinquent charges will be handled in the same manner as other
8 Riverside County ad valorem taxes.

9 F. Any dispute related to delinquent charges assessed to a property shall be
10 addressed by the Department of Environmental Health.

11
12 **SECTION 12. DISBURSEMENT OF ASSESSMENT FUNDS**

13 All monies collected as part of the special assessments as set forth in Section 9 shall
14 be collected in a distinct fund account for each distinct hauler. When one tax year's
15 delinquent charges for a specific property has been paid in full to the ACO, those funds,
16 minus the County's Administrative fee, shall be paid to the hauler.

17
18 **SECTION 13. VIOLATIONS**

19 Any violation of this ordinance shall be subject to legal remedy up to and including
20 administrative citations, as noted in Ordinance 725, and /or criminal citations. Those remedies
21 may also include recovery of abatement costs, as defined in Ordinance 725, at the sole
22 discretion of the Director.

23
24 **SECTION 14. PUBLIC NUISANCE DECLARATION**

1 In addition, any violation of this ordinance is hereby deemed to be a public nuisance
2 and may be abated by the Director or his designee, irrespective of any other remedy
3 hereinabove provided.
4

5 **SECTION 15. SEVERABILITY**

6 If any part or provision of this Ordinance, or application thereof, to any person or
7 circumstance is held invalid, the remainder of this Ordinance, including the application
8 of such part or provision to other persons or circumstances shall not be affected thereby and
9 shall continue in full force and effect. To this end, the provisions of this Ordinance are
10 severable.
11

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

By: Karen S. Spiegel
Karen S. Spiegel
Chair

ATTEST:

CLERK OF THE BOARD

By: P. M. ...
Deputy

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on December 8, 2020, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: December 8, 2020

KECIA R. HARPER
Clerk of the Board

BY: 
Deputy

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ORDINANCE NO. 745.3
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 745 RELATING TO
PROVIDING FOR THE COMPREHENSIVE COLLECTION AND DISPOSAL OF SOLID
WASTE WITHIN SPECIFIED UNINCORPORATED AREAS OF RIVERSIDE COUNTY

The Board of Supervisors of the County of Riverside ordains as follows:

SECTION 1. Ordinance 745 is amended in its entirety to read as follows:

ORDINANCE NO. 745
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
PROVIDING FOR THE COMPREHENSIVE COLLECTION AND DISPOSAL OF SOLID
WASTE WITHIN SPECIFIED UNINCORPORATED AREAS OF RIVERSIDE COUNTY

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

SECTION 1. PURPOSE

The Board of Supervisors of the County of Riverside hereby makes the following findings:

- A.** A considerable volume and variety of solid wastes is generated in Riverside County;
- B.** Such wastes can create conditions which threaten the public health, safety, and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment;

- 1 C. It is necessary for the protection of the health, safety and welfare of the
2 residents in the unincorporated areas of Riverside County that solid waste
3 generated in such areas be promptly and safely collected and disposed of in
4 an orderly and efficient manner; and
- 5 D. California Government Code, Sections 25827 and 25828 authorize the
6 comprehensive collection of solid waste in unincorporated areas and requires
7 payment therefore by those persons and properties benefitted thereby.
- 8

9 In light of the findings above, it is the intent and desire of the Board of
10 Supervisors of this County to establish a Program of Comprehensive Collection in such
11 areas as may be hereafter identified by a Resolution duly adopted by the Board.

12

13 **SECTION 2. DEFINITIONS**

14 Unless otherwise stated, the terms defined in this Section shall, for all purposes
15 of this Ordinance, have the meanings herein specified. The definitions shall be equally
16 applicable to both the singular and plural forms of any of the terms herein defined:

17

- 18 A. "**Commercial Unit**" means Commercial, Industrial, or Institutional
19 facilities.
- 20 B. "**County**" means the County of Riverside.
- 21 C. "**Director**" means the Director of the Department of Environmental Health
22 of the County of Riverside or their designee.
- 23 D. "**Hauler**" means a solid waste Hauler duly franchised by the County of
24 Riverside.

1 **E. "Multi-Residential Units"** means permanent buildings containing three or
2 more residential units including, but not limited to, condominiums, apartment
3 houses, and motels.

4 **F. "Owner"** means any person, firm or business that owns, or otherwise
5 controls real property.

6 **G. "Residential Unit"** means a dwelling within the unincorporated area of the
7 County occupied by a person or group of persons. A residential unit to which
8 service must be rendered under the provisions of this ordinance shall be
9 either a single-family residential unit or a duplex residential unit that requires
10 waste collection service. A residential unit shall be deemed occupied when
11 either water or power services are being supplied thereto. A duplex is
12 considered to be two (2) attached residential units. This definition shall apply
13 also to mobilehome subdivisions where the mobilehome lot is individually
14 owned.

