



ORDINANCE No. 4319

SUMMARY

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

This ordinance repeals Chapters 8.44, 13.04 and 13.08, enacts Chapter 8.42 in place thereof, and enacts additional provisions governing the collection, handling and disposal of solid waste in El Dorado County. The ordinance may be summarized as follows:

Article I--Collection franchise areas are created, and procedures are adopted for entering into franchise collection agreements and for setting rates for collection.

Article II--Mandatory collection areas are created, and liability established for payment of fees. Procedures are adopted for non-payment of fees.

Article III--A regulatory structure is established for the operation of disposal sites, and solid waste processing facilities.

Article IV--The framework for the County's exercise the control of the wastestream of solid waste is established. Procedures are adopted for issuing required use orders.

Article V--The responsibilities of solid waste generators are defined. Standards for solid waste disposal containers and placement for collection are established.

Article VI--Requirements for incorporating areas for solid waste and recyclable material collection and load are defined for development projects.

Article VII--Prohibited acts are defined, including prohibitions on littering, unauthorized dumping, and burning.

Article VIII--An abatement procedure is adopted for prohibited acts, and penalties are established for the defined prohibited acts.

The foregoing constitutes a summary of the ordinance adopted by the Board of Supervisors on February 8, 1994. A complete copy of the ordinance is available for public inspection at the Board of Supervisors Office during County business hours.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 7th day of February, 1944, by the following vote of said Board:

Ayes: Supervisors William S. Bradley, Raymond J. Nitting, J. Mark Nelson, William N. Centor, John E. Upton

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Noes: none
Absent: none

John E. Upton
Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk



ORDINANCE No. 4319

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

WHEREAS, THE BOARD OF SUPERVISORS FINDS AND DECLARES:

(A) Pursuant to AB 939, the California Integrated Waste Management Act of 1989, each City and County is mandated to divert from landfills, 25% of the solid waste stream by the year 1995 and 50% by 2000.

(B) El Dorado County is developing a solid waste management system which is intended to ultimately incorporate a multi-county, regional and bi-state solid and liquid waste management program.

(C) El Dorado County is developing a solid waste system as a disposal and recovery system within the framework of a County Integrated Waste Management Plan which incorporates the County East Slope and West Slope Waste Management Areas in cooperation with federal, state and local agencies for the benefit of all citizens of the County.

(D) El Dorado County must provide any person or class of persons who generates solid waste within the County, a system for disposal, transfer, processing and resource recovery facilities.

(E) To protect the health, safety and welfare of the County's constituency, the Board declares it is in the public's best interest to establish exclusive franchises for the collection, disposal and processing of solid waste and recyclable materials.

(F) El Dorado County has established a funding program for the solid and liquid waste management system which incorporates development fees, franchise fees, parcel assessments, tipping fees and rates for solid waste collection and processing services which are from time to time adjusted by the Board of Supervisors.

(G) The feasibility of the construction, operation and maintenance of major facilities, as part of the system, to meet the present and future needs of the citizen's of the County and the ability of the County to generate revenues sufficient to finance the construction of major facilities, as part of the system, depend on the ability to obtain the type and quantity of operational volumes of solid waste needed to make such facilities economically viable.

(H) El Dorado County has limited land and resources for the disposal, transfer and recovery of resources from solid waste, it is the responsibility of the Board of Supervisors to protect and judiciously utilize such limited land and resources.

(I) El Dorado County must establish a comprehensive solid waste management ordinance which is consistent with state and federal law and includes essential provisions to protect the public health and safety from improper solid waste handling, disposal and littering and prohibits vandalism, tampering, and trespassing onto or of any portion of the county owned and franchised facilities.

The Board of Supervisors of the County of El Dorado ordains as follows:

Section 1: Chapters 8.44, 13.04 and 13.08 of the El Dorado County Ordinance Code are hereby repealed and a new Chapter 8.42 is added to the El Dorado County Ordinance Code to read as follows:

8.42.010 Popular Name of Ordinance. Whenever reference to the provisions of this Chapter 8.42 is required, this ordinance may be referred to as the El Dorado County Solid Waste Management Ordinance.

8.42.020 Definitions. Whenever the following terms are used in this Chapter, they shall have the following meanings:

(a) "Biomedical Waste" means solid waste or other materials, substances or items which may be reasonably considered infectious, pathological or biohazardous, originating from hospitals, public or private medical clinics, departments of research laboratories, pharmaceutical industries, blood banks, forensic medical departments, mortuaries, veterinary facilities and other similar facilities and includes (without limitation) equipment, instruments, utensils, fomites, laboratory waste (including pathological specimens and fomites attendant thereto), surgical facilities, equipment, bedding and utensils (including pathological specimens and disposal fomites attendant thereto), sharps (hypodermic needles, syringes, etc.), dialysis unit waste, chemotherapeutic waste, animal carcasses, offal and body parts, biological materials (vaccines, medicines, etc.), and other similar materials.

(b) "Board" means the El Dorado County Board of Supervisors.

