
CHAPTER 1
REGULATION OF THE STORAGE, COLLECTION, TRANSPORTATION AND
DISPOSAL OF SOLID WASTE AND SOURCE SEPARATED MATERIALS

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~~521-1.~~

~~General.~~

Except as provided in this chapter, the provisions of Sections ~~17301~~ through ~~17751~~ of Title ~~14~~ of the California Code of Regulations are hereby adopted as the minimum standards for storage, collection, transportation, and disposal of solid waste and source-separated materials in Humboldt County. It shall be unlawful for persons to engage in storage, collection, transportation, or disposal practices for solid waste and source-separated materials that do not meet those minimum standards, and the standards herein set forth. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

~~521-2.~~

~~Purpose and Intent.~~

The purpose of this Ordinance is to promote the health, safety and welfare of the people of Humboldt County, and to protect the environment by establishing and maintaining a dynamic and flexible system for the management of solid wastes and waste resources which encompasses the

storage, collection, transportation, separation, processing, waste reduction, recycling, recovery and marketing of diverted materials, and disposal of solid waste for the County of Humboldt.

It is the intent of this Ordinance to achieve these purposes while reducing the amount and toxicity of waste generated in the county to the greatest degree possible, and by maximizing the use of source-separated materials as a resource for local businesses and manufacturers. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

~~521-3.~~

~~Definitions.~~

Unless otherwise stated, the terms used in this ordinance shall have the same meaning as provided by the definitions set forth in Section [17225](#) of Title [14](#) of the California Code of Regulations and the appropriate subsections of Division 30, Part 1, Chapter 2 of the [California Public Resources Code](#). (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)

(a) “Authorized Collection Agent” means a person or business that a local governing body or private commercial entity authorizes or contracts with to collect source-separated materials. An authorized agent may be a governmental collection service, a private refuse collector, private recycling enterprise, or private non-profit corporation or association. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

(b) “Centralized Drop-Off Location” means a designated source-separated materials collection location used by multiple generators. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

(c) “Designated Source-separated Materials Collection Location” means the place where an authorized collection agent has contracted with either the local governing body or a private entity to pick up source-separated recyclable or compostable material. “Designated source-separated collection location” includes, but is not limited to, the curb or roadside of a residential neighborhood, or the service alley of a commercial establishment. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

(d) “Franchise” as used in this ordinance means a written agreement between a refuse or source-separated materials collector and the County of Humboldt which grants to the collector the right to provide a specified service and which imposes upon the collector certain responsibilities as specified in the agreement. Such franchises shall be granted by the Board of Supervisors as specified in section [521-6](#) (a). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

(e) “Franchise Contract Administrator” as used in this ordinance means the person(s) or department(s) responsible for the administration of solid waste disposal and/or source-separated materials collection contracts. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

~~(f) “Non-putrescible Wastes” are materials not capable of being decomposed by micro-organisms with sufficient rapidity so as to create nuisances such as odors, gases or other offensive conditions, and include but are not limited to materials such as ashes, paper, cardboard, cans, wood, glass, bedding, crockery, plastics, or rubber by-products. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(g) “Permit” as used in this ordinance means a written approval for operation and/or use of solid waste disposal facilities, or for the collection of source separated materials, as specified in sections [521-5](#) (a), [521-6](#) (a), and [521-10](#). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(h) “Putrescible Wastes” are wastes that are capable of being decomposed by micro-organisms with sufficient rapidity so as to create nuisances such as odors, gases or other offensive conditions, and include but are not limited to materials such as food wastes, offal and dead animals. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(i) “Refuse Collector” shall mean any person engaged in the business of collecting or transporting solid waste for the purpose of disposal. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(j) “Solid Waste” shall mean all putrescible and nonputrescible solid, semisolid, and liquid wastes; including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction 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 semisolid wastes, and other discarded solid and semisolid wastes. “Solid waste” does not include hazardous, low-level radioactive, or medical waste. “Solid waste” as herein defined shall not include materials source-separated by the generator for the purpose of recycling, reuse, repair or composting. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(k) “Source-separated materials” shall mean any recyclable, reusable, repairable or compostable materials stored by the generator separately from the storage of solid waste. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(l) “Source-separated Materials Collector” shall mean any person engaged in the business of collecting or transporting, on a regularly scheduled basis, recyclable or compostable materials which have been separated by the generator for reuse or processing, and diversion from disposal. “Source-separated materials collector” does not include non-profit community service organizations for which the primary function of the organization is neither the collection nor the processing of recyclable or compostable materials. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~521-4.~~

