

## ARTICLE 8 SOLID WASTE

### Sec. G-IV 8.1 General

A. PURPOSE: As part of the State of California program for solid waste management and resource recovery and for the preservation of health, safety, and wellbeing of the public, the Board of Supervisors of the County of Nevada declares that it is in the public interest that the County make provision for solid waste handling services.

The reduction of solid waste landfilling, through waste prevention, reuse, recycling, and composting is a statewide mandate (California Integrated Waste Management Act of 1989). In addition, reduction of solid waste is a key component of meeting the statewide climate protection mandate (California Global Warming Solutions Act of 2006). Furthermore, AB 341, the Jobs and Recycling Act of 2011, and AB 1826, the Mandatory Commercial Organics Recycling Act of 2014, require businesses and Multi-Family property owners to arrange for recycling and organics services. Additionally, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, seeks to reduce organics in landfills, as a means to reduce methane emissions and to increase edible food recovery to reduce human food insecurity. To that end, the State of California's Department of Resources Recycling and Recovery (CalRecycle) developed regulations that place requirements on multiple entities, many of which are contained herein. Therefore, in order to protect the public peace, health, safety, and general welfare, to reduce the solid waste stream, to reduce methane emissions from landfills, and to comply with state regulations, the County deems it necessary to regulate the separation, collection, disposal and recovery of recyclable materials, organic waste, and other solid waste as set forth in this chapter.

B. ADMINISTRATION AND ENFORCEMENT: The Public Works Department and the Environmental Health Department are the responsible agencies for administering and enforcing respectively the provisions of this Ordinance. The Environmental Health Department shall be the principal enforcement agency of health provisions by direction of the State Solid Waste Management Board. Administrative aspects of any solid waste service agreement shall be performed by the Public Works Department.

C. DEFINITIONS: For the purpose of this Ordinance, the following terms, words and phrases, and their derivative shall have the meanings respectively described to them by this Section:

~~1.—~~

(1) ACT means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including, but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

~~(1)(2)~~ BOARD - shall mean the Nevada County Board of Supervisors.

(3) ~~2.—~~CALIFORNIA CODE OF REGULATIONS or “CCR” means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

(4) CALRECYCLE means California’s Department of Resources Recycling and Recovery, which is charged with implementing and enforcing the Act.

~~(2)~~(5) CERTIFICATE OF OPERATION - shall mean an annual certificate issued by the Nevada County Environmental Health Department in accordance with Section 510 of the California Health and Safety Code, Nevada County Ordinance No. 951, and Nevada County Resolution No. 82-201.

~~(3)~~(6) ~~3.~~—CHEMICAL WASTES - the chemical by-product of any action, industry, application, or operation, whether performed by an individual or corporate body, which may be hazardous to public health or the environment.

~~(4)~~(7)

4.—COLLECTION - shall mean the operation of gathering together and transporting to the point of disposal any garbage or refuse.

~~(8)~~ ~~5.~~—COMMERCIAL BUSINESS or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.

~~(9)~~ COMMERCIAL EDIBLE FOOD GENERATOR includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74).

~~(5)~~(10) COMMERCIAL SOLID WASTE - all types of solid waste generated by stores, institutions, offices, trailer parks, hotels, apartment buildings, restaurants, multiple residential units per parcel, and other commercial sources excluding single-family residences.

~~(11)~~ ~~6.~~—COMMUNITY STOPS - A common location that community members collectively designate as an alternative collection location for garbage, recyclable materials and organic waste.

~~(6)~~(12) CONSTRUCTION AND DEMOLITION WASTES - waste building materials, packaging, and rubble resulting from construction or demolition of buildings and/or other structures.

~~(7)~~(13) ~~7.~~—CONTAINER - a durable, corrosion-resistant, non-absorbent, leak-proof, watertight, odor-proof, rodent-resistant box, barrel, canister, or other approved device with a fly-tight cover.

~~(8)~~(14) ~~8.~~—CONTRACTOR - shall mean that person granted a contract, franchise, or permit by the County Board of Supervisors to collect, remove or dispose of garbage, rubbish or refuse.

~~(9)~~(15) ~~9.~~—CONVENIENCE STATION - shall mean an established station containing receptacles for household refuse and litter in rural County locations having a valid certificate of operation issued by the Environmental Health Department ~~of Public Health~~.

~~(10)~~(16) ~~10.~~—COUNTY - shall mean the County of Nevada and its Departments or officers.

~~(17)~~ ~~11.~~—DESIGNEE means a person or entity that the County designates, contracts with, or otherwise arranges to carry out any of the County’s responsibilities of this chapter authorized in 14 CCR Section 18981.2. A Designee may be a government

employee or entity, a private entity, a Franchised Collector, or a combination of those entities.

~~(11)~~(18) DISPOSAL - shall mean the complete operation of treating and/or disposing of the accumulation of collected refuse and the product or residue arising from such treatment.

~~12. DISPOSAL SITE shall mean the McCourtney Sanitary Landfill or other site approved by the Public Health Department and having a valid certificate of operation issued by the Health Department.~~

~~13. GARBAGE shall include, but not be limited to the following: All putrescible animal and vegetable waste resulting from decay or storage of meat, fish, fowl, fruit, or vegetables. It shall also include all cans, bottles, containers, covering, or any material that has been in intimate contact with garbage.~~

~~(19)~~ 14. EDIBLE FOOD means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

~~(20)~~ ENFORCEMENT ACTION means an action of the relevant Enforcement Agent to address non-compliance with this chapter including, but not limited to, issuing abatement notices, administrative citations, fines, penalties, or using other remedies as authorized by Title 1 of the Nevada County Municipal Code.

~~(21)~~ ENFORCEMENT AGENT means a person or entity the County designates to enforce part or all of this chapter. Enforcement Agents may carry out inspections and enforcement activities pursuant to this chapter. The County has enforcement responsibility for all Sections of this chapter. The County may choose to additionally delegate Enforcement Agent responsibility for certain sections, to other public entities or joint powers authority. Nothing in this chapter authorizing an entity to enforce its terms, or shall require that entity to undertake such enforcement except as agreed to by that entity and the County. In addition to any other powers conferred upon him/her by this code or by any other law, an Enforcement Agency shall have the authority to issue a notice to appear, (per Penal Code Section 948), or issue a notice of violation, as described in Title 1 of this code, if the Enforcement Agency has cause to believe that a violation of this code was, or is being, committed or that any nuisance conditions exist.

~~(22)~~ EXCLUDED WASTE means hazardous substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the County and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including land use restrictions or conditions, including but not limited to: waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in the reasonable opinion of the County or its Designee would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose

the County or its Designee to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, or other materials defined as allowable materials for collection through the County's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the County or the Franchised Collector providing service to the Generator.

(23) FOOD FACILITY has the same meaning as in Section 113789 of the Health and Safety Code.

(24) FOOD RECOVERY ORGANIZATION means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- A food bank as defined in Section 113783 of the Health and Safety Code;
- A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

(25) FOOD RECOVERY SERVICE means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12.

(26) FOOD SCRAPS means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

(27) FOOD SERVICE PROVIDER is a Tier 1 Commercial Edible Food Generator and means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

(28) FRANCHISED COLLECTOR means such persons, firms or corporations collecting and delivering for disposal, recycling or processing Solid Waste (other than Solid Waste generated by a permitted building project) originating in the County and doing so under a franchise agreement with the County.

(29) GARBAGE includes those elements of the Solid Waste stream designated for the "Garbage Container", and excludes hazardous waste, Excluded Waste, materials

designated for the “Organics Container” or “Recycling Container” or materials which have been separated for reuse.

(30) GARBAGE CONTAINER has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.

(31) ENVIRONMENTAL HEALTH DEPARTMENT - shall mean the Director of the Nevada County Environmental Health Department (Public Health Officer) or his duly authorized agent.

(32) HOUSEHOLD WASTE - consists of garbage generated in residences with the exception of large objects such as refrigerators, washing machines, dryers, couches, chairs and tables.

(33) INDUSTRIAL WASTES - all solid, semi-solid, or liquid wastes which result from industrial processes or manufacturing operations.

(34) INFECTIOUS WASTES

a. Utensils, equipment, instruments, and fomites from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must be isolated.

b. Laboratory wastes, including pathological specimens, (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto.

c. Surgical operating room pathologic specimens and disposable materials from out-patient areas and emergency rooms.

(35) GENERATOR means a person or entity that is responsible for the initial creation of Garbage, Organic Waste or Recyclable Materials.