15 **H. "Solid Waste"** shall have the same definition as is set forth in California
16 Public Resources Code Title 30 Section 40191.

17
18 **SECTION 3. AREA OF COMPREHENSIVE COLLECTION**

19 Any Program of Comprehensive Collection and payment therefore shall be
20 established and operated only in those areas of the County as specified in a Resolution or
21 Resolutions adopted by the Board of Supervisors following a duly noticed public hearing.

22
23 **SECTION 4. SOLID WASTE REMOVAL RESPONSIBILITY**

24 **A.** Every tenant, occupier, operator, or owner of a residential or commercial

1 unit site shall, not less than once a week, cause to be removed all solid waste
2 created, produced or brought upon the property to an approved disposal
3 facility. Should conditions warrant, the Director may require increased
4 frequency of collection so as to prevent the creation of a nuisance.

5 **B.** No container shall be placed adjacent to a street for collection more than
6 twelve (12) hours prior to collection day. All containers shall be removed from
7 the street location onto the owner's property within twelve (12) hours after
8 collection.

9 **C.** No person shall tamper with, remove from or deposit, any solid waste or
10 recyclable materials in any container without the permission of the owner of
11 the container.

12 **D.** All residential solid waste must be placed out at the curb pickup site by 6:00
13 A.M. on the designated pickup day.

14 15 **SECTION 5. SOLID WASTE REMOVAL PROHIBITIONS**

16 **A.** No person shall collect, transfer or remove solid waste in the unincorporated
17 area of the County of Riverside without a franchise issued by the County of
18 Riverside.

19 **B.** A franchisee shall not collect, transfer or remove solid waste in any area for
20 which it does not hold a current and valid franchise.

21 **C.** Exempted from the foregoing prohibitions are the following:

- 22 1. A person may haul solid waste generated from his own residence.
23 However, in a Comprehensive Collection Area, the resident is not
24 excused from having to pay any comprehensive collection fee which

1 may be applicable.

2 2. A business may remove commercial or industrial solid waste produced
3 in the course of its own business, and utilizing only its own employees
4 and equipment. However, in a Comprehensive Collection Area, the
5 business is not excused from having to pay any comprehensive
6 collection fee which may be applicable.

7 3. Construction contractors or their subcontractors, building remodeling
8 contractors and demolition contractors, may haul their own construction
9 debris and waste provided they utilize only their own employees and
10 equipment.

11 4. The County of Riverside.

12 D. No person shall accept solid waste at any place, location, tract of land, area
13 or premises that is not a solid waste facility as defined in Public Resources
14 Code 40194, which facility is duly licensed, permitted, properly zoned and
15 approved by all governmental bodies and agencies having jurisdiction.

16
17 **SECTION 6. OWNER RESPONSIBLE FOR PAYMENT FOR COMPREHENSIVE**
18 **COLLECTION SERVICE**

19 A. The Owner of any Dwelling or Commercial unit shall subscribe to and pay for
20 comprehensive refuse collection service to such Dwelling or Commercial unit.

21 B. Nothing in this section is intended to prevent an arrangement, or the
22 continuance of an existing arrangement, under which payments for refuse
23 collection service are made by a tenant or tenants, or any agent, on behalf of
24 the Owner. However, any such arrangement shall not legally excuse the

1 Owner's obligation to the Hauler or to the County under this Ordinance.

2 **C.** Tax Lien Guaranteed Comprehensive Collection Areas shall be subject to the
3 remedies established in this Ordinance.

4 **D.** When an Owner or tenant fails to initiate adequate refuse collection
5 service within fifteen (15) calendar days of occupancy of a dwelling,
6 the Director shall give the Owner written notification that such service
7 is required. If service is not initiated within fifteen (15) calendar days
8 from the date of mailing of the notice, then the Director may require
9 the Hauler to initiate and continue solid waste collection service for
10 said dwelling or dwellings.

11
12 **SECTION 7. EXEMPTION FROM COMPREHENSIVE COLLECTION SERVICE.**

13 Only the owner of a residential unit or commercial unit may request an exemption
14 from comprehensive collection service. Requests for an exemption from service shall be
15 submitted to the Department of Environmental Health on an application provided by the
16 Department.

17 **A.** For an exemption from service to be considered the owner must provide the
18 following:

- 19 1. Proof of ownership for the property requesting exemption.
- 20 2. Site to which the solid waste will be taken by the owner.
- 21 3. Certification that the owner will provide receipts of proper disposal of all
22 solid waste.
- 23 4. The fees for an exemption from service shall be as noted in the Ordinance
24 640.