~~**Standards for Storage and Removal of Solid Waste and Source-Separated Materials.**~~

~~(a) *General Prohibition.* It shall be unlawful for any person to store or remove solid waste or source-separated materials except as provided herein. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(b) *Storage.*~~

~~(1) Solid waste shall be contained in the following manner:~~

~~It shall be the duty of every person in possession of or having charge of any boarding house, eating place, lodging house, restaurant, store, apartment house, flat or dwelling house, or any other establishment of human habitation, or where food is served or sold, to provide and keep at all times one (1) or more suitable watertight receptacles with tight fitting covers, in which all solid waste from such premises shall be placed and kept until removed. Any person may occasionally store excess non-putrescible solid waste in appropriate receptacles adjacent to the regular solid waste container while waiting for a regularly scheduled collection. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) Source separated materials may be accumulated for recycling and composting but must be stored in a clean, sanitary manner, separate from the storage of solid waste. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(3) It is unlawful for any person to utilize a solid waste container not belonging to that person without the express approval of the owner. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(c) *Removal of Solid Waste.*~~

~~(1) All putrescible solid waste from any boarding house, lodging house, restaurant, hotel, hospital or store shall be removed from said premises at least twice each week, and from dwellings and apartments at least once each week. All non-putrescible solid waste shall be removed at least once each week unless volume of waste produced in that period of time is less than the minimum amount of waste provided for by franchise collection service rates and user-fee structures. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(d) *Removal of Source-Separated Materials.* Except for on-site composting and properly permitted burning as specified in Section [521-10](#), all segregated recyclable and compostable materials shall be removed from said premises with sufficient frequency to ensure the maintenance of said premises in a neat, sanitary manner. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(e) *Removal of Unseparated Recyclable and Compostable Materials.* Materials not separated by the generator for diversion from disposal will be considered solid waste, unless and until the point at which such materials are separated from such solid waste. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~521-5.~~

~~Collection of Solid Waste and Source-Separated Material.~~

~~(a) *Authorization.*~~

~~(1) Persons engaged in the business of collecting, transporting or disposing of solid waste within the County shall be required to obtain a franchise or permit from the County. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) Persons engaged in the business of collecting, transporting or disposing of solid waste generated outside of Humboldt County, when disposing of such waste within the County, shall be required to obtain a permit from the Humboldt County Department of Health and Human Services, Environmental Health Division. The permit shall be valid for five years, and shall be modified if reports indicate substantial changes in operating conditions. An out-of-county permit review fee may be charged if so established by the Board of Supervisors. Disposal permits for out-of-county waste in excess of 50 tons per year shall require review by the Integrated Waste Management Task Force and approval by the Board of Supervisors. Any person conducting such disposal operations not in accordance with the conditions of a valid disposal permit shall be subject to remedies as specified in section [521-12](#). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2366, § 4, 7/25/2006)~~

~~(3) Source-separated materials collectors shall be required to obtain a permit or franchise from the County. If a collection fee is charged for the collection of source-separated materials, such services shall be regulated by non-exclusive franchise agreement with the County. If no collection fee is charged for such sources, they shall be regulated by permit. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(4) Persons engaged in the processing of source-separated materials for diversion from disposal shall not be required to obtain a permit or franchise as otherwise required by this Chapter, except as may be required by the State of California. Such persons shall be subject to the reporting requirements as defined under section [521-5](#) (f)(2). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(5) Non-profit community service organizations for which the primary function is neither the collection nor the processing of recyclable or compostable materials, such as youth groups, shall not be required to obtain a permit from the County for the purpose of collecting source-separated materials. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(b) *Hauling of Own Solid Waste and Source-Separated Materials.* Nothing in this chapter shall be interpreted to prevent an individual from carrying said individual's solid waste or source-separated materials to an approved public or private processing site, or to a disposal site for which a permit is in effect. An individual transporting such solid waste or source-separated materials to such private or public solid waste or processing facility shall take all steps necessary to prevent the loss of any portion of the materials during transport. Such steps shall include the use of tarps or other means to prevent loss of debris from the vehicle. Persons hauling their own solid waste or source-separated materials are required to meet the minimum removal frequencies of Section [521-4\(c\)](#) and [521-4\(d\)](#), and the minimum standards of Section [521-1](#). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(c) *Ownership and Control of Materials.*~~