(36) GROCERY STORE is a Tier 1 Commercial Edible Food Generator and means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

~~(12)~~(37) HAZARDOUS WASTE - means hazardous or extremely hazardous waste as defined by Section 25115 and 25117 of the California Health and Safety Code or otherwise a waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b. Pose a substantial present or potential hazard to employees, property, neighbors, general public, or to the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

~~15. HEALTH DEPARTMENT shall mean the Director of the Nevada County Health Department (Public Health Officer) or his duly authorized agent.~~

- ~~(13)(1)~~ ~~16.~~ ~~HOUSEHOLD WASTE~~ consists of garbage generated in residences with the exception of large objects such as refrigerators, washing machines, dryers, couches, chairs and tables.
- ~~(14)(1)~~ ~~17.~~ ~~INDUSTRIAL WASTES~~ all solid, semi solid, or liquid wastes which result from industrial processes or manufacturing operations.
- ~~(15)(1)~~ ~~18.~~ ~~INFECTIOUS WASTES~~
- ~~a.~~ ~~Utensils, equipment, instruments, and fomites from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must be isolated.~~
  - ~~b.~~ ~~Laboratory wastes, including pathological specimens, (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto.~~
  - ~~c.~~ ~~Surgical operating room pathologic specimens and disposable materials from out-patient areas and emergency rooms.~~
- (38) 19.—HIGH DIVERSION ORGANIC WASTE PROCESSING FACILITY means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed Waste Organic Collection Stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (39) INSPECTION means a site visit where an Enforcement Agent reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35)
- ~~(16)(40)~~ LIQUID WASTE - a waste material which is not spadable.
- ~~(17)(41)~~ 20.—LITTER - trash, garbage, solid waste, refuse.
- ~~(18)(42)~~ 21.—LITTERING - littering means the willful or negligent throwing, dropping, placing or depositing of litter on land or water in other than appropriate storage containers or areas designated for such purposes.
- ~~(19)(43)~~ 22.—MAY - shall be permissive.
- (44) 23.—MULTI-FAMILY RESIDENTIAL DWELLING or “Multi-Family” means for the purpose of implementing this chapter, of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing SB 1383 requirements. Consistent with SB 1383 Regulations, residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this chapter. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses that are not Multi-Family Residential Dwellings.
- ~~(20)(45)~~ NUISANCE - any act or omission which:



- a. Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; or
- b. Shall offend public decency; or
- c. Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct or render dangerous for passage or use a lake, navigable river, bay, stream, canal, ditch, millrace, or basin, or a public park, square, street, alley, bridge, causeway, or highway or other thoroughfare; or
- d. Shall have a natural tendency to cause injury or damage to business or property.

(46) 24.—ORGANICS CONTAINER has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste designated for Compost processing, including Food Waste and landscape and pruning waste accepted in the County’s Organic Waste Collection program, and other organic materials as determined by the County as acceptable for the Organics Container

(47) ORGANIC WASTE means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Scraps, food soiled paper, landscape and pruning waste, organic textiles and organic carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Organic Waste does not include Rigid Compostable Plastic.

(48) ORGANIC WASTE GENERATOR means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

~~(24)~~(49) PERSON - shall include any individual, firm, company, corporation, or public entity or other organization.

(50) 25.—PREMISES includes any real property or estate which may be devised or granted by deed.

(51) PROHIBITED CONTAINER CONTAMINANT includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the County’s Recycling Container; (ii) materials placed in the Organics Container that are not identified as acceptable Source Separated Organic Waste for the County’s Organics Container; (iii) materials placed in the Garbage Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Organic Waste that can be placed in the County’s Organics Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.

(52) PROPERTY OWNER means the owner of real property.

~~(22)~~(53) PUBLIC WORKS DEPARTMENT - shall mean the Director of the Nevada County Department of Public Works or ~~the~~his duly authorized deputy.

~~(23)~~(54) 26.—PUTRESCIBLE WASTE - wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions. Food wastes, offal, and dead animals are examples of putrescible solid wastes.

~~(55)~~ 27.—RECYCLING CONTAINER has the same meaning as “Blue Container” in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

~~(56)~~ RECYCLABLE MATERIALS has the same meaning as Source Separated Recyclable Materials below.

~~(24)(57)~~ RESIDENCE - shall mean a single-family home or dwelling.

~~28.~~—~~RECYCLE~~—~~shall mean any process which has as its goal the conversion of garbage, rubbish, or salvageable waste into a useable product.~~

~~(25)(58)~~ 29.—REFUSE - shall include garbage, industrial, construction, and other solid wastes.

~~(26)(59)~~ 30.—RUBBISH - shall include, but not be limited to, the following: All non-putrescible waste such as paper, cardboard, grass clippings, tree trimmings, shrub trimmings, wood, bedding, crockery, rubber tires, or construction waste.

~~(27)(60)~~ 31.—SALVAGING - shall mean the controlled removal of waste material for utilization.

~~(61)~~ 32.—SB 1383 means Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016.

~~(62)~~ SB 1383 REGULATIONS means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

~~(63)~~ SELF-HAULER means a generator who transports its own Solid Waste by using a vehicle owned by that generator and driven by the generator or the generator’s employees, rather than the Franchised Collector. Self-hauler also includes a person or entity who back hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A).

~~(64)~~ SINGLE-FAMILY means, of, from, or pertaining to any residential premises with fewer than five (5) units for the purposes of implementing this chapter.

~~(28)(65)~~ SCAVENGING - means the uncontrolled and/or unauthorized removal of solid waste materials.

~~(29)(66)~~ 33.—SEPTIC TANK PUMPINGS - sludge and wastewater and other materials removed from septic tanks and includes other anaerobic wastes.

~~(30)(67)~~ 34.—SHALL - shall be mandatory.

~~(31)(68)~~ 35.—SLUDGE - any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

~~36.~~—~~SOLID WASTE~~—~~garbage, refuse, sludge, rubbish, junk vehicles, ashes, or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semi-solid commercial and industrial waste and hazardous waste, including explosives and pathological waste, unclaimed telephone directories, magazines, newspapers and flyers.~~



(69) 37.—SOLID WASTE means Garbage, Recyclable Materials, and Organic Waste and has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, C&D wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

(1) Hazardous waste, as defined in the Public Resources Code Section 40141.

(2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

(70) SOURCE SEPARATED means materials that have been kept separate from other materials in the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

(71) SOURCE SEPARATED ORGANIC WASTE means those organics that can be placed in a Organics Container for Compost processing, including Food Scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the County.

(72) SOURCE SEPARATED RECYCLABLE MATERIALS means the same thing as “Recyclable Materials” and includes those Recyclable Materials that can be placed in the Recycling Container including but not limited to, glass and plastic bottles, aluminum, tin and steel cans, metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the County.

(73) SUPERMARKET is a Tier 1 Commercial Edible Food Generator and means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(a) TIER 1 COMMERCIAL EDIBLE FOOD GENERATOR means a Commercial Edible Food Generator that is one of the following:

- Supermarkets with gross annual sales of \$2,000,000 or more, or as defined in 14 CCR Section 18982(a)(71).

- Grocery store with a total facility size equal to or greater than 10,000 square feet, as defined in 14 CCR Section 18982(a)(30).
- Food Service Provider which means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- Wholesale food vendor which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 18982(a)(76).
- Food Distributor which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores or as otherwise defined in 14 CCR Section 18982(a)(22).

(b) TIER 2 COMMERCIAL EDIBLE FOOD GENERATOR means a Commercial Edible Food Generator that is one of the following:

- Restaurant which means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64) and which has 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- Hotel with an on-site food facility and 200 or more rooms or as otherwise defined in 14 CCR Section 18982(a)(74)(B).
- Health facility with an on-site food facility and 100 or more beds, or as otherwise defined in 14 CCR Section 18982(a)(73)(C).
- Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- Large Event, as defined in 14 CCR Section 18982(a)(38) means an event that serves an average of more than 2,000 individuals per day of operation of the event and either: 1) charges an admission price; or 2) is operated by a local agency.
- A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- A local education agency, which means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40), and which has an on-site food facility.

~~(32)~~(74) \_\_\_\_\_ TOURIST LITTER - litter produced or brought in by non-residents of eastern Nevada County (east of Highway 20/Interstate 80 interchange).

~~(33)~~(75) \_\_\_\_\_ ~~38.~~ VECTOR - a living insect or other arthropod, or, used or leftover substance including, but not limited to, a lighted or non-lighted cigarette, cigar, match, or any flaming or flowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

#### Sec. G-IV 8.2 Collection - Mandatory Subscription and Payment Required.

- A. Every Single Family dwelling unit or Commercial Business, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this chapter, or Commercial Business Owners that receive a waiver as set forth in this chapter, (throughout this chapter, Commercial Business includes Multi-Family Residential Dwellings of 5 or more units, unless otherwise excluded) in the County shall be required to subscribe with the Franchised Collector(s) for Garbage Container, Recycling Container and Organics Container collection; comply with the relevant sections of this chapter, state law and local ordinances; and to pay for the collection and disposal of such containers.
- B. The County's designated Enforcement Agent is authorized to administer an SB 1383 permit system to monitor compliance with the requirements of this article. Generators are required to obtain a SB 1383 permit and pay associated application or enforcement fees, should such fees be incurred. The Board of Supervisors may, by resolution or a Memorandum of Understanding, place a limit on the permit rates, fees and charges.
- C. No provision of this chapter shall be construed to prevent any person from self-hauling their own waste in their own vehicles or composting in the rear yard of their residence, provided that such composting does not constitute a nuisance to neighboring property because it is injurious to health or is offensive to the senses. Nor shall any provision of this chapter limit the right of any person to donate or sell Recyclable Materials.

#### Sec. G-IV 8.3 Collection - Containers, Participation and Separation Required by all Generators.

Generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act.

- A. Generators, including Single-Family and Multi-Family and Commercial Businesses, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this chapter, or Commercial Business Owners that receive a waiver as set forth in this chapter, shall:
  - (1) Maintain for such residence or business, separate Garbage, Organics and Recycling Containers, supplied by the Franchised Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage, Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for collection. The County shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the County in order to meet the standards set forth in this chapter. Generators may manage their Organic Waste by preventing

or reducing their Organic Waste, managing Organic Waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.