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SECTION 8. TEMPORARY DISCONTINUANCE OF SERVICE

- A. An Owner may discontinue solid waste collection service up to two (2) times during a given fiscal year (i.e., July 1-June 30), providing the dwelling(s) will be unoccupied throughout the entire period of discontinuance.
- B. The Owner shall give written notification to the Hauler at least fifteen (15) working days prior to the date that discontinuance of service is requested.
- C. Fees for discontinuance of service shall be as noted in the current fee schedule for comprehensive collection approved by the Board of Supervisors.

SECTION 9. BILLS AND STATEMENTS OF NONPAYMENT

- A. The Hauler shall be entitled to payment from the Owner for services and in the amounts as specified in a Resolution or Resolutions adopted by the Board of Supervisors, which may include advance billing for such services; provided, however, that any advance billed services not subsequently rendered by Hauler shall be refunded to Owner.
- B. Failure to make timely payment for any service by the Hauler shall constitute a violation of this ordinance and be subject to the penalty provisions herein included.
- C. Upon the expiration of not less than thirty (30) calendar days from the date that the Hauler first presented a bill to the occupants of the premises, if the bill has not been paid in full, the Hauler shall send the Owner a second, written request for payment.

- 1 **D.** The second, written request shall include a Warning Notice that if the fees
2 due are not paid within sixty (60) calendar days, waste collection services
3 shall be terminated and the county advised of a Failure to Maintain a waste
4 Collection service by the occupants of the premises. The Warning Notice
5 shall also be sent to the most recent address of the Owner as shown on the
6 records of the Riverside County Assessor's Office and shall include
7 information with respect to penalties that may become due.
- 8 **E.** Unless otherwise provided by the Director, the Hauler shall not be required
9 to continue to provide such solid waste collection service if the account
10 remains unpaid past the sixty (60) days specified in the second notice.
- 11 **F.** The Hauler may submit a report to the Director each year of properties with
12 unpaid trash charges that would be considered for property tax assessment.

13

14 **SECTION 10. NONPAYMENT OF REFUSE COLLECTION SERVICES GIVES**
15 **RISE TO PROPERTY TAX ASSESSMENT**

- 16 **A.** At least once a year, the Director shall prepare shall prepare a report of
17 delinquent charges for the Board of Supervisors. Upon receipt of the report,
18 the Board shall fix a time, date, and place for hearing the report and any
19 protests or objections to the report.
- 20 **B.** The Board shall cause notice of the hearing to be mailed to the owners of
21 property listed on the report not less than 10 days prior to the date of the
22 hearing.
- 23 **C.** At the hearing, the Board shall hear any objections or protests of property
24 owners liable to be assessed for delinquent charges. The board may make

1 revisions or corrections to the report as it deems just, after which, by
2 resolution, the report shall be confirmed.

3 **D.** The delinquent charges set forth in the report as confirmed shall constitute
4 special assessments against the respective parcels of land and are a lien on
5 the property for the amount of the delinquent charges.

6 **E.** The report shall be filed with the Riverside County Auditor Controller's Office
7 (ACO) in a manner and timeframe dictated by the ACO. The ACO shall
8 assess the delinquent charges to each property identified in the final report
9 and the delinquent charges will be handled in the same manner as other
10 Riverside County ad valorem taxes.

11 **F.** Any dispute related to delinquent charges assessed to a property shall be
12 addressed by the Department of Environmental Health.

13
14 **SECTION 11. DISBURSEMENT OF ASSESSMENT FUNDS**

15 All monies collected as part of the special assessments as set forth in Section 9 shall
16 be collected in a distinct fund account for each distinct hauler. When one tax year's
17 delinquent charges for a specific property has been paid in full to the ACO, those funds,
18 minus the County's Administrative fee, shall be paid to the hauler.

19
20 **SECTION 12. VIOLATIONS**

21 Any violation of this ordinance shall be subject to legal remedy up to and including
22 administrative citations, as noted in Ordinance 725, and /or criminal citations. Those remedies
23 may also include recovery of abatement costs, as defined in Ordinance 725, at the sole
24 discretion of the Director.

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SECTION 13. PUBLIC NUISANCE DECLARATION

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

SECTION 14. SEVERABILITY

If any part or provision of this Ordinance, or application thereof, to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

SECTION 2. This Ordinance shall take effect on January 3, 2019

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

By: _____

Chairman

ATTEST:
CLERK OF THE BOARD

By: _____

Deputy

1 pollution, and the general deterioration of the environment;

2 C. It is necessary for the protection of the health, safety and welfare of the
3 residents in the unincorporated areas of Riverside County that ~~solid~~ Solid
4 ~~waste~~ Waste and Recyclable Materials generated in such areas be promptly
5 and safely collected and ~~disposed of~~ processed in an orderly and efficient
6 manner; and

7 D. The States goal to reduce greenhouse gas effects related to landfill
8 decomposition requires a compulsory recycling program in the
9 unincorporated areas of Riverside County.