~~(1) Nothing in this chapter is intended to limit the right of any person to donate, sell, or otherwise dispose of his or her source-separated materials. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) Solid wastes subject to collection by a refuse collector shall become the property of the refuse collector from such time as the collector takes possession of the wastes. Collector shall be deemed to take possession of solid wastes at the moment such wastes are deposited into the collection vehicle. Solid waste found to be contaminated with hazardous materials shall remain the property and responsibility of the generator. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(3) Source-separated materials subject to collection by an authorized source-separated materials collector, as specified by agreement, shall become the property of the authorized collection agent, from such time as the collector takes possession of the materials. Collector shall be deemed to take possession of materials at the moment such materials are deposited into the container at the centralized drop-off location, or into the collection vehicle. Unauthorized removal of source-separated materials from designated collection locations is prohibited. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(4) Nothing in this section shall preclude the Board of Supervisors from approving franchise agreements specifying disposal or processing at privately owned and lawfully permitted disposal or processing facilities. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(d) *Minimum Standards for Collection of Solid Waste and Source-Separated Materials.* All collectors shall meet the minimum standards of Section [17301](#) of Title [14](#) of the California Code of Regulations, in addition to those otherwise required by this chapter, including the following: (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

~~(1) *Collection.*~~

~~(A) Each collector shall be responsible for the removal and disposal of all solid waste and/or source-separated materials placed, spilled, or tracked on any road, street, alley or~~

~~public place by collector's equipment. If the collector fails to clean the same within four (4) hours after notice is served by the Franchise Contract Administrator, the Franchise Contract Administrator may cause such roads, streets, alleys, or public places to be cleaned at the expense of the collector. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(B) Collection of source-separated materials shall not occur between the hours of 8:00 p.m. and 5:00 a.m. Exceptions to this requirement may be granted on a case-by-case basis by the Franchise Contract Administrator. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(C) Each collector shall exercise care during loading, unloading and operation of equipment such that the noise level shall not be excessive. In no event shall the noise level exceed that allowed by contract or by California Motor [Vehicle Code](#), whichever is less. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(D) In rural areas, collector shall not be required to travel upon private driveways to collect solid waste or source-separated materials. Customers shall place their containers in a convenient location for removal within five (5) feet of the public roadway. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(E) Collector shall not be required to manually remove containers which exceed a laden weight of fifty (50) pounds. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(F) When hazardous road conditions are present due to snow, ice, slides or other reasons, the collector may, with the approval of the Franchise Contract Administrator, suspend collection in those areas affected. Special collections, at no additional charge, shall be made when road conditions permit. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(G) Any person who has entered into a contract with the County, or obtained a franchise for the collection and disposal or handling of solid waste or source-separated materials shall collect all solid waste or source-separated materials offered or specified by franchise, except as provided in Section [523-1](#), as often as required so long as the customer pays bills promptly for such service. The franchise holder shall remove all solid waste or source-separated materials from the premises in a sanitary manner. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) *Emergency Collections – Solid Waste.* Adequate provisions shall be made by any refuse collector who has an exclusive franchise agreement as authorized by Section [521-6](#) hereof to make collections when solid waste has not been collected during the regularly scheduled trip. Special pickups for missed collections shall be made by the refuse collector when ordered by the Franchise Contract Administrator or requested by a customer. (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

The refuse collector shall be entitled to additional compensation in those cases where a pickup was previously attempted but no solid waste receptacle was found, or such receptacle was in no condition to be picked up. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

~~(3) *Special Collections—Source-separated Materials.* Adequate provisions shall be made by any franchised collector to make collections when source-separated materials have not been collected during the regularly scheduled trip. Special pickups for missed collections shall be made by the collector when directed by the Franchise Contract Administrator, or when requested by a customer. (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

The collector shall be entitled to additional compensation in those cases where a pickup was previously attempted but no source-separated material was found, or such material was in no condition to be picked up. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)

