


October 23, 2020

BY 
DEPUTY CLERK OF THE BOARD**ORDINANCE NO. 1529**

(An Ordinance Mandating Solid Waste Removal, Subject to Certain Exemptions, and Providing for the Granting of Related Exclusive Franchises)

The Board of Supervisors of the County of Yolo hereby ordains as follows:

Section 1. Purposes and Findings.

The purposes of this Ordinance are to mandate the removal of solid waste from residential and commercial premises in the unincorporated area, to provide for the issuance of exclusive franchises for the removal of solid waste, and to establish other regulatory requirements in connection with these purposes.

The County is committed to protecting public health, safety, welfare, and the environment. To meet these goals, the County must promote the proper management of solid waste, recyclables, and organics. Under California Law, as embodied in the California Waste Management Act (the "Act") (California Public Resources Code Sections 40000 et seq.), the State of California has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for solid waste management and disposal within their jurisdiction.

The State of California has found and declared that the amount of solid waste generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from land filling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of the Act, directed the responsible State agency, and all local agencies, to promote disposal site diversion and to maximize the use of feasible solid waste reduction, re-use, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of in disposal sites.

The County has found that, based on a survey of companies that collect solid waste and recyclable materials in the unincorporated area of the County, diversion programs are not routinely offered to residential and commercial premises. The County has also determined that residential and commercial customers appear to be paying more for service than similar customers in incorporated cities of the County.

The Board of Supervisors hereby finds that the frequency of collection, means of collection and transportation, level of services, and the nature, location, and extent of solid waste handling services provided in the County are all matters of local concern. Further, the Board of Supervisors finds that issuing franchises requiring the provision of solid waste collection and disposal services and diversion services to residential and commercial premises and obligating the franchisee to dispose of solid waste at the County's Landfill is in the best interest of the County, and its residents and businesses. In addition, the Board of Supervisors finds that the public health, safety, and well-being of County residents requires solid waste collection, disposal, and diversion services to be provided through exclusive franchise arrangements, as set forth in this Ordinance. The Board of Supervisors further finds that this Ordinance is consistent with, and tends to promote, the policy objectives set forth in this Section 1 and in the Act. Finally, for reasons set forth above, the Board of Supervisors finds that the adoption of this Ordinance will promote public health, safety, and welfare.

Section 2. Amendment of Chapter 17 to Title 6 of the Yolo County Code.

Chapter 17 of Title 6 of the Yolo County Code shall be amended as reflected in Exhibit A.

Section 3. Severability.

If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

Section 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of member of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this **20th** day of **October**, 2020, by the following vote:

AYES: **Provenza, Chamberlain, Villegas, Saylor, Sandy.**

NOES: **None.**

ABSENT: **None.**

ABSTAIN: **None.**



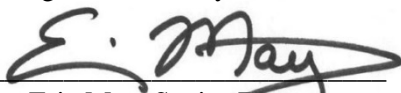
Gary Sandy, Chair
Yolo County Board of Supervisors

Attest
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors
By: 

Deputy (Seal)



Approved as to Form:
Philip Pogledich, County Counsel

By: 

Eric May, Senior Deputy

EXHIBIT A

CHAPTER 17 WASTE, RECYCLABLES, AND ORGANICS

Article 1. Title and Purpose.

Section 6-16.101. Title and Purpose.

This Chapter shall be known as the “Waste, Recyclables, and Organics Regulations.” Its purpose is to regulate the Collection and Disposal of Solid Waste, Recyclables, Organics, and other materials from Residential and Commercial Premises in the unincorporated area, to provide for the issuance of exclusive franchises for the removal of Solid Waste, Recyclables, and Organics, and to establish other regulatory requirements in connection with these purposes.

Section 6.16.102 Enforcement.

Any person violating any article in this Ordinance is guilty of an infraction. The Director of the Community Services Department or designee shall be the enforcement officer for the enforcement of the provisions of this Chapter, under Title 1, Chapter 5 of the Yolo County Code of Ordinances regarding administrative citations and code enforcement.

Article 2. Definitions.

Section 6-17.201 Definitions.

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

- (a) **“AB 341”** means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as “AB 341”, as amended and supplemented, superseded, and replaced from time to time.
- (b) **“AB 1826”** means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as “AB 1826”, as amended and supplemented, superseded, and replaced from time to time.
- (c) **“Act”** means the California Integrated Waste Management Act of 1989 (California Public Resources Code § 400000 et. Seq.), as amended, supplemented, superseded and replaced from time to time and as implemented by the regulations of the California Department of Resources Recycling and Recovery (CalRecycle), or its successor agency.
- (d) **“Bin”** means a Container with capacity of approximately one to six cubic yards, with a hinged lid, and with wheels where appropriate, that is serviced by a front end-loading Collection vehicle.
- (e) **“Cart”** means a plastic Container with a hinged lid and wheels that is serviced by an automated or semi-automated Collection vehicle. A Cart has a capacity of 32, 64 or 96 gallons (or similar volumes).