10 D.E. California Government Code, Sections 25827 and 25828 authorize the
11 ~~comprehensive~~ compulsory collection of ~~solid~~ Solid waste ~~Waste~~ in
12 unincorporated areas and requires payment therefore by those persons and
13 properties benefitted thereby.

14
15 In light of the findings above, it is the intent and desire of the Board of
16 Supervisors of this County to establish a Program of ~~Comprehensive~~ Compulsory
17 Collection in such areas as may be hereafter identified by a Resolution duly adopted by
18 the Board.

19
20 **SECTION 2. DEFINITIONS**

21 Unless otherwise stated, the terms defined in this Section shall, for all purposes
22 of this Ordinance, have the meanings herein specified. The definitions shall be equally
23 applicable to both the singular and plural forms of any of the terms herein defined:

1 A. "Blue Container" has the same meaning as in 14 CCR Section
2 18982.2(a)(5) and shall be used for the purpose of storage and collection of
3 source separated Recyclable Materials such as glass, metal, plastics,
4 cardboard and other similar items.

5 A. "Commercial Business" or "Commercial" means a firm, partnership,
6 proprietorship, joint-stock company, corporation, or association, whether
7 for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential
8 dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-
9 Family Residential Dwelling that consists of fewer than five (5) units is not
10 a Commercial Business for purposes of implementing this
11 ordinance. "Commercial Unit" means Commercial, Industrial, or
12 Institutional facilities.

13 B.

14 C. "Compulsory Collection" means the standard trash and recycling service
15 required for all residential and commercial sites within the unincorporated
16 portions of Riverside County.

17 B.D. "County" means the County of Riverside.

18 E. "Department" means the County of Riverside Department of
19 Environmental Health.

20 G.F. "Director" means the Director of the Department of Environmental Health
21 of the County of Riverside or their designee.

22 G. "Gray Container" has the same meaning as in 14 CCR Section
23 18982.2(a)(28) and shall be used for the purpose of storage and collection
24 of non-recyclable waste.

1 H. "Green Container" has the same meaning as in 14 CCR Section
2 18982.2(a)(29) and shall be used for the purpose of storage and collection
3 of source separated Organic Waste such as food, lawn trimmings, green
4 material and other similar items.

5 D.I. "Hauler" means a solid Solid waste Waste Hauler duly franchised by the
6 County of Riverside.

7 E. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or
8 pertaining to residential premises with five (5) or more dwelling units. Multi-
9 Family premises do not include hotels, motels, or other transient occupancy
10 facilities, which are considered Commercial Businesses. "Multi-Residential
11 Units" means permanent buildings containing three or more residential units
12 including, but not limited to, condominiums, apartment houses, and motels.

13 J.

14 K. "Organic Waste" means Solid Wastes containing material originated from
15 living organisms and their metabolic waste products, including but not
16 limited to food, green material, landscape and pruning waste, organic
17 textiles and carpets, lumber, wood, paper products, printing and writing
18 paper, manure, biosolids, digestate, and sludges or as otherwise defined in
19 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14
20 CCR Section 18982(a).

21 F.L. "Owner" means any person, firm or business that owns, or otherwise
22 controls real property.

23 M. "Recyclable Materials" means material which has been segregated from
24 other Solid Waste material for the purpose of reuse or recycling, including,

1 but not limited to, discarded paper, glass, cardboard, plastic, ferrous
2 materials, Organic Waste or aluminum. Recyclable Materials also include
3 mixed recyclables consisting of two or more of the above-referenced material
4 types separated from non-Recyclable Materials at the point of Collection and
5 offered for Collection in a mixture including not more than five (5) percent
6 Solid Waste by weight.

7 **G.N. "Residential Unit"** means a dwelling within the unincorporated area of the
8 County occupied by a person or group of persons. A residential unit to which
9 service must be rendered under the provisions of this ordinance shall be
10 either a single-family residential unit or a duplex residential unit that requires
11 waste collection service. A residential unit shall be deemed occupied when
12 either water or power services are being supplied thereto. A duplex is
13 considered to be two (2) attached residential units. This definition shall apply
14 also to mobile_home subdivisions where the mobile_home lot is individually
15 owned.

16 **O. "Self-Hauler"** means a person, who hauls Solid Waste, Organic Waste or
17 Recyclable Material he or she has generated to another person. Self-hauler
18 also includes a person who back-hauls waste, or as otherwise defined in 14
19 CCR Section 18982(a)(66). Back-haul means generating and transporting
20 Organic Waste to a destination owned and operated by the generator using
21 the generator's own employees and equipment, or as otherwise defined in 14
22 CCR Section 18982(a)(66)(A).