~~(4) *Collection Equipment.* The following provisions shall apply to the equipment used by each refuse collector and source-separated materials collector: (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

~~(A) Such equipment shall meet the standards set forth in Sections [17341](#) to [17345](#) of Title [14](#) of the California Code of Regulations. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(B) For servicing large, bulky dry loads, an open steel truck bed may be used provided adequate canvas or other covers are applied to restrict any loss of debris. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(C) For hauling ash and fish waste, transportation shall be in leak-proof containers. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(D) Collection vehicles shall be made available for inspection as requested by the Department of Health and Human Services, Environmental Health Division. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2364, § 4, 6/20/2006)~~

~~(5) *Wash Facilities.* Any collector shall provide or have available wash facilities to wash solid waste and source-separated materials collection equipment. All vehicles shall be kept in a clean and sanitary condition. All solid waste collection vehicles shall be steam-cleaned, or equivalent, inside and out, at least once each week. Wastewater from washing the inside of packer bodies and bins shall be disposed of in compliance with Section 304(A) of the Uniform Plumbing Code, 1991 Edition (including subsequent revisions). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(6) *Painting of Vehicles.*~~

~~(A) Solid waste collection vehicles shall be numbered, and they shall have the refuse collector's name and number of the vehicle painted in letters of a contrasting color at least four inches (4") high on each side of each vehicle and the number painted on the front and~~

~~rear. The number shall be illuminated, and shall be visible from a distance of one hundred feet (100'). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(B) Source-separated materials collection vehicles shall be numbered, and they shall have the collector's name and number of the vehicle painted in letters of a contrasting color at least four inches (4") high on each side of each vehicle and the number painted on the front and rear. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(7) *Parking of Vehicles.* No collector shall use property in or adjoining that used or zoned for residential purposes for the parking, standing, washing, cleaning or storing of collection vehicles or equipment without the written approval of the Director of Public Works, the Planning Commission or the Board of Supervisors, or other appropriate agency as designated by the Board of Supervisors. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(e) *Compliance with Regulations.* Each refuse and source-separated materials collector shall comply with all laws, regulations, ordinances, and other requirements of the County of Humboldt, State of California, and the Federal Government. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(f) *Reporting.*~~

~~(1) Each refuse collector shall submit to the County a written quarterly report containing the number of tons of solid waste collected, and such other information as specified by the franchise agreement. This report shall be submitted to the Franchise Contract Administrator. Quarterly solid waste reports shall be due by the 15th day of the second month following the end of each calendar quarter; specifically, May, August, November and February 15th. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2440, § 1, 11/9/2010)~~

~~(2) Each refuse collector, source-separated materials collector, and processor shall submit to the County an annual written report containing the total quantity of recyclable and compostable material collected, processed and sold, and such other information as required by law or as specified by the franchise agreement or permit. Annual reports shall be due on the date specified by the franchise agreement or permit. Information required in this report may be compiled on a monthly or quarterly basis. Refuse collectors shall submit this report to the Franchise Contract Administrator. Materials collectors and processors shall submit this report to the Franchise Contract Administrator, or other permitting agency, as applicable. Annual diversion reports shall be due by February 15 for the prior calendar year. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2440, § 1, 11/9/2010)~~

~~(3) Collectors shall also supply additional information when requested by the County in order to assist the County in meeting its diversion goals, as specified by the California Integrated Waste Management Act of 1989 and other state or local laws. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(4) The County shall, when requested in writing by the refuse collector, source-separated materials collector, or processor, protect the confidentiality of any and all information contained in reports which is specifically designated by the collector or processor as confidential and/or proprietary in nature. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(5) Failure to comply with reporting requirements as required by law may be considered grounds for termination of collection contracts or permits. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~521-6.~~

~~Granting of Franchises and Permits.~~

~~(a) The Board may grant any permit or franchise or enter into any contract with any person, for the right and privilege of collecting solid waste or source-separated materials within the County or any portion thereof, or district, to be fixed by the Board upon such terms and conditions, consistent with this chapter and the [Public Resources Code](#) of the State of California, as the Board may deem for the best interests of the County, for such period of time as the Board deems advisable, but not to exceed twenty (20) years. (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995; Ord. 2431, § 1, 05/25/2010)~~