- (f) **“Collection”** means the act of collecting Solid Waste, Recyclable Materials, Yard Trimmings, Organics, and C&D and other material at the place of generation in the County.
- (g) **“Commercial”** shall mean of, from or pertaining to non-Residential Premises where business activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, agricultural, and food generating establishments, but excluding businesses conducted upon Residential property which are permitted under applicable zoning regulations and are not the primary use of the property.
- (h) **“Compactor”** means a mechanical apparatus that compresses materials together with the Container that holds the compressed materials or the Container that holds the compressed material if it is detached from the mechanical compaction apparatus. Compactors include two to four cubic yard Bin Compactors serviced by front-end loader Collection vehicles and 10 to 50 cubic yard Drop Box Compactors serviced by roll-off Collection vehicles.
- (i) **“Construction and Demolition Debris, or C&D Debris”** includes discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair or demolition operations on any pavements, excavation projects, houses, Commercial buildings, or other structures, excluding Excluded Waste.
- (j) **“Containers”** means Bins, Carts, Compactors, and Drop Boxes.
- (k) **“Curb (or Curbside)”** means the location of a Container for pick-up, where such Container is placed on the street or alley against the face of the Curb, or where no Curb exists, the Container is placed not more than five feet from the outside edge of the street or alley nearest the property’s entrance; or alternate location designated by the County for flagship lots and other special circumstances.
- (l) **“Customer”** means the Person whom Contractor submits billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.
- (m) **“Designated Waste”** means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment and which may be Disposed of only in Class II Disposal Sites or Class III Disposal Sites pursuant to variance issued by the California Department of Health Services.
- (n) **“Discarded Materials”** means Solid Waste, Recyclable Materials, Yard Trimmings, Organics and C&D placed by a Generator in a Container or other receptacle and/or at a location for the purposes of Collection, excluding Excluded Waste.
- (o) **“Disposal or Dispose (or variation thereof)”** means the final disposition of Solid Waste at a Disposal Site.
- (p) **“Disposal Site”** means a facility for ultimate Disposal of Solid Waste.
- (q) **“Drop Box”** means an open-top Container with a capacity of 10 to 50 cubic yards that is serviced by a roll-off Collection vehicle.

- (r) **“Excluded Waste”** means Hazardous Substances, Hazardous Waste, Infectious Waste, Designated Waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material. It also includes waste that a Franchisee or other authorized Collection enterprise reasonably believes would, as a result of or upon Disposal, be a violation of local, state or federal law, regulation or ordinance, including land use restrictions or conditions, waste that cannot be Disposed of in Class III landfills, waste that in the opinion of the Franchisee or other authorized Collection enterprise would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose such enterprise or County to potential liability. It does not, however, include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, recycling, treatment and Disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- (s) **“Exclusive Single-Family Collection Area”**, also known as the **Exclusive Boundary Area**, is the geographic region(s) designated by the Board of Supervisors, which are shown on maps maintained by the Yolo County Community Services Department. Such region(s) may be expanded into contiguous or adjacent areas upon direction of the Board of Supervisors.
- (t) **“Food Waste”** means food scrap materials from both residential and commercial kitchens, stores at which food products are sold, and food processing activities, including fruits, vegetables, pasta, bread, rice, meat, dairy, coffee grinds and filters, tea bags, egg shells and cartons, and biodegradable products such as paper plates, paper towels, paper napkins, compostable bags, and compostable cutlery/culinary products.
- (u) **“Franchise(es)”** mean the party or parties that have entered into a franchise agreement with the County that remains in effect for Discarded Materials, Recyclable Materials, Yard Trimmings, Organics or C&D Debris Collection services in the unincorporated area of the County.
- (v) **“Generator”** means any “Person” as defined by the Public Resources Code, whose act or process produces Solid Waste, Recyclable Materials, Yard Trimmings, Organics or C&D Debris as defined herein, or whose act first causes any such material to become subject to regulation.
- (w) **“Hazardous Substance”** means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as “Hazardous Substances”, “hazardous materials”, “Hazardous Wastes”, “toxic waste”, “pollutant”, or “toxic substances” or similarly identified as hazardous to human health or the environment, in or pursuant to (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 *et seq.* (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, *et seq.*; (iii) the Resource Conservation and Recovery Act, 42 USC §1609 *et seq.*; (iv) the Clean Water Act, 33 USC §1251 *et seq.*; (v) California Health and Safety Code §25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 *et seq.*; and (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated there under to such enumerated statutes or acts currently existing or hereafter enacted; and (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other applicable law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated

biphenyl's ("PCBs"), petroleum, natural gas and synthetic fuel products, and by-products.