(c) "Buy-Back Recycling Center" means a facility that pays a fee for the delivery and transfer of ownership to the facility of source separated materials for the purpose of recycling, transformation or composting.

(d) "Collection" means the operation of gathering together and transporting to the point of disposal or processing any garbage, refuse, rubbish, solid waste, recyclable, transformable or compostable waste materials.

(e) "Commercial Premises" means that portion of any building or other premises which is not a residence, residential unit or housekeeping unit.

(f) "Compostable Materials" or "Compostables" includes vegetable, yard, and wood wastes which are not hazardous waste.

(g) "Department" means the Environmental Management Department or its designee.

(h) "Development Project" means any of the following:

i. A project for which a discretionary development approval or a building permit is required for any public facility, commercial, industrial, or institutional building, marina, or residential building having five or more units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more units.

ii. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for the collecting and loading of solid waste.

iii. The definition of development project only includes subdivisions of single-family homes, if within the proposed subdivisions there is an area where solid waste is collected and loaded in a location which serves five (5) or more units. In such instances, recycling areas as specified in this Chapter are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

(i) "Director" means the El Dorado County Director of Environmental Management or designee.

(j) "Disposal Site" means any land and facilities franchised by the Board pursuant to this Chapter, whether owned by El Dorado County or another person and whether or not open to the public, used for the final disposal of solid wastes, and does not include transfer stations or transformation or processing facilities.

(k) "Drop Off Recycling Center" means a facility which accepts delivery or transfer of ownership, without paying a fee, of source separated materials, including, but not limited to, glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and used oil which will be transported and/or sold to third parties for reuse or resale. The donation of materials to collecting organizations, such as charitable groups, is included in this definition.

(l) "East Slope Waste Management Service Area" means Zone C of County Service Area #10, also known as the El Dorado County portion of the Lake Tahoe Basin Watershed as may be modified from time-to-time by the Board.

(m) "Franchisee" means any person that has entered into a franchise agreement with the County to collect, remove, transport, process or dispose of solid waste or recyclables or compostables, or to operate any solid waste facility.

(n) "Hazardous Waste" means any and all of the following:

i. wastes, materials or substances defined or characterized as hazardous waste by the Federal Solid Waste Disposal Act, as amended, including the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.) as amended from time to time, or regulations promulgated thereunder;

ii. waste, materials or substances defined or characterized from time to time as hazardous waste by the principal agencies of the State of California (including without limitation the Department of Health Services, the California Regional Water Quality Control Board, and the California Integrated Waste Management Board) having jurisdiction over hazardous waste generated by facilities within the State, and pursuant to any other applicable government regulations;

iii. wastes, materials or substances, the storage, treatment, transportation or disposal of which is subject to regulation under the Toxic Substances Control Act, 15 U.S.C. § 2601-2654, as amended from time to time, or regulations promulgated thereunder;

iv. radioactive wastes, materials, substances or items, the storage, treatment, transportation or disposal of which is subject to government regulations; and

v. wastes, materials, substances or items which contain

polychlorinated biphenyls.

The term "Hazardous Waste" will be construed to have the broader, more encompassing definition where a conflict exists in the definitions employed by two or more governmental entities having concurrent or overlapping jurisdiction over Hazardous Waste.

(o) "Household Hazardous Waste" means household-generated hazardous wastes, as defined in any of the following: Section 40141 of the Public Resources Code; Title 14 California Code of Regulations section 17225.32; and the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code).

(p) "Litter" is any quantity of improperly discarded solid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, pieces of lumber and scrap metal left at a construction site, uncontainerized paper such as fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage or junk parts and scrap materials.

(q) "Littering" is the improper discarding, dropping or scattering of small quantities of waste matter ordinarily carried on or about the person, including but not limited to beverage containers and closures, packaging, wrappers, wastepaper, newspapers and magazines, in any place other than a place or container maintained for the lawful disposal thereof, includes waste matter which escapes or is allowed to escape from a vehicle, container, receptacle or package.

(r) "Local Enforcement Agency" means the Building Department, or such other agency as may be so designated pursuant to Public Resources Code section 43204.

(s) "Mandatory Collection Area(s)" means the area(s) described in Article II.

(t) "Materials Recovery Facility" means an area, place, site, building, equipment, process or combination thereof, which is franchised by the Board pursuant to this Chapter, where or by which useful materials or energy resources are obtained from solid waste.

(u) "Multiple Residential Units" means two or more residential units located in a single building or unified group of buildings.

(v) "Municipal Solid Waste" means all solid waste generated by residential, commercial, and industrial sources, and all solid waste generated at construction or demolition sites and at food-processing facilities, which is collected and transported under the authorization of this Chapter or are self-hauled.

(w) "Nuisance" means the existence or accumulation, without the authority of the County, of litter, trash, manure, rubbish, scrap materials, junk parts, garbage, or refuse of any kind upon private or public property; provided however, that said refuse is visible to the occupants of an adjacent or nearby parcel or real property, or to the users of any right-of-way.