- (2) Participate in the collection services provided by the County's Franchised Collector(s), by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Organic Waste, including food waste, in the Organics Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. Generators shall not place materials designated for the Garbage Container in the Organics Container or the Recycling Container.
- (3) Place Garbage Containers, Recycling Containers, and Organics Containers on the curb on the day specified for collection, unless a waiver has been granted by the Public Works Director pursuant to this chapter. Containers shall be placed in front of the Premises in a location reasonably convenient for semi-automated or automated collection. The only exception would be if Generator has reached an agreement with Franchised Collector for an alternative collection location.
- (4) Maintain Garbage Containers, Recycling Containers and Organics Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.
- (5) Cover containers, unless covers are waived by the Environmental Health Department.
- (6) Ensure that storage containers not exceed thirty-two (32) gallon capacity or weigh more than sixty (60) pounds when filled, except where mechanical systems are approved by the County or the owner collects and hauls the containers.
- (7) Not deposit garbage, recyclable material or organic waste in a container that is owned and/or under the control of another person unless permission to deposit said waste has been obtained from the owner or controlling person.
- (8) All operations and/or any person, public or private, selling, providing, giving, or through any means catering to any public or private person any goods or services shall provide adequate garbage, recyclable materials and organic waste storage containers on-site and shall regularly empty such containers.
- (9) Provide and maintain complying on-the-spot containers for containment and storage of garbage, recyclable materials and organic waste, excluding construction work, when conducting out-of-doors business operations that would by their nature produce such materials.
- (10) Store and maintain Containers so as to prevent upset and spillage.
- (11) The person providing containers for garbage, recyclable materials and organic waste storage shall insure the container meets the requirements in these regulations. Containers provided for individual or noncommercial domestic waste storage that do not meet the

requirements of this Section shall be replaced with containers conforming with said requirements.

(12) Not tamper with, modify, remove from or deposit solid waste in any container which has not been provided for their use without the permission of the container owner.

(13) Not place containers out for collection more than 24 hours prior to collection day and remove containers within 24 hours of collection.

B. In addition to the requirements in Section A above, Commercial Businesses shall also:

(1) Commercial Business Owners including Multi-Family, shall provide or arrange for Garbage Container, Organics Container and Recycling Container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in B (2)(a) and (b) or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.

(2) Commercial Business that are not Multi-Family Residential Dwellings shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the Premises (“User Disposal Containers”). Such User Disposal Containers do not need to be provided in restrooms. If a Commercial Business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:

(a) A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for Garbage, blue containers for Source Separated Recyclable Materials, and green containers for Organics Containers. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or

(b) Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.

#### **Sec. G-IV 8.4 Commercial Education and Outreach Requirements.**

All Commercial Business Owners are required to:

A. Excluding Multi-Family Residential Dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not

designated for those materials per the Recycling Container, Organics Container, and Garbage Container collection service.

- B. Excluding Multi-Family Residential Dwellings, periodically inspect Recycling Containers, Organics Containers, and Garbage Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- C. Including Multi-Family Residential Dwellings, annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the Public Works Director or Designee, upon request.
- D. Including Multi-Family Residential Dwellings, provide information before or within fourteen (14) days of new occupation of the Premises to new tenants and no less than fourteen (14) days before tenants move out of the Premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep Organics Container Organic Waste and Recyclable Materials separate from each other and from Garbage, the location of containers, and the rules governing their use at the Premises.
- E. Including Multi-Family Residential Dwellings, prominently post and maintain one or more signs where Recyclable Materials and/or Organic Waste are collected and/or stored that set forth what materials are required to be Source Separated, in addition to collection procedures for such materials.

#### **Sec. G-IV 8.5 Waste Removal Time Periods**

Garbage and organic waste shall be removed for disposal from any premise or property not less than once every seven (7) days, except for remote isolated areas including but not limited to the Graniteville Convenience Station. Recyclable materials shall be removed for recovery not less than once every fourteen (14) DAYS. Where it is deemed necessary, the Environmental Health Department may require a removal time of less than seven (7) days for removal of garbage and organic waste when conditions exist that would result in:

- (1) The propagation of vectors,
- (2) The harborage of vectors and/or vermin,
- (3) The creation of a nuisance, and
- (4) A clear and present danger to public health.

Where garbage is stored with other waste matter, the removal time shall be not less than once every seven (7) days unless the other waste requires a more frequent removal time. After notification by the Environmental Health Department, the following wastes shall be removed within:

<b>WASTE TYPES</b>	<b>TIME LIMITS</b>
Garbage and Organic Waste -	24 Hours
Rubbish	24 Hours
Dead animals - residential rural	6 Hours
Animal wastes (household pet)	24 Hours
Farm animal wastes	24 Hours



Industrial, institutional and commercial and bulky wastes	48 Hours
Infectious pathologic, pathogenic and hazardous wastes	12 Hours
Waste materials disposed in unauthorized area	24 Hours
All other solid waste	24 Hours

These time limits may be extended by the [Environmental Health Department](#) when:

- (1) Serious health hazard would not result by a time extension;
- (2) The volume of waste is such that the time limit is considered to be excessive; and  
~~39. YARD WASTE consists of lawn clippings, weeds, brush, branches, stumps, dirt or rocks.~~
- (3) Other circumstances merit the extension.

## **Sec. G-IV 8.6 Pre-Collection and Storage Practices**

### **A. SOLID WASTE MANAGEMENT PRACTICES, GENERAL PROVISIONS**

- (1) ~~1.—All solid wastes~~garbage, recyclable materials and organic waste shall be stored, collected, utilized, treated, processed, and/or disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. All solid wastes shall be disposed of at disposal site approved by the County.
- (2) ~~2.—All solid wastes~~All garbage, recyclable materials and organic waste shall be handled in such a manner so as not to be conducive to the breeding, sheltering, or harboring of insects and rodents or to the support of any disease vector.
- (3) ~~3.—All solid waste~~All garbage, recyclable materials and organic wastes processing and disposal systems shall be operated in such a manner so as not to substantially contribute to pollution or degradation of the atmosphere, watersheds, surrounding lands, or constitute a fire hazard.
- (4) ~~4.—~~Liquid wastes and sludges shall not be accepted or disposed at a disposal site without written approval of the Public Works Department.
- (5) ~~5.—~~No system for ~~solid~~garbage, recyclable materials or organic waste handling, processing, storage, recovery, salvage, or disposal shall be placed in operation until proper licenses and/or permits are obtained.
- (6) ~~6.—All solid~~All garbage, recyclable materials or organic waste management systems or operations involved in collection, storage, hauling, processing, recovery, salvage, or disposal shall be in accordance with the [Environmental](#) Health Department and Public Works Department specifications.
- (7) ~~7.—~~No infectious, chemical, or hazardous waste will be accepted at any disposal site in the County unless authorized by the Board.
- (8) ~~8.—~~It is unlawful, in the County, for any person, public or private, to place, deposit, or dump, or cause to be placed, deposited, or dumped, or allow to accumulate, any solid or liquid waste matter in or upon any public or private highway, street, alley, or

road, waterway, lake, stream, or any lot or parcel of land, whether public or private other than a disposal site approved by the County.

**B. ~~CONTAINERS—DUTY TO PROVIDE~~GARBAGE, RECYCLABLE MATERIALS AND MAINTAIN**

~~1.—Every person generating refuse shall provide containers for the storage of solid waste. The container shall be:~~

~~a.—Of adequate size and design to contain the expected waste;~~

~~b.—In sufficient numbers to contain all refuse generated from a particular premise, property, or waste generating activity; and~~

~~c.—Covered, unless covers are waived by the Health Department.~~

~~2.—Individual storage containers shall not exceed thirty two (32) gallon capacity or weigh more than sixty (60) pounds when filled, except where mechanical systems are approved by the County or the owner collects and hauls the containers.~~

~~3.—It shall be unlawful to deposit solid waste in a container that is owned and/or under the control of another person unless permission to deposit said waste has been obtained from the owner or controlling person.~~

~~4.—All operations and/or any person, public or private, selling, providing, giving, or through any means catering to any public or private person any goods or services shall provide adequate waste storage containers on-site and shall regularly empty such containers.~~

~~5.—All persons both public and private, shall provide and maintain complying on-the-spot containers for containment and storage of refuse, excluding construction work, when conducting out-of doors business operations that would by their nature produce refuse.~~

~~6.—Containers shall be stored or maintained so as to prevent upset and spillage.~~

**~~C.—UNACCEPTABLE CONTAINERS~~**

~~1.—The person providing containers for waste storage shall insure the container meets the requirements in these regulations. Containers provided for individual or noncommercial domestic waste storage that do not meet the requirements of Section 8.2B shall be replaced with containers conforming with said requirements.~~

~~2.—The Health Department may inspect or cause to be inspected at regular intervals refuse containers and shall be the sole judge of the condition of such containers and their conformance with Section 8.2.B.~~

**~~D.—SOLID~~ORGANIC WASTE STORAGE**

(1) ~~1.—~~No solid waste storage shall:

(a) ~~a.~~ Cause health hazards;

(b) ~~b.~~ Attract or propagate vectors, vermin or pests;

(c) ~~c.~~ Create unpleasant odors;

(d) ~~d.~~ Create a nuisance.

- (2) ~~2.~~ The person who is an owner, operator and/or occupant of any premise, business establishment, industry, or other public or private property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste accumulated on the premise or property, until it is legally removed.
- (3) ~~3.~~ Bulky wastes or other non-putrescible wastes unsuitable for storage containers which are to be hauled by a private garbage collector shall be stored in a nuisance-free manner and shall be boxed, bundled, tied, or contained in such a manner that the waste is protected from scattering and is collectable and is not conducive to harboring or breeding of vectors and shall be no longer than forty-eight (48) inches, not over twenty-four (24) inches in diameter, nor to exceed sixty (60) pounds.

#### ~~EC.~~ COMPOSTING

Composting on a noncommercial individual homeowner basis shall be accomplished in a nuisance-free, vector-free manner. Household garbage shall be handled in such a manner that breeding and harborage areas are eliminated. This operation shall include only those garbage wastes generated from the person's own domestic residence. All other garbage wastes are prohibited.

#### ~~FD.~~ TIRES

The disposal of tires at areas not recognized by the County as a disposal site is prohibited. Use in erosion control projects shall be exempted.

#### ~~GE.~~ ANIMAL WASTE - MANURE

Storage or disposal of manure shall not create a nuisance.