- (x) **"Hazardous Waste"** means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State of California in Health and Safety Code Sections 25110.02, 25115, and 25117 or in the future amendments to or recodifications of such statutes or identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resources Conservation and Recovery Act (42 USC §6901 *et seq.*), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (y) **"Household Hazardous Waste"** means Hazardous Waste generated at Residential Premises within the County.
- (z) **"Infectious Waste"** means biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities and other similar establishments that are identified in Health and Safety Code Section 25117.5 as may be amended from time to time.
- (aa) **"Multi-Family"** means any Residential Premises, other than a Single-Family Premises, with five or more dwelling units used for Residential purposes (regardless of whether residence therein is temporary or permanent) and which receive centralized Collection service for all units on the Premises with billing to one Customer at one address.
- (bb) **"Occupant"** means the Person who occupies a Premises.
- (cc) **"Organics"** means Food Waste, or commingled Yard Trimmings and Food Waste. No Discarded Materials shall be considered Organics unless such materials are separated from Solid Waste, Recyclable Materials and C&D.
- (dd) **"Owner"** means the Person(s) holding legal title to real property and/or any improvements thereon, and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.
- (ee) **"Person(s)"** means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.
- (ff) **"Premises"** means any land or building in the County where Solid Waste, Recyclable Materials, Yard Trimmings, Organics or C&D are generated or accumulated.
- (gg) **"Processing"** means to prepare, treat, or convert through some special method.
- (hh) **"Recyclable Materials or Recyclables"** means those Discarded Materials that the Generators set out in Recyclables Containers for Collection for the purpose of Recycling; that are at least ninety percent (90%) Recyclable; and that exclude Excluded Waste. No Discarded Materials shall be considered Recyclable Materials unless such material is separated from Solid Waste, Yard Trimmings, Organics and C&D. Recyclable Materials shall include, but not be limited to: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, telephone books, grocery bags, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar

- food boxes yet excluding paper tissues, paper towels, paper with plastic coating, paper contaminated with food, wax paper, foil-lined paper, Tyvek non-tearing paper envelopes); chipboard; corrugated cardboard; glass containers of any color (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers, small pieces of scrap metal); steel, tin or bi-metal cans; mixed rigid plastics such as plastic container (no. 1 to 7) and bottles including containers made of HDPE, LDPE, or PET.
- (ii) **“Recycle or Recycling”** means the process of sorting, cleansing, treating and reconstituting at a Recyclable Materials Processing Site materials that would otherwise be Disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused, or reconstituted products.
 - (jj) **“Residential”** shall mean of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including single-family homes, apartments, condominiums, townhouse complexes, mobile home parks, and cooperative apartments.
 - (kk) **“Single-Family”** means, notwithstanding any contrary definition in the County Code, any detached or attached house or residence designed or used for occupancy by one family, provided that Collection service feasibly can be provided to such Premises at an adjacent unit, and the Owner or Occupant of such independent unit is billing directly for the Collection service. Single-Family also include Residential units of a duplex or tri-plex Residential structure.
 - (ll) **“Solid Waste”** means Solid Waste as defined in California Public Resources Code Section 40191 and regulations promulgated thereunder. Excluded from the definition of Solid Waste are Excluded Waste, C&D Debris, source separated (i.e., separated by the Generator) Recyclable Materials, source separated Yard Trimmings, source separated Organics and radioactive waste. Notwithstanding any provision to the contrary, “Solid Waste” may include de minimum volumes or concentration of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, recycling, treatment and Disposal of Household Hazardous Waste in compliance with Sections 41500 and 41802 of the California Public Resources Code as may be amended from time to time.
 - (mm) **“Transportation”** means the act of transporting or state of being transported.
 - (nn) **“Yard Trimmings”** means those Discarded Materials that will decompose and/or putrefy, including but not limited to, green trimmings, grass, weeds, leaves, prunings, braches, dead plants, brush, tree trimmings, dead trees, and small pieces of unpainted and untreated wood (limbs, branches, tress and small pieces of wood material are limited to 3 inches in diameter and 36 inches in length), excluding Excluded Waste.

Article 3. Waste Collection.

Section 6-17.301. Mandatory Service; Exemptions.