23 **H.P. "Solid Waste"** shall have the same definition as is set forth in California
24 Public Resources Code Title 30 Section 40191.

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SECTION 3. AREA OF ~~COMPREHENSIVE~~ COMPULSORY COLLECTION

Any Program of ~~Comprehensive~~ Compulsory Collection and payment therefore shall be established and operated only in those areas of the County as specified in a Resolution or Resolutions adopted by the Board of Supervisors following a duly noticed public hearing.

SECTION 4. SOLID WASTE AND RECYCLABLE MATERIALS REMOVAL RESPONSIBILITY

A. Every tenant, occupier, operator, or owner of a residential or commercial unit site shall have service as noted in Section 5 unless exempted from some or all services by the Director according to Section 8.

A.B. ~~Not less than once a week, cause to be removed all solid~~ Solid waste ~~Waste~~ created, produced or brought upon the property shall be moved to an approved disposal facility. Should conditions warrant, the Director may require increased frequency of collection or removal so as to prevent the creation of a nuisance.

B.C. No container shall be placed adjacent to a street for collection more than twelve (12) hours prior to collection day. All containers shall be removed from the street location onto the owner's property within twelve (12) hours after collection.

C.D. No person shall tamper with, remove from or deposit, any ~~solid~~ Solid waste ~~Waste~~ or ~~recyclable~~ Recyclable materials ~~Materials~~ in any container without the permission of the owner of the container.

D.E. All residential ~~Ssolid w~~ Waste and Recyclable Materials must be placed out at

1 the curb pickup site by 6:00 A.M. on the designated pickup day.

2
3 **SECTION 5. SERVICE REQUIREMENTS**

4 **A. Residential**

5 All residential properties in the unincorporated portions of the County shall
6 participate in the County's three-container system for source separated
7 Organic Materials, source separated Recyclable Materials, and waste
8 collection services, except those residents that meet the Self-Hauler
9 requirements in Section 8 of this ordinance. Participation in the collection
10 programs requires that residents place Organic Waste, including food waste,
11 in the Green Container; source separated Recyclable Materials in the Blue
12 Container; and all other waste in the Gray Container. Generators shall not
13 place materials designated for the Gray Container into the Green Container
14 or Blue Container.

15 **B. Commercial**

16 All commercial properties in the unincorporated portion of the County shall
17 participate in the County's three-container collection services and comply
18 with requirements for using the Gray, Blue and Green Containers, except
19 Commercial Businesses that meet the Self-Hauler requirements in Section 8
20 of this ordinance. The Director shall have the right to review the number and
21 size of a generator's containers and frequency of collection to evaluate
22 adequacy of capacity provided for each type of collection service for proper
23 separation of materials and containment of materials; and, Commercial
24 Businesses shall adjust their service level for their collection services as

1 requested by the Director.

2 **C. Contamination**

3 Each account holder shall be responsible for ensuring:

4 1. That all material is source separated and placed into the appropriate
5 container.

6 2. That contamination in containers is minimized or eliminated.

7
8 **SECTION 56. SOLID WASTE REMOVAL PROHIBITIONS**

9 A. No person shall collect, transfer or remove ~~s~~Solid wWaste in the
10 unincorporated area of the County of Riverside without a franchise issued by
11 the County of Riverside.

12 B. A franchisee shall not collect, transfer or remove ~~solid~~Solid Wwaste in any
13 area for which it does not hold a current and valid franchise.

14 C. Exempted from the foregoing prohibitions are the following:

15 1. A person may haul ~~solid~~Solid wasteWaste generated from his own
16 residence. However, in a ~~Comprehensive~~Compulsory Collection Area,
17 the resident is not excused from having to pay any ~~comprehensive~~
18 compulsory collection fee which may be applicable.

19 2. A business may remove commercial or industrial ~~solid~~Solid waste
20 Waste produced in the course of its own business, and utilizing only
21 its own employees and equipment. However, in a ~~Comprehensive~~
22 Compulsory Collection ~~a~~Area, the business is not excused from having
23 to pay any ~~comprehensive~~compulsory collection fee which may be
24 applicable.

1 3. Construction contractors or their subcontractors, building remodeling
2 contractors and demolition contractors, may haul their own construction
3 debris and waste provided they utilize only their own employees and
4 equipment.

5 4. The County of Riverside.

6 D. No person shall accept ~~solid~~ Solid waste-Waste at any place, location, tract
7 of land, area or premises that is not a ~~solid~~ Solid waste-Waste facility as
8 defined in Public Resources Code 40194, which facility is duly licensed,
9 permitted, properly zoned and approved by all governmental bodies and
10 agencies having jurisdiction.