#### ~~HF.~~ COMMERCIAL COMPACTION

Compactors located in any area accessible to the public shall be equipped in such a manner that only personnel authorized by the County or owners of said equipment are able to operate the compactor. Compactors shall be located upon an impervious surface such as finished concrete or asphalt.

#### ~~IG.~~ CONSTRUCTION OR DEMOLITION

- (1) ~~1.~~ The contractor shall properly store all wastes and litter, and remove it periodically from the construction site to an approved disposal site.
- (2) ~~2.~~ Any wash water and concrete residues shall be contained upon the construction site and/or upon the concrete mix plant site for later disposal. In no case will disposal be allowed to flow to streams.
- (3) ~~3.~~ Demolition wastes shall be watered, wet down, or controlled in such a manner that there shall be no spillage or escape of any waste material during loading, transporting, or unloading operations.

#### ~~JH.~~ PLACING FOR COLLECTION

~~Refuse~~Garbage, recyclable materials and organic waste containers shall be placed for collection at ground level on the property, or within the public right-of-way of a road so as not to interfere with traffic, maintenance, access, parking, or drainage.

~~Garbage and other similar putrescible wastes shall be removed for disposal from any premise or property not less than once every seven (7) days, except for remote isolated areas such as the Graniteville~~

Convenience Station. Where it is deemed necessary, the Health Department may require a removal time of less than seven (7) days when conditions exist that would result in:

- ~~(1)~~ 1. ~~The propagation of vectors;~~
- ~~(2)(1)~~ 2. ~~The harborage of vectors and/or vermin;~~
3. ~~The creation of a nuisance, and~~
- ~~(3)(1)~~ 4. ~~A clear and present danger to public health.~~

~~Where garbage is stored with other waste matter, the removal time shall be not less than once every seven (7) days unless the other waste requires a more frequent removal time.~~ **Sec. G-IV 8.7 Waste Ownership and Responsibility** After notification by the Health Department, the following wastes shall be removed within:

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~~These time limits may be extended by the Health Department when:~~

- ~~(1)~~ 1. ~~Serious health hazard would not result by a time extension;~~
- ~~(2)(1)~~ 2. ~~The volume of waste is such that the time limit is considered to be excessive; and~~
3. ~~Other circumstances merit the extension.~~

-

- A. 1.—The person generating or producing any ~~solid waste~~garbage, recyclable materials or organic waste shall be responsible for the proper storage, removal, transport, and disposal of ~~his solid wastes~~such materials.
- B. 2.—The person generating ~~or producing any garbage, recyclable materials~~ or ~~producing any solid~~organic waste shall insure ~~his solid wastes~~those materials are collected and transported by a Contractor unless, where allowed, said wastes are legally removed and transported on a self-haul basis, ~~or recyclables are donated or sold.~~
- C. 3.—In those instances where a person rents or leases to another, the underlying property owner or his agent shall be ultimately responsible for ~~solid~~garbage, recyclable materials or organic waste generated and/or stored on those premises should said waste remain on the premises beyond the tenant term.
- D. 4.—Except as provided hereinabove, all ~~wastes~~garbage, recyclable materials or organic waste are the property of the person generating them until:
  - (1) a.—The ~~wastes~~materials are legally deposited in a disposal site approved by the County; or
  - (2) b.—The ~~wastes~~materials are legally deposited at a County approved organic waste recovery, recycling, or other waste processing facility such as a convenience station; or
  - (3) c.—The ~~wastes~~materials are picked up by a Contractor or recycler.
- E. 5.—WastesGarbage, recyclable materials and organic waste legally placed for processing, recovery, or disposal become the property and responsibility of the Contractor or other appropriate operator upon receipt of the waste.

- F. 6.—No person shall remove ~~wastes~~garbage, recyclable materials or organic waste placed for collection other than the person generating the waste or a Contractor. Properly licensed recycling organizations may be allowed to remove pre-sorted materials.
- G. 7.—If solid or liquid waste is found dumped or deposited in violation of this Chapter, the person responsible under this Chapter for said waste shall, in addition to any other penalty or remedy provided for in this Chapter, be responsible for all fees and charges associated with its pickup and disposal. Letters, correspondence, receipts or other items traceable to a person found in said waste shall constitute prima facie evidence of ownership or responsibility for said waste.

#### Sec. G-IV 8.8 – Waivers.

A. De Minimis Waivers. The Public Works Director or Enforcement Agent may waive Commercial Business' obligation to comply with some or all of the Organic Waste and Recycling collection service requirements of this chapter if documentation is provided demonstrating that the Commercial Business generates below a certain amount of Organic Waste material, (de minimis) as described below.

A Commercial Business requesting a de minimis waiver shall:

- (1) Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the County. Applicants are subject to one or more site inspection(s) prior to approval of a waiver.
- (2) Provide documentation with the de minimis waiver application that either:
  - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
  - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than 10 gallons per week per applicable container of the business' total waste.
- (3) For the purposes of subsections (2) (a) and (b) above, total Solid Waste shall be the sum of weekly Garbage, Source Separated Recyclable Materials, and Source Separated Organics Container Organic Waste measured in cubic yards.
- (4) If the de minimis waiver is granted, notify the Public Works Director or Enforcement Agent granting the waiver if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.
- (5) If the waiver is granted, provide written verification of continued eligibility for de minimis waiver to the Public Works Director or Enforcement Agent every five (5) years.

B. Physical Space Waivers. The Public Works Director or Enforcement Agent may waive a Commercial Business' obligation to comply with some or all of the Organic Waste collection

service requirements of this chapter if the Enforcement Agent has evidence from a licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent demonstrating that the Premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection service requirements set forth in this chapter.

A Commercial Business requesting a physical space waiver shall:

- (1) Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver.
  - (2) Provide documentation with the application for a physical space waiver that the Premises lacks adequate space for Recycling Containers and/or Organics Containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent.
  - (3) If the waiver is granted, Commercial Business shall notify the Public Works Director granting the waiver if the Commercial Business' physical space configurations or amounts of Solid Waste generation change, in which case the waiver may be rescinded.
  - (4) If the waiver is granted, Commercial Business shall provide written verification to the Public Works Director of continued eligibility for a physical space waiver every five (5) years.
- C. Change of ownership of a Premises automatically revokes a waiver and the new owner must comply with this chapter or obtain its own waiver.
- D. Upon the determination of the Public Works Director or Enforcement Agent a written notification of the approval or denial of a waiver shall be issued to the applicant.

#### **Sec. G.IV 8.9 - Commercial Edible Food Generator Requirements.**

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3, or such later deadline established by State law or regulations.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- C. Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.



- (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
- (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
- (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- (6) Allow the Enforcement Agent to review records upon request, including by providing electronic copies or allowing access to the Premises.
- (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - (a) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (b) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this chapter.
  - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
    - (iii) The established frequency that food will be collected or self-hauled.
    - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (8) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Service, a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (9) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agent that includes the information in C(7)(c). Entities shall provide the requested information within sixty (60) days of the request.

D. Nothing in this chapter shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or

share table and school food donation guidance pursuant to Senate Bill 557 of 2017; or (2) otherwise applicable food safety and handling laws and regulations.

- E. Nothing in this chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

**Sec. G.IV 8.10 - Food Recovery Organizations and Services Requirements.**

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
- (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
- (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
- (4) The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.

- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
- (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
- (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and contract with or have written agreements with one or more Commercial Edible Food Generators shall report to the County, or its Enforcement Agent, the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with (regardless of whether those Generators are located in the County) according to the following schedule:

(1) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022, to June 30, 2022; and

(2) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

D. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the County shall provide, upon request, information and consultation to Nevada County regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the County and Commercial Edible Food Generators in the County. A Food Recovery Service or Food Recovery Organization contacted by an Enforcement Agent shall respond to such request for information within sixty (60) days, unless a shorter timeframe is otherwise specified by the Enforcement Agent.

#### **Sec. G-IV 8.11 - Franchised Collector Requirements.**

A. A Franchised Collector providing Single-Family, Commercial, Organic Waste collection service to Generators within the County shall meet the following requirements and standards in connection with collection of Organic Waste and Recyclables:

(1) Through written notice or written report to the County annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.

(2) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(3) Obtain approval from the County to haul Organic Waste, which can be through a franchise agreement with the Franchised Collector, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

B. The collection of Garbage, Recyclable Materials and Organic Waste shall be performed by the Franchised Collector selected by the County in a manner and frequency which protects public health and safety.

C. A Franchised Collector shall carry, convey or haul Solid Waste on or along the streets, alleys, highways or waterways of the County in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets, alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands.

D. The Board of Supervisors may, by resolution or an approved contract with any Franchised Collector, place a limit on the rates, fees and charges, including those for Garbage Container, Recycling Container and Organics Container collection. No Franchised Collector shall impose any rate, charge, or fee that is greater than the maximum permitted by the Board of Supervisors, unless otherwise authorized in this chapter.

#### Sec. G-IV 8.12 - Requirements for Facility Operators and Community Composting Operations

- A. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from County or Designee, provide within 60 days, information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. The operator should also contact the solid waste division of the Environmental Health Department to ensure compliance with all LEA regulations pertaining to organic recycling operations.
- B. Community Composting operators shall, upon request from County or Designee, provide within 60 days, information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.

#### Sec. G-IV 8.13 - Self-Hauler Requirements.

Self-Haulers shall:

- A. Source Separate their Recyclable Materials and Organic Waste generated on-site from Solid Waste in a manner consistent with this section or haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- B. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a High Diversion Organic Waste Processing Facility; and haul their Garbage to a fully permitted Solid Waste facility.
- C. Self-Haulers, which are Commercial Businesses including Multi-Family Residential Dwellings, shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste for a minimum of five (5) years; this record shall be subject to inspection by the County.
  - (1) The records shall include the following information:
    - (a) Delivery receipts and weight tickets from the entity accepting the waste.
    - (b) The amount of material in cubic yards or tons transported by the Generator to each entity.
    - (c) If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- D. Self-Haulers that are Commercial Businesses including Multi-Family Residential Dwellings shall provide these records, upon request, to the Public Works Director or Designee. Self-Haulers shall provide the requested information within sixty (60) days.
- E. Landscapers, who self-haul Organic Waste generated at a customer's site, must also meet the requirements in this section.