- (a) Unless exempted pursuant to this Section, the Owners or Occupants of all Single-Family, Multi-Family and Commercial Premises shall subscribe to weekly Discarded Materials Collection services provided by an authorized County Franchisee. In addition, unless exempted pursuant to this Section, all Owners and Occupants of Single-Family Premises shall subscribe to bi-weekly Recyclables Collection and Organics Collection services provided by

an authorized County Franchisee.

- (b) All Owners and Occupants of Single-Family Premises, Multi-Family Premises and Commercial Premises are considered subscribers, without the need for a signed contract or similar arrangement with an authorized County Franchisee.
- (c) The Owner, or by special arrangement approved by the Department, the Occupant, of any Single-Family, Multi-Family, or Commercial Premises may apply to Department to be exempt from the mandatory service requirement set forth in subsection (a) above. Such application shall be made on a form supplied by the Department, and shall be granted provide the Owner or Occupant can demonstrate one or more of the following:
 - (1) The Owner or Occupant will personally haul away all Discarded Materials and Recyclable Materials at least as frequently as once every other week, but no less than 26 times per calendar year to an approved facility. The method of collecting and hauling away such materials must be consistent with the intent of this Chapter and any conditions imposed by the Department including the requirement that such activities occur in a manner that will not create unsanitary conditions, potential public health threat, environmental contamination or nuisance;
 - (2) The Premises are presently undeveloped, such that no Discarded Materials are generated thereon;
 - (3) The Premises are vacant for a period in excess of two months (e.g., renovation, property for sale, extended vacation) such that no Discarded Materials will be generated thereon;
 - (4) The Premises is inaccessible due to weight limitations of Contractor provided trucks and both Contractor and County have verified such limitations;
 - (5) The Single-Family Premises owner has demonstrated that they actively Compost both Yard Trimmings and Food Waste onsite or have other means for diverting such waste and therefore have been granted an exemption from Residential Organics services;
 - (6) Accessory dwelling unit in immediate proximity of Single-Family Premises that is serviced by Contractor and has sufficient container size to accommodate waste of two households;
 - (7) Vacation hold may only apply once per calendar year if requested by Customer, however, in no event shall collection service or billing be placed on hold for more than 3 weeks;
 - (8) Two neighboring parcels are owned by members of the same family and one Single-Family Premises owner has sufficient container size to accommodate waste of two households;
 - (9) The Single-Family Premises owner has demonstrated that they have a commercial solid waste and recycling dumpster in their name within Yolo County that they agree to haul their residential waste to for proper disposal and recycling.
- (d) The mandatory service requirement set forth in subsection (a), above, also shall not apply to any Premises owned by a school district, city or county, or by the State of California or the federal government.

- (e) The Department may for good cause permit additional exemptions provided that such exemptions will not create an unsanitary condition, potential public health threat, environmental contamination or nuisance. Any Owner or Occupant that is granted an exemption under subsections (c) or (e) shall, at such intervals as are reasonably established by the Department, provide proof to the Department of compliance with the requirements set forth herein and any additional requirements or conditions imposed by the Department.
- (f) An exemption may be revoked by the Director of the Community Services Department or designee upon a finding that there is a violation of any of the requirements of this Section or the exemption, or that an unsanitary condition, potential public health threat, environmental contamination or nuisance condition is being created.
- (g) Any exemption issued shall be valid for a period of one year and is non-transferable. The exemption may be renewed at the end of one year upon reapplication and demonstration that the terms and condition of the exemption(s) still exists.

Section 6-17.302 Containers – Requirement and Use.

All Discarded Materials shall be placed in acceptable Containers, with the exception of Yard Trimmings that will be Disposed of by the Generator or collected by a Franchisee that has not provided a Container for Yard Trimmings. The following Containers are acceptable for the deposit of such materials:

- (a) Containers supplied by a County Franchisee or other enterprise eligible to provide Collection services under this Chapter, generally referred to as “Carts”. The Owner or Occupant shall maintain such Carts in a reasonably clean condition. Upon the Owner or Occupant’s request, such Carts may either be steam cleaned or replaced by the Franchisee, and the Franchisee will remove any graffiti. There will generally be no charge for such service unless, in the case of steam cleaning, such cleaning is requested by an Owner or Occupant more frequently than reasonably necessary to maintain a clean appearance.
- (b) Other Bin-type Containers, adequate in capacity and, if Owner or Occupant receives Collection services provided for in this Chapter, structurally designed so as to be compatible with the Collection equipment used by the County Franchisees or other enterprise eligible to provide Collection services under this Chapter.