~~(1) If, in the opinion of the Board, the public health, safety, and well-being so require, the Board may grant partially or wholly exclusive franchises, either with or without competitive bidding. (Ord. 2396, § 1, 8/26/2008)~~

~~(2) The grant of exclusive franchises shall require that the Board of Supervisors call and hold a public hearing, for which hearing publication of notice shall be made by the Board of Supervisors pursuant to Section [6066](#) of the Government Code. Before granting an exclusive franchise without competitive bidding, the Board shall make specific findings as to why the public health, safety and well-being are best served by proceeding without competitive bidding. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2396, § 1, 8/26/2008)~~

~~(3) Any person may apply to the Franchise Contract Administrator to obtain a non-exclusive franchise. Non-exclusive franchises shall be granted by the Board of Supervisors, during regularly scheduled public meetings. Non-exclusive franchises shall not require competitive bidding. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2396, § 1, 8/26/2008)~~

~~(4) Any holder of an exclusive franchise for solid waste collection may obtain a non-exclusive franchise for the collection of source-separated materials (recyclables or compostables) by submitting a cost proposal to the Franchise Contract Administrator. Upon approval by the Board of Supervisors, the non-exclusive franchise may be incorporated as part of the exclusive franchise for solid waste collection. (Ord. 2440, § 1, 11/9/2010)~~

~~(5) Permits for the operation of source-separated collection services offered to the public without charge may be obtained by application to the Franchise Contract Administrator, or other agency as designated by the Board of Supervisors.~~

~~(A) Permits shall be granted for a five (5) year period, and shall be renewable every five years. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(B) Permit applicants shall be required to satisfy all applicable provisions of this ordinance, with the exception of section [521-6](#) (b)(1), below. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(C) Permits may be modified, based upon substantial changes to operations as described in the initial permit application. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(D) Failure to comply with the terms and conditions of a permit, or the provisions of this chapter, shall be grounds for revocation of a permit. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(E) Denial or revocation of a permit by the permitting agency may be appealed to the Board of Supervisors, by filing a notice of appeal with the Clerk of the Board of Supervisors and with the Franchise Contract Administrator, within 15 working days of the agency's denial or revocation. The notice of appeal filed with the Franchise Contract Administrator shall be accompanied by an appeal fee set by the Board of Supervisors, to cover the costs of processing the appeal. The notice shall specify the grounds upon which the appeal is based. The appeal shall be heard no earlier than 20 days, and no later than 45 days, after receipt of the notice of appeal, except with the consent of the appellant. If the Board of Supervisors fails to render its decision on the matter within 35 days of the conclusion of the hearing, the appeal shall be deemed to be granted. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2364, § 4, 6/20/2006)~~

~~(Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2364, § 4, 6/20/2006; Ord. 2396, § 1, 8/26/2008)~~

~~(b) *Qualifications.*~~

~~(1) Any person or firm applying for a franchise to provide refuse or source-separated materials collection services within the unincorporated area of Humboldt County shall be required to provide proof that such person or firm has adequate financial resources and experience to properly conduct the operation authorized. The facts needed to establish proof shall include but not be limited to the following: (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

~~(A) The filing of a performance bond or equivalent security in an amount designated by the authority of the Board of Supervisors; and (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(B) Evidence submitted to the Board of Supervisors and the Franchise Contract Administrator that the person or firm has experience or expertise sufficient to meet the needs of the situation. Such evidence may include, but is not limited to, references from at least two (2) customers, clients or contracting agencies for whom similar services have been provided; and (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) Any person or firm applying for a franchise or permit to provide refuse or source-separated materials collection services within the unincorporated area of Humboldt County must provide evidence that the collection service can and will be operated in a manner adequate to protect and ensure the health and safety of the public and the environment. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(c) *Extension and Renewal of Franchises.*~~

~~(1) Franchises and contracts for the collection of solid waste or of source-separated materials may be extended or renewed for additional terms of up to ten (10) years for each such extension, if the Board of Supervisors determines that the public health, safety and well-being so require. No extension or renewal shall be granted unless the following conditions have been met: (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)~~

~~(A) At the time of extension or renewal, the services of the existing contract holder are in substantial compliance with the terms and conditions of the franchise or contract. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2396, § 1, 8/26/2008)~~