11
12 **SECTION 76. OWNER RESPONSIBLE FOR PAYMENT FOR ~~COMPREHENSIVE~~**
13 **COMPULSORY COLLECTION SERVICE**

14 A. The Owner of any Dwelling or Commercial unit shall subscribe to and pay for
15 ~~comprehensive~~ compulsory refuse collection service to such Dwelling or
16 Commercial unit.

17 B. Nothing in this section is intended to prevent an arrangement, or the
18 continuance of an existing arrangement, under which payments for refuse
19 collection service are made by a tenant or tenants, or any agent, on behalf of
20 the Owner. However, any such arrangement shall not legally excuse the
21 Owner's obligation to the Hauler or to the County under this Ordinance.

22 C. Tax Lien Guaranteed ~~Comprehensive~~ Compulsory Collection Areas shall be
23 subject to the remedies established in this Ordinance.

24 D. When an Owner or tenant fails to initiate adequate refuse collection service

1 within fifteen (15) calendar days of occupancy of a dwelling, the Director shall
2 give the Owner written notification that such service is required. If service is
3 not initiated within fifteen (15) calendar days from the date of mailing of the
4 notice, then the Director may require the Hauler to initiate and continue ~~solid~~
5 Solid waste ~~Waste~~ collection service for said dwelling or dwellings.

7 **SECTION 78. EXEMPTION WAIVER FROM COMPREHENSIVE COMPULSORY**
8 **COLLECTION SERVICE.**

9 A. Self Haul Waiver - Only the owner of a residential unit or commercial unit
10 may request an ~~exemption~~ waiver from ~~comprehensive compulsory~~
11 collection service by applying to the Director for a self haul waiver. Requests
12 for an ~~exemption~~ waiver from service shall be submitted to the Department
13 of Environmental Health on an application provided by the Department and
14 shall comply with the following:-

15 A.1. For an ~~a~~ exemption waiver from service to be considered the owner
16 must provide the following information with an application provided by the
17 Department:

- 18 a) Proof of ownership for the property requesting ~~exemption~~ waiver.
- 19 b) Site to which the ~~solid~~ Solid waste ~~Waste~~ will be taken by the owner.
- 20 c) Certification that the owner will provide receipts of proper disposal of
21 all ~~solid~~ Solid waste ~~Waste~~.
- 22 d) The fees for an ~~exemption~~ waiver from service shall be as noted in the
23 Ordinance 640.

24 2. Self-Haulers shall source separate all Recyclable Materials and Organic

1 Waste generated on-site from Solid Waste in a manner consistent with 14
2 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High
3 Diversion Organic Waste Processing Facility as specified in 14 CCR
4 Section 18984.3.

5 3. Self-Haulers shall haul their Source Separated Recyclable Materials to a
6 facility that recovers those materials; and haul their Source Separated
7 Green Container Organic Waste to a Solid Waste facility, operation,
8 activity, or property that processes or recovers Source Separated Organic
9 Waste. Alternatively, Self-Haulers may haul Organic Waste to a High
10 Diversion Organic Waste Processing Facility.

11 4. Self-Haulers that are Commercial Businesses (including Multi-Family
12 Residential Dwellings) shall keep a record of the amount of Organic Waste
13 delivered to each Solid Waste facility, operation, activity, or property that
14 processes or recovers Organic Waste; this record shall be subject to
15 Inspection by the Department on request. The records shall include the
16 following information:

17 a) Delivery receipts and weight tickets from the entity accepting the
18 waste.

19 b) The amount of material in cubic yards or tons transported by the
20 generator to each entity.

21 c) If the material is transported to an entity that does not have scales on-
22 site, or employs scales incapable of weighing the Self-Hauler's vehicle
23 in a manner that allows it to determine the weight of materials received,
24 the Self-Hauler is not required to record the weight of material but shall

1 keep a record of the entities that received the Organic Waste.

2 **B. De Minimis Waivers - A Commercial Business may request a waiver to**
3 comply with some or all of the Organic Waste requirements of this ordinance
4 if the Commercial Business provides documentation that the business
5 generates below a certain amount of Organic Waste material as described in
6 part (B)(2) below. Commercial Businesses requesting a de minimis waiver
7 shall:

8 1. Submit an application provided by the Department specifying the services
9 that they are requesting a waiver from and provide documentation as
10 noted in part (B)(2) below.

11 2. Provide documentation that either:

12 a) The Commercial Business' total Solid Waste collection service is two
13 cubic yards or more per week and Organic Waste subject to collection
14 in a Blue Container or Green Container comprises less than 20 gallons
15 per week per applicable container of the business' total waste; or,

16 b) The Commercial Business' total Solid Waste collection service is less
17 than two cubic yards per week and Organic Waste subject to collection
18 in a Blue Container or Green Container comprises less than 10 gallons
19 per week per applicable container of the business' total waste.