Carts or Bins shall be kept continuously closed, except when Discarded Materials, Recyclable Materials or Organics are being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents and other animals. Such Carts or Bins shall be of a size approved by the Department as being adequate for the particular use or occupancy of the Premises using the Carts or Bins. The Owner or Occupant of the Premises shall keep all Carts or Bins closed or covered at all times, sanitary, and emptied on a regular schedule as required by this Chapter.

Section 6-17.303. Containers – Size and Number.

The Owner or Occupant of any Single-Family, Multi-Family, or Commercial Premises shall maintain a sufficient number of acceptable Containers for receiving and holding, with the Cart or Container lid fully closed, all Discarded Materials, Recyclable Materials and Organics produced,

created, deposited, or accumulated upon their Premises, and all such Discarded Materials, Recyclable Materials and Organics shall be deposited in such Containers with the exception of Yard Trimmings that will be Disposed of by the Generator or collected by a Franchisee that has not provided a Container for Yard Trimmings. In determining the sufficiency of the number of Containers required, the following minimum standards shall apply:

- (a) *Single-Family Residential Units.* A minimum 64-gallon Container for Discarded Materials, one 96-gallon Cart for Recyclable Materials and one 96-gallon Cart for Organics. Unless otherwise requested by an Owner or Occupant, a County Franchisee will provide separate Containers for Discarded Materials and Recyclables.
- (b) *Multi-Family Residential Units, Motels, Hotels and Trailer or Mobile Home Parks.* A minimum of one 64-gallon Container for Discarded Materials and one 96-gallon Cart for Recyclable Materials per dwelling unit, unless a lesser number or alternative arrangement, such as the use of Bins or Drop Boxes, is negotiated with the County Franchisee providing such services. Premises receiving Collection service from a County Franchisee will receive 64-gallon Containers for each unit.
- (c) *Commercial Premises.* Commercial Premises are to make appropriate Container, Bin, Drop Box, or Compactor arrangements with County Franchisees to enable comply with the provisions of this Chapter requiring weekly removal and Disposal of Discarded Materials, weekly removal of Recyclable Materials and weekly removal of Organics as mandated by State Assembly Bill (AB 341) and Assembly Bill (AB1826).

Section 6-17.304. Containers – Placement for Collection.

- (a) *Single-Family Residences.* Discarded Material Containers shall be placed at the Curb/Roadside for Collection unless a County Franchisee agrees to collect such Containers from an alternative location due to the disability of a Customer. Curb/Roadside placement shall occur no earlier than 5:00 p.m. on the day prior to Collection, and emptied Containers shall be removed from the Curb by 7:00 a.m. on the day after Collection, except for the Old Willowbank community where Containers shall be removed from the Curb by 9:00 a.m. on the day after Collection. Except for Containers placed at the Curb/Roadside for Collection, Discarded Material Containers, including any Recyclable Containers, or Organics Containers, shall be placed or allowed to remain in or on any street or alley right-of-way unless authorized by the Department.
- (b) *All Other Premises.* Carts, Bins, Containers, Drop Boxes or Compactors, as applicable, shall be placed in a location that is easily accessible for Collection, to be decided between the Owner or Occupant and an authorized County Franchisee.

Section 6-17.305 Loose Pile Yard Trimmings – Requirements and Use.

Single-Family Residential Units within the Old Willowbank area of unincorporated Davis, shall be required to have loose pile Yard Trimmings Collection provided by the County Franchisee.

Section 6-17.306 Loose Pile Yard Trimmings – Size and Number.

Yard Trimming piles are authorized for Collection by County Franchisee subject to the following regulations:

- (1) Only Yard Trimming waste may be placed in piles, provided that:
 - (a) Tree trunks and branches may not have a diameter greater than eight inches, or length greater than five feet;
 - (b) Grass clippings and dropped fruit from Premises trees shall be placed in Organics Collection Cart unless the Cart is already full or has been reasonably reserved for other Organics; and
 - (c) No Yard Trimmings piles shall exceed five feet in width or five feet in height or five (5) feet in length.

Section 6-17.307 Loose Pile Yard Trimmings – Placement for Collection.