~~(B) The Board of Supervisors shall retain the right to modify existing contracts and agreements to allow the County to comply with changing legislative requirements. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(C) The extension is not contrary to state or federal law. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(2) No extension or renewal of an exclusive franchise or exclusive contract shall be granted for a period in excess of five (5) years unless the Board of Supervisors first holds a public hearing for which publication of notice has been made as provided by Section [6066](#) of the Government Code. The Board of Supervisors shall be required to make a finding, based on substantial evidence in the record, that extension or renewal in excess of five (5) years is required for the public health, safety and well-being. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(3) Any exclusive franchise or exclusive contract which attains a total term of seventy-five (75) years, including all extensions, shall not be further extended unless the Board of Supervisors first holds a noticed public hearing, and finds, based on substantial evidence in the record, that such extension or renewal beyond the total term of seventy-five (75) years is required for the public health, safety and well-being. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2396, § 1, 8/26/2008; Ord. 2431, § 1, 5/25/2010)~~

~~521-7.~~

~~**Assigning Permits and Franchises.**~~

~~Except as herein authorized, no solid waste operating permit, solid waste collection franchise, nor source-separated materials collection franchise issued pursuant to this chapter, nor any interest therein, shall be assigned without prior written approval of the Board of Supervisors. Any purported assignment without such approval shall be void. Solid waste facility permits, disposal permits, and source-separated material collection permits are not transferable. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~521-8.~~

~~**Fees and Rates for Collection, Disposal, Handling and Enforcement.**~~

~~(a) The Board shall by ordinance set and charge fees for the disposal of solid waste and the collection and/or processing of source-related materials at County-owned or operated facilities and programs. The Board may, in addition, charge and collect fees and other charges from solid waste facilities operators or persons who conduct solid waste handling, consistent with the provisions of state or local law. The setting of fees and the increasing of existing fees shall require the Board to call and hold a public hearing, for which publication of notice shall be made by the Board of Supervisors pursuant to Section [6066](#) of the Government Code. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(b) The Board of Supervisors shall control the maximum rates which may be charged customers by the exclusive franchise holder, which rates, except as indicated below, shall not be increased without the holding of a public hearing, for which publication of notice shall be made by the Board of Supervisors pursuant to Section [6066](#) of the Government Code.~~

~~Rate changes which occur for the reasons set forth below, if authorized by a franchise agreement, may be implemented without action of the Board of Supervisors, if the total annual rate increase does not exceed eight percent (8%): (Ord. 2440, § 1, 11/09/2010)~~

~~(1) annual index-based adjustments; (Ord. 2440, § 1, 11/9/2010)~~

~~(2) changes in the Franchise Fee and/or the Recycling Percentage set forth in the franchise agreement; (Ord. 2440, § 1, 11/9/2010)~~

~~(3) changes in disposal and/or processing costs. (Ord. 2440, § 1, 11/09/2010)~~

~~Such rate changes may be implemented by amendment to a Franchise agreement, executed by the Franchise Contract Administrator. All other rate changes shall be approved by the Board of Supervisors, after the holding of a public hearing. (Ord. 2440, § 1, 11/09/2010)~~

~~It is the policy of the Board of Supervisors to consider rate adjustment requests only on an annual basis. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2396, § 1, 8/26/2008; Ord. 2440, § 1, 11/9/2010)~~

~~521-9.~~

~~Audits, Payments and Credits.~~

~~(a) Each refuse collector who is granted an exclusive franchise by the Board of Supervisors to collect solid waste shall pay the County for the privilege of said franchise a fee in the amount of nine percent (9%) of its gross receipts collected in the exercise of the franchise; except that when the refuse collector also provides for collection of recyclables under grant of a non-exclusive franchise, the franchise fee shall be nine percent (9%) of adjusted gross receipts, or such other amount as specified in the franchise agreement. The method of calculating adjusted gross receipts shall be set forth in the franchise agreement. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2321, § 1, 7/6/2004; Ord. 2419, § 1, 9/22/2009; Ord. 2440, § 1, 11/9/2010)~~