20 c) Notify the Department if circumstances change such that Commercial
21 Business' Organic Waste exceeds threshold required for waiver, in
22 which case waiver will be rescinded.

23 d) Provide written verification of eligibility for de minimis waiver every 5
24 years, if the Director has approved de minimis waiver.

1 C. Physical Space Waivers – A Commercial Business or property owner may
2 request a waiver to complying with some or all of the Recyclable Materials
3 and/or Organic Waste collection service requirements if the Department has
4 evidence from its own staff, a hauler, licensed architect, or licensed engineer
5 demonstrating that the premises lacks adequate space for the collection
6 containers required for compliance with the Organic Waste collection
7 requirements of Section 5.

8 A Commercial Business or property owner may request a physical space
9 waiver through the following process:

- 10 1. Submit an application provided by the Department specifying the type(s)
11 of collection services for which they are requesting a compliance waiver.
- 12 2. Provide documentation that the premises lacks adequate space for Blue
13 Containers and/or Green Containers including documentation from its
14 hauler, licensed architect, or licensed engineer.
- 15 3. Provide written verification to the Department that it is still eligible for
16 physical space waiver every five years, if the Department has approved
17 application for a physical space waiver.

18 d)D. Collection Frequency Waiver – The Director, at their discretion and in
19 accordance with 14 CCR Section 189R4.11(a)(3), may allow the owner or
20 tenant of any residence, premises, business establishment or industry that
21 subscribes to the unincorporated county's three-container Organic Waste
22 collection service to arrange for the collection of their Blue Container, Gray
23 Container, or both once every fourteen days, rather than once per week.

1
2 **SECTION 89. TEMPORARY DISCONTINUANCE OF SERVICE**

- 3 **A.** An Owner may discontinue ~~solid~~ Solid waste Waste collection service up to two
4 (2) times during a given fiscal year (i.e., July 1-June 30), providing the
5 dwelling(s) will be unoccupied throughout the entire period of discontinuance.
6 **B.** The Owner shall give written notification to the Hauler at least fifteen (15)
7 working days prior to the date that discontinuance of service is requested.
8 **C.** Fees for discontinuance of service shall be as noted in the current fee
9 schedule for ~~comprehensive~~ compulsory collection approved by the Board of
10 Supervisors.

11
12 **SECTION 910. BILLS AND STATEMENTS OF NONPAYMENT**

- 13 **A.** The Hauler shall be entitled to payment from the Owner for services and in
14 the amounts as specified in a Resolution or Resolutions adopted by the
15 Board of Supervisors, which may include advance billing for such services;
16 provided, however, that any advance billed services not subsequently
17 rendered by Hauler shall be refunded to Owner.
18 **B.** Failure to make timely payment for any service by the Hauler shall constitute
19 a violation of this ordinance and be subject to the penalty provisions herein
20 included.
21 **C.** Upon the expiration of not less than thirty (30) calendar days from the date
22 that the Hauler first presented a bill to the occupants of the premises, if the
23 bill has not been paid in full, the Hauler shall send the Owner a second,
24 written request for payment.

1 D. The second, written request shall include a Warning Notice that if the fees
2 due are not paid within sixty (60) calendar days, waste collection services
3 shall be terminated and the county advised of a Failure to Maintain a waste
4 Collection service by the occupants of the premises. The Warning Notice
5 shall also be sent to the most recent address of the Owner as shown on the
6 records of the Riverside County Assessor's Office and shall include
7 information with respect to penalties that may become due.

8 E. Unless otherwise provided by the Director, the Hauler shall not be required
9 to continue to provide such ~~solid-Solid waste-Waste~~ collection service if the
10 account remains unpaid past the sixty (60) days specified in the second
11 notice.

12 F. The Hauler may submit a report to the Director each year of properties with
13 unpaid trash charges that would be considered for property tax assessment.
14

15 **SECTION 4011. NONPAYMENT OF REFUSE COLLECTION SERVICES**

16 **GIVES RISE TO PROPERTY TAX ASSESSMENT**

17 A. At least once a year, the Director ~~shall prepare~~ shall prepare a report of
18 delinquent charges for the Board of Supervisors. Upon receipt of the report,
19 the Board shall fix a time, date, and place for hearing the report and any
20 protests or objections to the report.

21 B. The Board shall cause notice of the hearing to be mailed to the owners of
22 property listed on the report not less than 10 days prior to the date of the
23 hearing.

24 C. At the hearing, the Board shall hear any objections or protests of property

1 owners liable to be assessed for delinquent charges. The board may make
2 revisions or corrections to the report as it deems just, after which, by
3 resolution, the report shall be confirmed.