Yard trimming piles are authorized to be placed adjacent to or in the street for scheduled collection by County Franchisee subject to the following regulations:

- (1) Inorganic material (rock, dirt, gravel, concrete, etc.) and painted or treated wood are not yard waste and shall not be placed in piles for collection.
- (2) Depending on the nature of the property, yard waste piles shall be placed either adjacent to or in the street.
 - (A) If the property has an unpaved shoulder, bare soil, or gravel area adjacent to the street, placement shall be adjacent to the street.
 - (B) If the property has curbs and gutters or does not have an unpaved shoulder, bare soil, or gravel area adjacent to the street, placement shall be in the street.
- (2) Yard waste piles shall be placed in front of the property from which the waste was originated except:
 - (A) Such piles may be placed in front of the property of a different owner or occupant, provided that such owner or occupant has given his or her permission to do so.
 - (B) If the yard waste originates on a flag lot or landlocked property which the County's contract hauler does not service or on a cul-de-sac property where placement adjacent to the property would be inconsistent with paragraph (a)(4) of this ordinance, such piles and the trash, recyclable and organics waste carts for such a property may be placed in front of a nearby property of a different owner or occupant, provided that (i) such owner or occupant of the nearby property has given his or her permission to do so or (ii) if such permission has not been given, the County has independently determined that a specified location in front of a nearby property would be reasonable and appropriate for placement of such yard waste piles and the trash, recyclable and organics waste carts.
- (3) No yard waste piles shall be placed or maintained:
 - (A) in any part of a designated bicycle lane;

(B) in such a way as to restrict reasonable gutter drainage or reasonable access to a fire alarm box, fire hydrant, mailbox, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, or any other public facility; or

(C) on street undulations, traffic calming bulb-outs or near obstructions in the street that restrict the County contract hauler's equipment from collecting yard waste piles or trash, recyclable and organics waste carts.

(4) Yard waste piles shall be placed for collection no sooner than seven (7) days before a scheduled collection day and no later than 6:00 a.m. on a scheduled collection day.

(5) No person shall park or let stand any vehicle or any other item in the street that blocks the County contract hauler's equipment from collecting yard waste piles or trash, recyclable and organics waste carts.

(6) As used in this Section 6-17.307, the terms "trash cart," "recyclables cart" and "organics waste cart" mean such carts that have been authorized by the County or provided by a County contract hauler to an owner or occupant of a property.

Article 4. Waste Transportation and Disposal Requirements, Generally.

Section 6-17.401. Transportation, Generally.

No Person shall Transport Discarded Materials, of any type, upon or across any public property, public right-of-way, watercourses, or bank of any watercourse, or upon the Premises of any other Person, except at a Solid Waste or Recycling facility approved by the Department, without covering or enclosing the Discarded Materials and taking effective measures to prevent any Discarded Materials from blowing, leaking, or dropping from the vehicle during Transport. Adequacy of load covers and control measurers shall be determined by the Department.

Section 6-17.402. Responsibility for Discarded Materials, Generally.

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

Section 6-17.403. Containers—Deposit of Excluded Waste Prohibited, Generally.

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

Section 6-17.404. Containers-Interfering With, Generally.

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

Article 5. Franchises.

Section 6-17.501. Franchise Required; Exceptions

- (a) *Requirement.* No Person shall collect, handle, transfer, store, process, Transport or use Discarded Materials (including Recyclable Materials, Yard Trimmings, Organics and C&D) in the unincorporated area of the County without first receiving a franchise to engage in such activity from the County.
- (b) *Exceptions.* The provisions of this Section shall not apply to any of the following:
- i. *Materials Collected by the Other Authorized Franchisee.* Solid Waste, Recyclable Materials, Yard Trimmings, Organics, and C&D Collected by other Franchisee that is not within the scope of Contractor's exclusive franchise rights pursuant to this Agreement.
 - ii. *Materials Hauled by Owner or Occupant, or its Contractor.* Solid Waste, Recyclable Materials, Yard Trimmings, Organics, C&D and Specialty Recyclable Materials that are removed from any Premises by the Owner or Occupant in accordance with the Yolo County Code, Chapter 17 to Title 6, Article 3, Section 6-17-301.
 - iii. *Commodities Collected for Compensation.* Source Separated Recyclable Materials, Yard Trimmings, Organics, C&D, and Specialty Recyclable Materials generated by Commercial businesses, including County facilities, which are Collected by a Person through a private purchase arrangement with the Generator where the Generator is compensated reasonably for the materials Collected or the Generator is not paying a fee for any hauling or other in connection with such arrangement, purchasers of. In accordance with County ordinance, the Source Separated Recyclable Materials, Yard Trimmings, Organics, C&D, and Specialty Recyclable Materials collected shall be separated from Solid Waste by the Generator so that they are at least 90 percent Recyclable or Compostable, and the Generator shall be required to subscribe to a minimum level of Solid Waste Collection under this Agreement.
 - iv. *Hazardous Wastes and Infection Waste.* Household Hazardous Waste, Hazardous Waste, Infectious Waste, and Designated Waste regardless of its source.