F. A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.

G. It is unlawful for any person to carry, convey or haul Solid Waste on or along the streets, alleys, highways or waterways of the County except in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets, alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands.

#### **Sec. G-IV 8.14 Waste Collection**

##### **A. REQUIREMENT FOR CERTIFICATE OF OPERATION**

The following persons or business enterprises which transport or cause to be transported any refuse along and upon the public streets, roads and highways of the County shall be required to obtain a Certificate of Operation from the Environmental Health Department:

- (1) ~~1.~~—Haulers of septic tank pumpings;
- (2) ~~2.~~—Commercial haulers of garbage and/or putrescible waste; commercial haulers of garbage and or putrescible waste must also meet Franchised Collector requirements in this Chapter.
- (3) ~~3.~~—Business establishments which haul garbage and/or putrescible waste. Businesses that haul garbage and/or putrescible waste must meet requirements in Self Hauler Section of this Chapter.

Any vehicle used for such hauling shall be inspected and approved by the Environmental Health Department. The contents of such vehicle shall be thoroughly and securely covered by canvas or other suitable covering in order to keep the contents of such vehicle securely contained therein and to prevent such contents from spilling upon the public streets, roads and highways. Nothing in this Section shall require a Certificate of Operation or vehicle inspection for a person transporting from his or her residence, refuse produced thereon or construction and demolition wastes, to a proper place of disposal so long as no nuisance is created thereby.

##### **B. REQUIREMENT FOR COVERING LOADS**

~~(1) 1.—It shall be an infraction for any~~

Any vehicle loaded with garbage, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous or offensive matter being transported to a dump site for disposal ~~to shall~~ arrive at and/or enter a disposal site ~~unless with~~ the load ~~is~~ covered or tied down in a manner which will prevent the load or any part of the load from spilling or falling from the vehicle. Loads which by sheer weight and placement cannot fall out shall be exempt from the covering and tying requirement. Loads of brush may be tied down in lieu of complete covering. ~~Upon conviction thereof there shall be a mandatory fine imposed as follows:~~ Haulers shall also meet all applicable requirements of the State of California Vehicle code.

**Sec. G-IV 8.15 Convenience Station Services** ~~a.—For a first violation, a fine of one hundred, (\$100) dollars.~~

~~b. — For a second violation of the same Code Section within a twelve (12) month period, a fine of two hundred, (\$200) dollars.~~

~~c. — For a third or subsequent violation of the same Code Section within a twelve (12) month period, a fine of five hundred, (\$500) dollars.~~

A. GENERAL: County may, at its discretion, provide convenience stations or small volume transfer station facilities at rural locations within the County. The purpose of these stations is to provide public bulk containers for deposit of household waste and tourist litter in the more remote rural areas to avoid litter along public and private roads and lands and are not to be used for yard, construction or demolition waste. The stations are not to be used for deposit of commercial solid waste except by special fee as provided in Section 8.9-B18. Residents, that are not exempt from SB 1383 requirements, using convenience stations or small volume transfer station facilities for their garbage and recyclables, shall self haul organic waste to McCourtney Road Transfer Station. Some residents in a high elevation or low population census tract meeting specific criteria may be exempted by CalRecycle, from the SB 1383 requirement to separate recyclables and organic waste from garbage.

B. USE: Convenience stations provided by County shall be subject to the following provisions:

- (1) ~~1.~~ — The refuse containers shall be used only for disposal of normal household waste;
- (2) ~~2.~~ — No automobiles, or portions thereof, large appliances, mattresses, bedsprings, large furniture, refrigerators, washing machines, commercial, agricultural, yard, construction, or industrial wastes, nor any item prohibited in this Ordinance from disposal at a disposal site will be allowed to be deposited at the convenience stations;
- (3) ~~3.~~ — Allowable refuse shall be neatly placed in the containers provided at the convenience stations;
- (4) ~~4.~~ — Scavenging or salvaging by the public is prohibited; and
- (5) ~~5.~~ — The station shall have a valid Certificate of Operation issued by the Environmental Health Department.
- (6) ~~6.~~ — No person shall deposit any refuse at or in a convenience station without paying the gate fee established therefor under Section G-IV 8.17 of this Code.

C. TOURIST GARBAGE BINS: Garbage bins with signs noting that their usage is for tourist litter only shall not be used by local residences or contractors for solid waste disposal.

#### **Sec. G-IV 8.16 Waste Disposal**

A. GENERAL:

- (1) ~~1.~~ — Notwithstanding any other provision of a County ordinance to the contrary, all solid wastegarbage which is generated in or brought into the unincorporated territory of the County of Nevada shall, to the extent that such waste is suitable for disposal through the County's waste disposal system, ~~be disposed of at the County landfill~~ or such other facilities of the County's solid waste disposal system as the County may from time to time direct. This ordinance shall not prohibit the composting or burning of yard waste if conducted in accordance with other applicable laws and Air District regulations. (As used herein, "solidgarbage, recyclable materials or organic waste



which is generated in or brought into the unincorporated territory of the County” shall refer to all ~~solid waste and/or recyclable materials~~such materials which comes from the use or manufacture of any other material or product, by any person, firm, corporation or entity living, staying or doing business in Nevada County. This term shall not be deemed to include solid waste and/or recyclable material which is generated outside of the County and is merely being transported through the County.)

(2) ~~2.~~—It is the intent of the Board of Supervisors in adopting this provision (ordinance) to secure a continuous flow of ~~solid waste~~garbage to be disposed of through the County solid waste disposal system in order to provide a source of revenue which will be utilized to pay for the capital improvements which the County has and will be making to the solid waste disposal system. The Board further finds that such a commitment is necessary to secure the funding for the capital improvements to the solid waste disposal system and that such capital improvements are necessary to provide an adequate solid waste disposal system which is required to provide for the public health, safety and general welfare.

(3) ~~3.~~—Exceptions:

(a) ~~a.~~—The County may, but shall not be required to, allow the disposal of ~~solid waste~~garbage at other than a facility which is part of the County’s solid waste disposal system by the granting of a license therefor to the person, entity, firm or corporation proposing such alternative waste disposal. Any such license shall require the licensee to pay a license fee for such alternative disposal which is calculated to, at a minimum, compensate the County for the fees that such diverted waste would have paid as and for debt service under any financing previously secured by the County for the solid waste disposal system.

(b) ~~b.~~—This section (ordinance) shall not apply to residents who personally haul their own refuse for disposal.

(4) ~~4.~~—Any violation of the provisions of this section (ordinance) shall constitute a nuisance which shall be subject to abatement in accordance with the applicable provisions of law.

B. RESPONSIBILITY: The responsibility for compliance with disposal site standards shall rest with both site owner and site operator. Where a site operator is a specifically designated operator by contract or written agreement, said operator shall have prime responsibility for compliance; however, this does not relieve County, as owner, of duty to take all reasonable steps to assure compliance with standards and any assigned conditions.

C. DISPOSAL AREAS AND CONVENIENCE STATIONS: No person shall dump, deposit, or otherwise dispose of any hazardous waste at disposal sites, convenience stations or any container to be collected and ultimately deposited at a disposal site, unless otherwise approved by the Board.

D. BRINGING GARBAGE INTO COUNTY UNLAWFULLY WITHOUT PERMISSION: No person shall transport or cause solid waste, liquid waste, construction waste, or agriculture waste to be brought into the County, or deposit same, at a County disposal site or convenience station unless granted specific permission by the Board.

E. SALVAGING: Salvaging of materials such as metal, paper, glass, and wood will be permitted under controlled conditions and as approved by the Public Works Department. Materials to be salvaged shall be deposited at controlled areas such as a recycle center or other locations. Salvaging shall not interfere with other aspects of site operation. Salvaging of wood shall be permitted only in the Class 3, (stump and brush dump) area at the McCourtney Sanitary Landfill. Public salvaging or scavenging in the active landfill refuse dumping area involving contact with garbage or interfering with operations is prohibited.

F. SCAVENGING: Scavenging shall be prohibited at any disposal sites including landfills and convenience stations unless approved by the Board.

#### **Sec. G-IV 8.17 Hazardous Wastes**

##### **A. STANDARDS**

- (1) ~~1.~~—No person whether as principal, servant, agent, or employee shall handle, transfer, transport, process, use, store, dispose of, or recover resources from hazardous, extremely hazardous, or infectious wastes in a manner that may be injurious or harmful to the public health, to domestic livestock, or to wildlife and other than by meeting the standards set forth in this Section and approved by the [Environmental](#) Health Department.
- (2) ~~2.~~—The standards shall consist of any statute, order, quarantine, rule, or regulation prescribed by a State officer or department relating to public health and in accordance with Chapter 6.5 Hazardous Waste Control of the Health and Safety Code of the State of California, and Title 22, Division 4, Chapter 30 “Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes”, California Administrative Code.

##### **B. NOTIFICATION TO [ENVIRONMENTAL](#) HEALTH DEPARTMENT**

- (1) ~~1.~~—Any person who is producing a material or intends to produce a material which he may reasonably consider to be a hazardous, or extremely hazardous waste, shall notify the [Environmental](#) Health Department of said production.
- (2) ~~2.~~—No hazardous or extremely hazardous waste produced within or outside of the County may be transported, treated, stored or disposed of without prior processing to remove its harmful properties and without written notification to the [Environmental](#) Health Department.