4 **D.** The delinquent charges set forth in the report as confirmed shall constitute
5 special assessments against the respective parcels of land and are a lien on
6 the property for the amount of the delinquent charges.

7 **E.** The report shall be filed with the Riverside County Auditor Controller's Office
8 (ACO) in a manner and timeframe dictated by the ACO. The ACO shall
9 assess the delinquent charges to each property identified in the final report
10 and the delinquent charges will be handled in the same manner as other
11 Riverside County ad valorem taxes.

12 **F.** Any dispute related to delinquent charges assessed to a property shall be
13 addressed by the Department of Environmental Health.

14
15 **SECTION ~~41~~12. DISBURSEMENT OF ASSESSMENT FUNDS**

16 All monies collected as part of the special assessments as set forth in Section 9 shall
17 be collected in a distinct fund account for each distinct hauler. When one tax year's
18 delinquent charges for a specific property has been paid in full to the ACO, those funds,
19 minus the County's Administrative fee, shall be paid to the hauler.

20
21 **SECTION ~~42~~13. VIOLATIONS**

22 Any violation of this ordinance shall be subject to legal remedy up to and including
23 administrative citations, as noted in Ordinance 725, and /or criminal citations. Those remedies
24 may also include recovery of abatement costs, as defined in Ordinance 725, at the sole

1 discretion of the Director.

2

3 **SECTION 4314. PUBLIC NUISANCE DECLARATION**

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

7

8 **SECTION 4415. SEVERABILITY**

9 If any part or provision of this Ordinance, or application thereof, to any person or
10 circumstance is held invalid, the remainder of this Ordinance, including the application
11 of such part or provision to other persons or circumstances shall not be affected thereby and
12 shall continue in full force and effect. To this end, the provisions of this Ordinance are
13 severable.

14

PROOF OF PUBLICATION

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 92501

**SUMMARY OF ORDINANCE NO. 745.4
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 745
PROVIDING FOR THE COMPULSORY
COLLECTION AND DISPOSAL OF
SOLID WASTE AND RECYCLABLE
MATERIAL WITHIN SPECIFIED
UNINCORPORATED AREAS OF
RIVERSIDE COUNTY**

This summary is presented pursuant to California Government Code Section 25124(b). A certified copy of the full text of Ordinance No. 745.4 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

The Riverside County Department of Environmental Health is revising Ordinance 745 as part of a broader effort to bring the County into compliance with a variety of recycling initiatives passed by the State in the past decade. Assembly Bill 341 (2011), Assembly Bill 1826 (2014,) and Senate Bill 1383 (2016) set standards for jurisdictions on the recycling of organic and non-organic material.

The revision includes the following changes:

- Replaced "comprehensive" with "compulsory" to be consistent with reference to State law
 - Updates definitions to be consistent with State law updates
 - Includes "recyclable materials" a required element of the waste removal program
 - Identifies the minimum service requirements required by residential and commercial accounts
 - Expands Waiver programs to include all possible waiver classifications as noted State law
- The ordinance changes will only affect waste and recycling collection in the unincorporated portions of the County.
V. Manuel Perez, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on December 8, 2020, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board Assistant
Published: 12/23/2020

**SUMMARY OF ORDINANCE NO. 745.4
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By: Hannah Lumanauw, Board Assistant
Published: 12/23/2020

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non paniel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/23/2020

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 23th of December 2020 in Green Bay, WI, County of Brown.

Sana Kanitz
DECLARANT

Ad#:0004517204
P O : Ord 745.4
This is not an invoice
of Affidavits: 1

*Environmental Health
Department
Item 19.1 of 12/08/20.*

2021 JAN -4 AM 10:52
RECEIVED RIVERSIDE COUNTY CLERK / BOARD OF SUPERVISORS

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

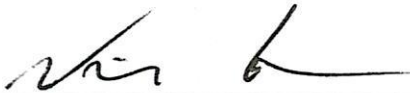
Ad Desc.: Ordinance 745.4 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12/22/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: December 22, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011431738-01

P.O. Number:

Ad Copy:

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

SUMMARY OF ORDINANCE NO. 745.4 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 745 PROVIDING FOR THE COMPULSORY COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL WITHIN SPECIFIED UNINCORPORATED AREAS OF RIVERSIDE COUNTY

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ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board Assistant

Press-Enterprise: 12/22

*Environmental
Health Department
Item 19.1 of 12/08/20*



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

December 17, 2020

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: ADOPTION OF SUMMARY OF ORD. 745.4

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Tuesday, December 22, 2020**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Hannah Lumanauw

Board Assistant to
KECIA R. HARPER, CLERK OF THE BOARD

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

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P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

December 17, 2020

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
TEL: (760)778-4578

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