- v. *Materials Generated by Public Schools, the University of California Davis (UCD), City, County, State and Federal Facilities, and waste generated on tribal lands.* Materials generated by public schools, UCD, and City, County, State and Federal facilities (except those Federal facilities subject to 42 U.S.C. 6961 (a)) located in the County provided that the generator has arranged services with other Persons or has arranged services with the Contractor through a separate agreement arranged through a form agency procurement process.
- vi. *Donations.* Items being collected or dropped off for reuse or repurposing at a thrift store.
- vii. *Bulky Items Direct from Retailer.* Bulky items such as mattresses or large appliances that are removed and recycled as part of a service, provided by a retailer, when Customer purchases a new similar product.
- viii. *Food Delivery.* Food delivered to food recovery organizations for the purposes of human consumption as outlined in SB1383.
- ix. *Exemptions.* Any Single-Family or Commercial Premises who has been granted an exemption by the County to either self-haul their waste to the Yolo County Central Landfill or Esparto Transfer Station or be exempted under any of the categories in Section 6-17.301.

Section 6-17.502. Franchises – Exclusivity and Non-Exclusivity.

- (a) *Generally.* Within the Exclusive Boundary Area(s), all Single-Family residences, Multi-Family and Commercial Premises are included in an exclusive franchise area. Within an Exclusive Boundary Area, only a Franchisee with exclusive rights or, if none exists, other enterprise that is authorized to provide Collection services under Section 6-17.501 may provide Discarded Material Collection services to Single-Family residences, Multi-Family and Commercial Premises.
- (b) *Maps.* The Department of Community Services shall maintain a map or maps of the unincorporated area that reflect the boundaries of the Exclusive Single Family Collection Areas. Such map or maps shall be provided to any Person for review upon request, and may be posted on the internet or otherwise made readily available for public review.
- (c) *Alterations.* The Board of Supervisors reserves the right to adjust the boundaries of the Exclusive Boundary Area(s) from time to time, in its sole discretion.

Section 6-17.503. Franchise Application Process.

Franchises shall be granted by the Board of Supervisors in the following manner. These requirements may be waived or modified by the Board of Supervisors in appropriate circumstances, in its sole discretion:

- (a) The Department of Planning and Public Works shall prepare a request for proposals and submit it to the Board of Supervisors for approval. The request for proposals shall include, at a minimum:
- i. A detailed specification of the scope of services to be provided;
 - ii. A detailed cost proposal form;
 - iii. A request for background and qualifications relevant to the type of services to be provided;
 - iv. A request for detailed criminal history of (1) each Person, firm or entity that submits a response to the request for proposals; and (b) where the responding party is a firm or entity, of each Person who owns 10 percent or more of the shares of stocks, assets, or other interest in the entity. If requested by the County, the applicant shall also submit such additional information, including consent to a background check and agreement of the applicant to pay all related costs, as may be necessary to fully investigate the potential criminal history of those Persons and entities subject to this subsection;
 - v. Requirements for compliance with all relevant County policies, including but not limited to policies relating to non-discrimination;
 - vi. A list of all permits or franchise authorizing similar Collection and Disposal services in other jurisdictions, together with a detailed description of the nature of the applicant's business activities and such other information as the applicant deems relevant for consideration;
 - vii. A copy of a draft franchise agreement, as approved by the County Counsel, with the terms stated in Section 6-17.504 below, and such additional terms and provisions as may be appropriate;
 - viii. The time, date, and place for the opening of sealed proposals;
 - ix. The criteria that will be used to evaluate proposals; and
 - x. Any other relevant information, including but not limited to a request for a plan of operations.
- (b) Once approved by the Board of Supervisors, the request for proposals shall be published once a week for two successive weeks in a newspaper of general circulation in the County. The first such publication shall be at least four weeks prior to the date given for the opening of the sealed proposals. In addition, the Department may take any other reasonable steps to advertise the availability of the request for proposals, including internet postings, publication of notice in trade journals and publications, and similar methods.
- (c) Proposals shall be opened by the Director of Community Services or designee, in public, at the time and place designated in the notice to proposers. Proposals received after the time so specified shall not be accepted and shall be returned unopened to the Person, firm or entity submitting such late proposal.
- (d) In evaluating proposals, the Department shall convene a panel of evaluators, which shall at a minimum include the Director of designee. Utilizing criteria specified in the request for proposals, the panel shall evaluate and score the proposals, and shall upon completion of the evaluation process provide a written recommendation to the Board of Supervisors as to the responsible and qualified proposer whose proposal provides Collection service at the lowest cost. A written notice of the panel's

recommendation shall be provided to all proposers. Except as provided otherwise in this section, the Board of Supervisors shall, within the time specified in the request for proposals, select as the Franchisee the responsible and qualified proposer whose proposal provides Collection service at the lowest cost.