##### **C. PERMIT OR REGISTRATION REQUIRED**

- (1) ~~1.~~—No person shall establish, operate, or maintain a hazardous waste facility that treats, disposes of, stores in excess of ninety (90) days without first obtaining a hazardous waste facility permit from the State Department of Health Services in accordance with Article IV of Title 22, Division 4, Chapter 30 of the California Administrative Code.
- (2) ~~2.~~—No person shall establish, operate, or maintain a facility that generates hazardous wastes without first obtaining a hazardous waste facility generation permit from the [Environmental](#) Health Department. Said permit shall be designated a “Certificate of Operation” and any person requesting such a

permit shall comply with this Article and pay applicable fees as set by the Board.

- (3) ~~3.~~—No person shall carry on or engage in the business of hauling hazardous waste, or the hauling of hazardous waste as a part of, or incidental to, any business, unless he holds a valid California State registration from the Department of Health Services in accordance with Section 25163 of the Health and Safety Code of the State of California.

#### **Sec. G-IV 8.18 Financing and Fees**

A. GENERAL: Solid waste services are mandatory in nature and shall be operated and financed in such a manner to be as cost-effective and equitable as possible. Various fees and parcel charges shall be levied as required to meet the costs of providing necessary services.

B. LANDFILL AND CONVENIENCE STATION

- (1) ~~1.~~—Fees shall be in accordance with the latest fee schedule adopted by the Board.
- (2) ~~2.~~—County may levy an additional parcel charge on any commercial industrial or agricultural enterprise that chooses to use the convenience stations for disposal of ~~refusegarbage~~ instead of subscribing to commercial service with their own container(s) at the business site. These charges will be equal to the estimated costs to the County of providing the service as determined by the Public Works Department.

~~A. The Director of Public Works shall be designated as the Nevada County Waste Disposal~~

#### **Sec G-IV 8.19- Inspections and Investigations.**

- ~~A. The County shall designate an Enforcement Agent for purposes of enforcing this chapter. Said Enforcement Officer. Said Waste Disposal Enforcement OfficerAgent may deputize one or more employees of the department to carry out the duties of Waste DisposalEnforcement Agent.~~
- ~~B. The County's Enforcement Agent or designee is authorized to conduct any Inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include Inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection. For the purposes of inspecting Commercial Business containers for compliance, the County or designee may conduct container Inspections for Prohibited Container Contaminants using remote monitoring, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.~~
- ~~C. Enforcement Agent(s) shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire.~~
- ~~D. A person subject to the requirements of this chapter shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with the County or designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or~~

- Inspection to confirm compliance with any other requirement of this chapter, Inspection of County-run transfer stations, McCourtney Road landfill and any other landfills that the County may establish or acquire. Failure to provide or arrange for: (i) access to the Premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a violation of this chapter.
- E. Any records obtained by the County or designee during Inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.
- F. The County or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter.

#### **Section G-IV 8.20 - Enforcement of All Provisions of this Chapter Except Enforcement of Transfer Stations**

- A. Violation of all provisions of this chapter, with the exception of Transfer Station violations, which are addressed in Section G-IV 8-21, shall constitute an infraction and shall be subject to penalties of \$100 for a first violation; \$200 for a second violation of the same provision within a 12 month period and \$500 for a third or subsequent violation of the same provision within a 12 month period. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.
- B. Any section of this chapter may be enforced by the County, or, if agreed to, by another Enforcement Agent designated by the County.
- C. In addition to the remedies set forth above, County may pursue civil actions in the California courts to enforce this chapter and seek costs, fines and penalties.

#### **Sec. G-IV 8.21 ~~Enforcement~~ Officer of Transfer Stations**

A. The Director of Public Works shall be designated as the Nevada County Enforcement Agent for purposes of enforcing this chapter. Said Enforcement Agent may deputize one or more employees of the department to carry out the duties of Enforcement Agent. Said Officer(s) shall be responsible for the enforcement of this ~~Section~~Chapter and shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire. The ~~Waste Disposal~~ Enforcement ~~Officer~~Agent(s) is empowered to arrest any person reasonably believed to be violating this Article for the purpose of issuing a written notice to appear, all in accordance with the provisions of Penal Code Section 836.5. The ~~Waste Disposal~~ Enforcement ~~Officer~~Agent shall not be entitled to carry firearms in the performance of his or her duties.

B. The ~~Waste Disposal~~ Enforcement ~~Officer~~Agent shall be authorized to determine whether any load brought to the County landfill or transfer station contains hazardous waste, chemical waste, commercial solid waste, construction and demolition waste, household waste, industrial waste, liquid waste, putrescible waste or yard waste.

After making such determination, said officer(s) shall be authorized to determine the appropriate site at the landfill or transfer station for disposal of such waste or any individual items or to reject such waste as improper for disposal at any site at the landfill or any transfer station.

A regularly up-dated list of what is deemed by County to be hazardous waste shall be available at the entry point to the landfill and at all transfer stations. Such list shall serve as guidance to persons entering the landfill or transfer station but shall not be considered to be an all-inclusive and

exhaustive list. County retains the right to reject any materials it deems to be hazardous or suspects might be hazardous even if such material is not itemized on said list.

C. ~~Waste Disposal~~ Enforcement ~~Officer~~Agent(s) is authorized to require valid and current identification of each party requesting to dispose of waste at a landfill or transfer station and shall reject any load sought to be disposed of by a person who cannot show proof of residency in the County of Nevada.

D. ~~Waste Disposal~~ Enforcement ~~Officer~~Agent(s) shall reject any load sought to be disposed of if such load is subject to a charge or fee and the person seeking to dispose of such load refuses to pay such charge or fee.

Where such charge or fee is based on the size of the load sought to be disposed of, said employees are authorized to measure the quantity of refuse or waste. Said officer shall reject any load where the person seeking to dispose of that load refuses to allow said employees to measure the load.

E. ~~Waste Disposal~~ Enforcement ~~Officer~~Agent(s) shall reject any load sought to be disposed of by a commercial hauler who is more than ninety (90) days in arrears on payment of past disposal charges.

F. Waste Disposal Enforcement ~~Officer~~Agent(s) are authorized to require a person attempting to dispose of or who has already disposed of a hazardous waste product to pick up such material and remove it from the premises. Any Hazardous Waste disposal or hauling requires specific handling permitting and certification. Haulers of such materials must contact the Environmental Health Department's Hazardous Materials Division. Disposing of hot ashes or other materials which will cause fires is prohibited.

G. Any person who interferes with, delays or obstructs the ~~Waste Disposal~~ Enforcement ~~Officer~~Agent(s) in the performance of his or her duties under this Section shall be subject to the punishment set forth in Penal Code Section 148.

H. Any violation of this ~~Section~~Chapter, other than the provisions of subsection G, above, shall constitute a misdemeanor; provided, however, that any violation shall be an infraction subject to the procedures of Penal Code Sections 19c and 19d when:

(1—) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;

;(2—) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

#### **Sec. G-IV 8.22 Nuisance and Abatement**

The storing, hauling, or disposal of solid wastes in violation of the terms of this Article and standards established as provided for in this Article is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

#### **Sec. G-IV 8.23 Severability**

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code enacted by any ordinance-making body within the limits of Nevada County, California,

and existing on the effective date of this Chapter, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code existing within the limits of Nevada County, California, on the effective date of this Chapter which establishes a lower standard for the promotion and protection of the health of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable.

#### **Sec. G-IV 8.24 Trespass at Any County Waste Disposal or Treatment Facility**

No person shall enter upon any County waste disposal or treatment facility property without first obtaining County's consent. Consent may be obtained by:

- (1) ~~1.~~—Entering the landfill for the purpose of disposing of waste or in accordance with County ordinance or state and federal law; or
- (2) ~~2.~~—Logging in with the County department employee(s) responsible for the operation of the facility each time that entry for the purpose of inspection is requested. A person or persons making an inspection or touring the facility in this manner may do so only when accompanied by an authorized employee. Reasonable notice shall be given to the Department so that arrangements can be made for an employee to be present.
- (3) ~~3.~~—Obtaining the permission of the Department of Public Works for repeated visits. The permission shall be in writing from the Department head and shall contain conditions and restrictions as to its use, and the visitor shall execute a signed and witnessed hold-harmless agreement.

For reasons of health and safety, no single person shall be permitted to exercise the provisions of this section unless directly accompanied by another adult person.

The Department of Public Works is authorized by this section to place perimeter signs on the landfill property placing all persons on notice of this trespass ordinance.

Violation of this section shall be a misdemeanor.