~~(b) Except as set forth in sub-section (a) above, each collector who is granted a non-exclusive franchise for the collection of recyclables shall, if a fee is charged for such collection, pay to the County for the privilege of said franchise a fee in the amount of one percent (1%) of the gross receipts from collection, exclusive of revenue from the sale of collected materials. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2440, § 1, 11/9/2010)~~

~~(c) Payment shall be made on a monthly basis with payment for each calendar month due on the fifteenth (15th) day of the following month. Payments made later than the twenty-fifth (25th) day of the following month shall be subject to a 10% penalty on the amount due. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~(d) Each collector shall keep records of the gross receipts obtained in the exercise of the contracts, and the County shall have the right to audit and examine such records, or the collector may elect to hire an independent certified public accountant approved by the Auditor-Controller to perform an audit, as an alternative to examination by the County. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995)~~

~~521-10.~~

~~Disposal and Handling of Solid Waste for Disposal.~~

~~It shall be unlawful for any person to deposit, bury, burn, or otherwise dispose of any solid waste, other than the composting on-site of small quantities of non-hazardous organic materials produced~~

on the premises, or the burning of authorized materials under a valid burn permit, at any place other than a permitted solid waste facility. It shall be unlawful for any person to operate any solid waste facility within the County without first having obtained a permit to do so from the County. (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)

Unpermitted deposits of solid waste containing a minimum of two (2) pieces of addressed mail or other named property shall be judged to be “prima facie” evidence that the named addressee is responsible for the violation hereof, and shall subject the addressee to remedies as specified in Section [521-12](#) of this chapter. (Repealed and reenacted by Ord. 2063, § 1, 02/14/1995)

Permits for the operation of solid waste facilities shall be issued in accordance with the [California Public Resources Code](#) by the Department of Health and Human Services, Environmental Health Division, and concurred in by the California Integrated Waste Management Board. A permit fee may be charged if so established by the Board of Supervisors. Any person operating a solid waste facility not in accordance with a solid waste facility’s permit shall be subject to remedies as specified by local ordinance and in California Public Resources Code Section [45000](#) et seq. (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2364, § 4, 6/20/2006)

~~521-11.~~

~~Enforcement Agency.~~

The Department of Health and Human Services, Environmental Health Division, shall be the enforcement agency in accordance with the provisions of the [California Public Resources Code](#). (Repealed and reenacted by Ord. 2063, § 1, 2/14/1995; Ord. 2364, § 4, 6/20/2006)

~~521-12.~~

~~Remedies.~~

(a) In addition to the remedies otherwise authorized by law, any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than two thousand five hundred dollars (\$2,500) upon a third or subsequent conviction, or by imprisonment in the County jail for a period of not to exceed six months, or by both such fine and imprisonment. If the waste matter placed, deposited, or dumped includes hazardous waste or extremely hazardous waste, or includes waste tires, the fine prescribed in this subdivision shall be doubled. The District Attorney shall have the discretion to prosecute a violation of this section as an infraction. (Ord. 2334, § 1, 11/2/2004; Ord. 2364, § 4, 6/20/2006)

~~(b) Each day that waste placed, deposited, or dumped in violation of this section remains is a separate violation. (Ord. 2334, § 1, 11/2/2004)~~

~~(c) The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property. (Ord. 2334, § 1, 11/2/2004)~~

~~(d) Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours. (Ord. 2334, § 1, 11/2/2004)~~

~~(e)~~

~~(1) Any person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of this section in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine. The fine is mandatory and shall amount to not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a first conviction, not less than one thousand five hundred dollars (\$1,500) nor more than three thousand dollars (\$3,000) upon a second conviction, and not less than two thousand seven hundred fifty dollars (\$2,750) nor more than four thousand dollars (\$4,000) upon a third or subsequent conviction. (Ord. 2334, § 1, 11/2/2004)~~

~~(2) "Commercial quantities" means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. (Ord. 2334, § 1, 11/2/2004)~~

~~(f) For purposes of this section, "person" means an individual, trust, firm, partnership, joint stock company, joint venture, or corporation. (Ord. 2334, § 1, 11/2/2004)~~

~~(g) Except in unusual cases where the interests of justice would be best served by waiving or reducing a fine, the minimum fines provided by this section shall not be waived or reduced. (Ord. 2334, § 1, 11/2/2004)~~

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