- (e) The Board of Supervisors may reject all proposals, and may thereafter instruct the Director to take such further action as the Board may direct, including but not limited to engaging in negotiations with one or more firms, Persons or entities, or issuing a revised request for proposals in accordance with the procedures specified in this article. The Board of Supervisors may also, in its discretion, waive any minor irregularities contained in a proposal.
- (f) Notwithstanding any other provision of this section, the Board of Supervisors may, upon finding that it is in the best interest of the county and upon a vote of two-thirds of the Board, waive the competitive process required by this Section and may instruct the Director to take such further action as the Board may direct, including but not limited to engaging in negotiations with one or more firms, Persons or entities, or engaging in such other process as the Board may specify.

Section 6-17.504. Franchise Agreements – Required Terms.

All franchise agreements shall include the following terms, which are the basic terms on which the County is willing to enter into a franchise agreement under this Chapter:

- (a) *Grant and Acceptance of Franchise.* Each franchise agreement shall contain provisions that set forth the offer a franchise for Discarded Materials, Recyclables, Yard Trimmings, Organics and C&D, or other similar services, and the acceptance thereof by the Franchisee, together with all geographic and other limitations on the exercise of franchise rights.
- (b) *Term.* The duration of each franchise agreement shall be stated.
- (c) *Scope of Agreement.* Each franchise agreement shall identify the scope of the services to be provided by the Franchisee, including whether such services are to be provided on an exclusive or non-exclusive basis, the materials covered by such services (i.e., Discarded Materials, Recyclables, Yard Trimmings, Organics, C&D, and other materials), the Collection area or areas of the franchisee, appropriate Disposal locations, and other similar matters relating to the Collection, Transportation, and Disposal services to be provided by the Franchisee.
- (d) *Public Education and Billing.* At a minimum, each franchise agreement shall provide for the Franchisee to prepare and distribute information to its Customers describing how to prepare material covered by the franchise for Collection, materials that are excluded from Collection, and related matters.
- (e) *Performance Standards.* Each franchise agreement shall specify the hours of Collection, the manner in which Containers, Carts, bins, Drop Boxes, or Compactors will be serviced, employee training, Franchisee responsibility for vehicle appearance, leaks, and related matters, and Hazardous Waste inspection and handling.
- (f) *Record Keeping and Reporting.* Each franchise agreement shall require the Franchisee to maintain accurate accounting, statistical, and other records relating to services provided under the franchise, report submittal requirements, and related matters.

- (g) *Franchise Fees and Administrative Charges.* Each franchise agreement shall state the amount of the franchise fee to be paid by the Franchisee as consideration for the contractual right to provide the services covered by the franchise agreement in the unincorporated area, and to compensate the County for its costs and expenses relating to the administration of the franchise. All franchise agreements shall also contain procedures for the adjustment of these fees from time to time.
- (h) *Indemnity, Insurance, and Bonding Requirements.* Each franchise agreement shall contain appropriate indemnity and defense provisions, insurance requirements, and performance bond requirements.
- (i) *Default.* Each franchise agreement shall identify the events that constitute a default thereunder, as well as the remedies available to the non-defaulting party.

Section 6-17.505. Rates for Services.

Rates and charges for Discarded Materials, Recyclables, and other services performed pursuant to this Chapter shall be as prescribed in the contracts between the County and authorized Franchisees for services provided in Exclusive Single-Family Collection Areas. In all other areas, authorized Franchisees may charge any reasonable amount for services provided to subscribers, so long as such rates and charges do not exceed maximum rates established by the Board of Supervisors.

Section 6-17.506. Billing Procedures and Practices.

All subscribers of services provided by a County Franchisee will be billed directly by that Franchisee. Such bills may be paid by check, cash, or credit card. For periods of vacancy when a subscriber will not require any services from a County Franchisee, the subscriber may request a temporary discontinuation of service and related charges. Any such discontinuation will take effect after an initial vacancy period of 30 days and, unless the Franchisee agrees otherwise, will be for a minimum period of 30 days.

Section 6-17.507. Delinquent Accounts; Liens.

Any account with unpaid charges for one year or longer shall be considered a delinquent account. At the request of a County Franchisee, and upon the submission to the County of appropriate information demonstrating that an account is delinquent, the County will send a letter to the Owner of the property with the delinquent account and request payment within 30 days. If complete payment is not received by the County within 30 days, the County shall place a lien on the property in accordance with Government Code Section 25828, and proceed to collect any unpaid amounts in the manner set forth therein. All amounts collected by the County pursuant to this Section shall be remitted in full to the Franchisee, less any offset for amounts due the County from that Franchisee.