#### **Sec. G-IV 8.25 Parcel Charges - Western Nevada County**

##### **A. Charges Established - Western Nevada County**

- (1) ~~1.~~—Parcel charges are hereby established effective July 9, 2010, for the use of and/or disposal of refuse at the McCourtney Road Transfer Station and/or any authorized convenience station, as to all improved real property within Western Nevada County. The property benefiting from the use or the availability of the Western Nevada County Solid Waste Disposal System is generally all of that property that lies within the following County Service Areas (CSA) and tax rate areas:

CSA 1A ZONE 1: 72007; CSA 1A ZONE 2: 62024, 72042; CSA 1A ZONE 3: 62069, 72041;  
CSA 2: 62025; CSA 12 ZONE 1: 72012; CSA 12 ZONE 2: 72043; CSA 13 ZONE 1: 72013;



CSA 13 ZONE 2: 72044; CSA 13 ZONE 3: 72045; CSA 14 ZONE 1: 72014; CSA 14 ZONE 2: 72032, 72047; CSA 14 ZONE 3: 57013, 72033; CSA 14 ZONE 4: 57014, 72034; CSA 14 ZONE 5: 57008, 57021, 72015; CSA 16: 56000, 56002, 57001, 57002, 57005, 57006, 57012, 57015, 57017, 57019, 57023, 62006, 62009, 62015, 62018, 62019, 62020, 62022, 62023, 62026,, 62028, 62032, 62034, 62037, 62038, 62040, 62041, 62043, 62057, 62061, 62062, 62075, 62077, 68001, 68005, 68006, 68007, 68010, 68012, 68013, 68026, 68038, 72001, 72003, 72004, 72005, 72006, 72009, 72028, 72030, 72036, 73000, 73001, 73002, 73003, 73005, 73009, 73010, 73012, 73013, 74000, 74001, 74002, 74004, 74005, 74007, 74009, 74012, 74014, 78001, 78002, 78005, 78007, 78008, 79000, 79001, 79002, 79005, 79006, 79008, 79011; CSA 18: 57010, 57024, 72019; CSA 21: 57009, 57016, 72020, 72038, 74006, 74010; CSA 22 ZONE 1: 62045; CSA 22 ZONE 2: 62063; CSA 24 ZONE 1: 62051, 62078; CSA 24 ZONE 2: 62066, 62079; CSA 32: 01051, 01054, 01056, 01061, 01072, 01073, 01100; CSA 33: 02002, 02005, 68032

- (2) ~~2.~~—All improved property that uses, or for which the solid waste disposal system is available for their use, shall pay a parcel charge effective July 9, 2010:

Single-Family Residential	\$59.40 per year
Multifamily Residential (i.e., apartments, duplexes, per residential granny houses and guest unit houses)	\$46.28 per year
Mobile Homes Spaces (in mobile home parks)	\$41.44 per year per mobile home

All other developed parcels (“nonresidential parcels”): These parcels shall be charged a parcel charge at the rate of \$54.38 per ton per week based upon the actual or estimated volume (weight) of the refuse generated on the property, which volumes shall be established for each such parcel by the Department of Sanitation based upon information as may accurately establish the amount of refuse generated from the property (including but not limited to use of the records provided by the franchised hauler serving the property showing the waste disposal for the property for the current and/or preceding fiscal year). The Director of the Department of Sanitation shall set a minimum billing charge based on the cost per account to administer the billing system which is \$59.40.

- (3) ~~3.~~—Any nonresidential parcel which exceeds the amount of refuse that is established for the property as the basis for the calculation of the parcel charge shall be subject to the imposition of an additional charge at the rate of \$54.38 per ton per week for any additional refuse that is generated on the property. The Department of Sanitation shall be authorized and instructed to perform random reviews of the waste generation of property in order to insure that the amount of the refuse has been appropriately and fairly determined for the property. An additional charge shall be imposed at the rate of \$54.38 per ton per week for any additional refuse generated on the property that is over the amount which was used as the basis for establishing the parcel charge.
- (4) ~~4.~~—Any parcel that is used for a home occupation (as that term is defined in the Nevada County zoning ordinances) that disposes of more than 1.02 tons of

refuse a year shall pay an additional charge at the rate of \$54.38 per ton. Those individuals that generate both residential and commercial waste at their residential location exceeding 1.02 tons, will pay the business rate and will receive a residential credit on their nonresidential parcel charge.

- (5) ~~5.~~—For the purpose of this Section, a residence shall be deemed to exist and a parcel charge shall be assessed as to each residential unit on real property upon which one or more persons lives or stays thereon for 30 days or more (consecutively or in the aggregate) during a 12-month period.
- (6) ~~6.~~—Any parcel containing a single-family residential unit as a separate structure or unit and one or more other residential units (such as a “granny” or handicapped unit, or any other structure or shelter in which people live on the property) shall pay a parcel charge for the single-family unit at the rate of \$59.40 and an additional amount of \$46.28 for each additional unit.
- (7) ~~7.~~—For the purpose of this Section, a parcel shall be deemed to be improved if the property is used for a purpose that customarily generates refuse and/or recyclable material during the period when the property was in use. A parcel shall also be deemed to be improved if at any time during the year a building permit exists authorizing construction on the property, or there is any construction on the property which would require the issuance of a building permit. Whenever a building permit has been issued and/or construction is undertaken for other than a single-family residence, the property shall be deemed to be improved with a nonresidential use, and the parcel charge shall be based upon an estimate of the volume of the construction and such other waste that may come from the property during the portion of the fiscal year during which the property was in use.

#### B. Low Income Credits

Any owner of residential property which is situated in Western Nevada County whose personal or family income is less than or equal to the amounts established herein shall, upon application, receive a credit against the parcel charges assessed against their primary residence in the amount equal to \$59.40, said credit to be paid from solid waste parcel charge revenues. The applicant shall attest under oath as to the number of people living on the property, that he and/or she is the owner and occupier of the property for which the application is submitted, and that the applicant’s income (including the income to all family members living on the property) is at or below levels which are equal to 125% of the federal poverty levels.

Any application made under the above provisions shall be made no later than April 30, 2011. The application shall be filed with the Director of Sanitation who shall promptly review same and determine its completeness and qualifications under the above provisions. Upon proof of payment of the parcel charge, the Director of Sanitation shall authorize the payment of the low income credit to the qualifying property owner. In no event shall the Director authorize any such payment until the property owner has paid in full the parcel charge on his or her property.

A maximum of 631 applications shall be approved effective July 9, 2010, under the provisions of this Section. The Board of Supervisors reserves the right to reduce or to eliminate the low income credits in the event that the Board reduces the amount of the parcel charges effective July 9, 2010.

#### C. Adjustments to Parcel Charges

1. Any parcel charge shall be adjusted where, upon application filed by the property owner or upon discovery by the Director of the Department of Sanitation of any erroneous calculation or classification. Applications shall be filed on or before April 14th of the fiscal year in which the parcel charge was assessed.

#### D. Levy and Collection

- (1) ~~1.~~—The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of July 9, 2010. If any real property is improved (as defined herein) after July 9, 2010, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.
- (2) ~~2.~~—Upon the issuance of a building permit or such other activity constituting the “improvement” of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Sanitation shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within 30 days of the date of the mailing thereof. Any such bill which is not paid within the allowed 30 days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.
- (3) ~~3.~~—Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

#### E. Alternative Collection

As an alternative to the provisions of subparagraph D.3 above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill.

Bills issued under the provisions of this subparagraph may be issued on a semi-annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within 60 days of the date of issuance thereof. Failure to pay any such bill when due shall result in a 10% administrative fee attaching thereto with interest due thereon at the rate of 1% simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County’s Collection Department.

#### F. Parcel Charges for Governmental Agencies

Parcel charges (as a form of service charges) shall be imposed as to all improved or occupied real property owned or used by any governmental agency, based upon the actual volume of refuse generated thereon that is disposed of through the County's Solid Waste Disposal System at the rate of \$54.38 per ton. As used herein, occupied real property shall include but not be limited to all parks and campgrounds. The parcel charges for governmental agencies shall be billed in two installments, the first on October 1, 2010, and the second on February 1, 2011.

G. Authority to Reduce Parcel Charges and Gate Fees

In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder.

H. Exchange Of Services

Notwithstanding anything to the contrary in this Section, the Board of Supervisors may allow a reduction or elimination of the disposal fees as to any public agency where said agency provides services to the County of Nevada. Any such reduction or elimination of disposal fees shall be accompanied by a mutual service agreement between the County and the other public agency reciting the service and its actual value to the County and the manner by which the services are to be delivered. If the services are not rendered for the benefit of the facility, the service agreement shall require that the Board transfer funds to the solid waste disposal budget in an amount that corresponds to the proposed reduction or elimination.

I. Authority to Reduce Parcel Charges and Gate Fees

In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder.

**Sec. G-IV 8.26 Parcel Charges - Eastern Nevada County**

~~Disposal fees (as a form of user fees) for the use of the McCourtney Road Facility and/or for any convenience (transfer) station provided by the County are hereby established and shall be effective as of July 9, 2010.~~

~~A. Gate Fees~~

~~Any person, firm or entity that brings refuse to the McCourtney Road Facility or to any County transfer station, the origin of which is from property which has paid a parcel charge pursuant to the provisions of Section G-IV 8.16, shall pay a gate fee in the amount of \$70.00 per ton, or \$80.00 per ton for loads that have not had recyclables pre-separated. For convenience in the processing of small loads, there shall be a minimum charge of \$6.00 per load, or \$10.00 per load if they have not had recyclables pre-separated. Per-can charges for loads that have not had recyclables pre-separated are as follows:~~

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~~Refuse from all other sources shall pay gate fees at the rate of \$ 140.00 per ton. Loads shall be covered as required by section G-IV 8.5.B of Chapter IV, Article 8, of the General Code of the County of Nevada.~~

~~B.—Fees for Special Waste~~

~~Any person, firm or entity disposing or depositing any of the following items of special waste at the McCourtney Road Facility or at any transfer station shall pay disposal fees for such special waste as set forth below:~~

-

~~**North San Juan and Washington Transfer Stations**~~

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~~**McCourtney Road Recycling Center**~~

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~~NOTE: Whole motor vehicle bodies and earth moving equipment tires will not be accepted at any facility. Transfer stations at North San Juan and Washington shall not accept animal carcasses, major appliances, demolition debris or wood/yard waste. Any load may be rejected if not delivered in a manner that allows for the reloading of the refuse into vehicles for the shipment of the refuse from the transfer stations.~~

~~As used in this subsection, “wood and yard waste” shall mean material free of contaminants and no greater than 8 inches thick, consisting only of (1) clean lumber free of metal, sheet rock, stucco, insulation or other materials except incidental nails less than 20d; (2) clean brush, including branches, limbs, prunings and stems, but excluding palm fronds, flax or pampas grass; or (3) clean mulch and small pieces of plant material such as leaves, clippings, pine needles, chips, blossoms and weeds. Any load may be rejected if not delivered in a manner that allows for the reloading of the refuse into vehicles for the shipment of the refuse from the transfer stations.~~

~~Refuse brought to the McCourtney Road Facility shall either be weighed or, at the option of the Department of Sanitation, the volume measured or estimated. The Board specifically finds that it is not feasible to weigh loads of less than 40 lbs. on the scales at the facility. In no event shall the minimum charge be less than \$6.00. Refuse brought to any other transfer station shall have the volume of material estimated and shall pay at the rate of \$8.25 per uncompacted cubic yard.~~

~~C.—Any person delivering any refuse or material (including but not limited to recyclable materials) to the McCourtney Road Facility or to any other transfer station in the County, the source of which makes such refuse or material subject to the payment of gate fees at the rate of \$140.00 per ton, in accordance with the provisions of subparagraph A above, shall be required to announce the source of the refuse and material. Any person, firm or entity that fails to comply with the provisions of this subparagraph shall be guilty of a misdemeanor and shall be subject to the criminal penalties as provided for by law. In addition, any such person, firm or entity failing to comply herewith shall be subject to payment of an administrative penalty in the amount of \$100 per violation.~~

D.—Unless otherwise expressly authorized herein, no person, company or entity shall dispose of refuse at the McCourtney facility or any convenience station without paying the fees as set out herein. Payment shall be in cash or by check (no second-party checks shall be accepted) in accordance with policies as may be established by the County Treasurer Tax Collector and/or County Auditor. Violation of the provisions of this subsection shall constitute a misdemeanor.

E.—In the event that any person or entity fails to pay the appropriate fee, the Director of the Department of Sanitation shall be and is hereby directed to bill such person or entity for the difference between the appropriate fee (for all use of the facility under the terms of this Section) and the fee which was actually paid and such delinquent fee shall be immediately due and owing. If any such fee is delinquent for more than 30 days, the Director shall take such legal steps as are required to enforce the obligation for payment. A \$50 administrative fee shall be assessed for any such collection.

F.—Any business or entity which is located within the boundaries of Western Nevada County and which is a regular user of the facility may request to be placed on an account billing system for payment of fees. The Director of the Department of Sanitation shall establish such an account billing system with the approval of the County Auditor and the County Executive Officer. The account billing system shall require that payments are made on a monthly basis and shall be due within 30 days after the end of the billing period (i.e., July payments shall be due by August 31st). As a condition precedent to a business being placed on such an account billing system, the business or entity shall deposit security with the County in an amount equal to 30 days' use of the facility, as determined by the Director of the Department of Sanitation. Security may be in the form of a cash deposit, a fidelity/guarantee bond, or a letter of credit. The form of any such security shall be approved by the County Counsel's office. Failure to promptly pay any billing by the County or to maintain adequate security shall result in the immediate revocation of the account billing for any business or entity. The requirement to post security shall be waived as to any franchised waste hauler where the terms of the performance bond posted by the hauler as part of its franchise agreement is amended to reflect that the bond (in the amount required by the franchise agreement) will also serve as security pursuant to this Section. The requirement to post security shall also be waived as to any public agency where the agency acknowledges in writing to the County that it will agree to timely pay the fees as imposed by this Section upon the presentation of a bill or other request for payment by the County. In the event of the failure of any such business or entity to pay the fees within the 30 days after the end of the billing period, the Director of the Department of Sanitation shall promptly submit a written demand for payment to the party. If the fees (as billed and due) are not paid within 15 days from the date of any such demand, the Director of the Department of Sanitation shall take any such delinquencies from the security and thereafter place any such party on a cash only basis for use of the landfill.

G.—(This subsection is intentionally blank.)

H.—(Former subsection G-IV 8.17.H, now see G-IV 8.16.I.)

I.—(This subsection is intentionally left blank. Former subsection I was repealed by Ordinance No. 1832.)

J.—(This subsection is intentionally left blank. Former subsection J was repealed by Ordinance No. 1832.)

K.—Notwithstanding any other provision of County ordinance to the contrary or any contrary provision in the franchise documents issued by the County pertaining to a refuse disposal company



authorized to provide solid waste disposal service in Western Nevada County, any such franchised hauler ("hauler") shall be allowed to adjust the rates charged to their residential and commercial customers, within the unincorporated territory of the County, so as to pass on to their customers any increase or decrease in the fees at the McCourtney Road facility and/or at any transfer stations provided by the County, without securing the separate approval of the Board of Supervisors through a rate review application and hearing. Within 15 days of the date of adoption of any decrease in the fees charged by the County, any such franchised hauler shall change their rates to pass on to their customers the full amount of any such decrease, beginning on the first day that any such reduction was in effect. In the event that a franchised hauler adjusts its rates (or is required hereunder to adjust its rates due to a reduction in the fees charged by the County), the hauler shall notify the County by sending a written statement setting forth the amount of the rate adjustment, together with full and proper justification and documentation for same (clearly showing how the rate adjustment was calculated), to the Clerk of the Board of Supervisors and to the Director of the Department of Sanitation. This notification shall be presented to the County no less than ten days prior to the effective date of any such increase in the hauler's rate and no later than 15 days after the County reduces rates charged to the hauler (thereby requiring a decrease in the hauler's rates to its customers). Following receipt of any such notification, and upon the recommendation of the Director of the Department of Sanitation, or upon its own initiative, the Board may, but shall not be required to, schedule a public hearing to review the new rates of the hauler. The Board's action in determining to set a public hearing shall be at the Board's sole discretion. The public hearing shall be scheduled no sooner than 15 days following the mailing of notification thereof to the hauler by the Clerk of the Board. At the time that the Board elects to call such a public hearing, the Board may direct the immediate suspension of the rate increase, in whole or in part, if the Director of the Department of Sanitation attests to the Board that the rate increase is either unwarranted or is in excess of that permitted by this subsection (as to any class of customers). The hauler shall attend any such hearing and shall within 10 days of the hearing provide to the Clerk of the Board of Supervisors and to the Department of Sanitation all relevant evidence used to calculate the rate increase or decrease. At the conclusion of the public hearing the Board may approve, disapprove, or modify any such rate increase or decrease, which action shall be binding on the franchise hauler. If the Board sustains the rate increase, either in whole or in part, and the Board had previously ordered the suspension of any increase, the Board may allow the increase to be retroactive to the date that it was originally to go into effect. If the Board disapproves or modifies the rate adjustment, it shall order the hauler to refund any payments made to it by its customers that are above the amounts of the adjustments as approved by the Board. Within 30 days of the date of the Board's decision, the hauler shall make full refunds as directed by the Board, or in any event, necessary to prevent the hauler from being unjustly enriched through the collection of fees or charges that were not commensurate with the fees paid to the County by the hauler.

It was and is the intent of the Board of Supervisors in the adoption of this subparagraph to allow the franchised haulers to be treated fairly and equitably by the County by allowing the haulers to promptly pass on to their customers the fees which the haulers have to pay to the County for refuse (waste) disposal, and nothing herein is intended to allow or provide any such hauler with any increase in income or profitability.

A. Parcel charges are hereby established effective, per the table listed below, for solid waste disposal services as provided (in whole or in part) by the County of Nevada for all real property located in County Service Area 7 (CSA 7) and tax rate areas 77004, 77005, 77007, 77009, 77014, 77025, 77029, 77030, 77032, 77034, 77043, 77038, and 77063 as follows:

Improved Single-Family/Multi-Family Residential Parcels within the unincorporated area of Eastern Nevada County:

<b>Effective Dates</b>	<b>Proposed Total Parcel Charge</b>
1/8/2016 - 6/30/2016	\$123.59 for 6 months
7/1/2016 - 6/30/2017	\$254.60 annually
7/1/2017 - 6/30/2018	\$262.23 annually
7/1/2018 and all future years thereafter	Annual rate to be calculated based on the producer price index for solid waste with 3% minimum and 5% maximum.

B. Any parcel for which a parcel charge has been levied under this section and which is permanently undevelopable or unusable under the provisions of the Nevada County Zoning Ordinance may, upon application for an adjustment following the procedures set forth in Section G-IV 8.16.C.1, be classified as a “no use” parcel and the parcel charge shall be removed therefrom.

C. The Board of Supervisors shall review the status of the parcel charges at least every 5 years and may adjust such charges as necessary to align revenues and expenditures.

D. Levy and Collection

- (1) ~~1.~~—The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of January 8, 2016. If any real property is improved (as defined herein) after January 8, 2016, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.
- (2) ~~2.~~—Upon the issuance of a building permit or such other activity constituting the “improvement” of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Public Works shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within 30 days of the date of the mailing thereof. Any such bill which is not paid within the allowed 30 days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.
- (3) ~~3.~~—Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and

delinquencies may be enforced and collected in the same manner as for property taxes.

E. Alternative Collection

As an alternative to the provisions of subparagraph B.3 above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill.

Bills issued under the provisions of this subparagraph may be issued on a semi-annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within 60 days of the date of issuance thereof. Failure to pay any such bill when due shall result in a 10% administrative fee attaching thereto with interest due thereon at the rate of 1% simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

F. Authority to Reduce Parcel Charges and Gate Fees

In the event that the Board of Supervisors is able to reduce the cost of the eastern county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder. (Ord. 2403, 12/8/15; Ord. 2412, 6/14/16)

**Sec. G-IV 8.27 Statute of Limitations**

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or any other County ordinance establishing charges and/or fees for the landfill ~~as contained in Sections G-IV 8.16, 8.17 and/or 8.18~~ shall be commenced within 35 days of the date of the adoption thereof, or from the date of any subsequent amendment thereto. (Ord. 1715, 6/4/91)