(x) "Owner" shall conclusively be deemed to be the person to whom the taxes on the property are assessed as shown on the last equalized assessment roll of the County, or alternatively, from such records of the County assessor or tax collector as contain more recent information.

(y) "Person" includes an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(z) "Private Property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entrance-ways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

(aa) "Processing Facility" means the place, site or equipment franchised by the Board where or by which solid wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, or hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a drop off recycling or buy back center.

(bb) "Public Property" includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, lanes, alleys, public right-of-way, public parking lots, school grounds, municipal grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly owned recreation facilities and municipal waterways and bodies of water.

(cc) "Recyclables or Recyclable Material" means materials which are reused or processed or are in the future reused or processed into a form suitable for reuse through reprocessing or

remanufacture, consistent with the requirements of the California Integrated Waste Management Act. The term "Recyclables or Recyclable Material" includes paper, newsprint, printed matter, pasteboard, paper containers, cardboard, glass, aluminum, PET, HDPE, and other plastics, beverage containers, transformable and compostable materials, used motor oil, automotive batteries, anti-freeze, latex paint, brick and stone in reusable size and condition, and such other materials designated by the Director or designated as Recyclables by the California Integrated Waste Management Board, or other agency with jurisdiction.

(dd) "Recycle" or "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning 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.

(ee) "Recycling Area" space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials therein.

(ff) "Recycling Container" means a container which is provided to a residential, commercial, or industrial waste collection customer for the sole purpose of containing recyclable materials that are source separated from the non-recyclable portion of the waste stream.

(gg) "Residential Container" means a container in which residential solid waste is deposited. This does not include containers in which recyclable materials are placed. A residential container is defined as being 32 gallons or less in size or 60 lbs. by weight. Containers larger than 32 gallons are considered to be multiple cans, in increments of 32 gallons.

(hh) "Residential Service" means solid waste or recyclable or compostable material collection service for homes, apartments, trailers, or other residential units as provided by a franchisee under this Chapter.

(ii) "Residential Unit" means a room or combination of rooms in a single building designed for human living, sleeping, eating, and sanitary uses by a single family and their servants and nonpaying guests, and having cooking facilities. There may be more than one residential unit in a single building.

(jj) "Solid Waste" or "Refuse" means all putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

(kk) "Source Separated" means the segregation, by the waste generator, of materials designated for separate collection for some form of materials recovery, recycling, or special handling.

(ll) "Special Wastes" shall mean any designated wastes, as defined in 23 Cal. Code of Regs. §2522, and special handling waste generated by industrial facilities or processes, but shall not include "hazardous waste" as defined herein. Special wastes shall include: asbestos, sewage sludge, tires, water treatment sludge, drilling mud, grease wastes, contaminated soils, shredder waste, agricultural wastes, filter cake/dewatered sludge, scrap metal, spent catalyst fines, refinery ash and byproducts; except where any such wastes are deemed to be hazardous waste.

(mm) "Transformation" means incineration, pyrolysis, distillation, gasification, or biological conversion other than composting. "Transformation" does not include composting.

(nn) "Transfer Station" means those facilities, franchised by the Board pursuant this Chapter, utilized to receive solid waste or recyclable materials, temporarily store, separate, convert, or otherwise process the materials in solid wastes or to transfer the solid wastes directly from smaller to larger vehicles for transport.

(oo) "West Slope Waste Management Service Area" means County Service Area #10, excluding Zone C which is also known as the El Dorado County portion of the Lake Tahoe Basin as the geographical boundaries of this area may be modified from time-to-time by the Board.

(pp) "Yard Waste" means leaves, grass clippings, prunings, pine needles and other natural organic matter discarded from public, commercial or residential landscapes.

ARTICLE I. SOLID WASTE COLLECTION

8.42.100 Division of County into Franchise Collection Areas.
The Board of Supervisors hereby declares that the unincorporated area of the County is divided into collection franchise areas which shall be subject to this Article. These franchise areas shall be shown on the map entitled "Solid Waste Collection Franchise Areas

of El Dorado County" which shall be retained in the Office of the Board of Supervisors. The boundaries of the franchise areas shall be subject to amendment or modification by the Board by franchise agreement and/or resolution. The unincorporated area of the County within the boundaries of a community services district which is exercising its powers pursuant to Government Code section 61600(c) to collect by franchise solid waste shall not be subject to franchise by the County so long as a franchise granted by the district is in operation therein.

8.42.110 Exempted Areas. All areas outside the boundaries of the collection franchise areas shall not be subject to this Article. The Director shall periodically review such exempt areas within the County to determine the practicality of making solid waste and recyclable material collection service available within such areas, and shall recommend to the Board changes in collection franchise areas as the provision of such services becomes practicable.

8.42.120 Requirement of Franchise Agreement for Solid Waste Collection Business. No person shall establish, operate or carry on the business of collecting, transporting or disposing of solid waste or recyclables within the County unless a franchise agreement has been entered into between such person and the County. The Board shall determine at its sole option and discretion whether to enter into any new or renewed franchise agreement with any person. Any franchise agreement entered into by the County shall, among other things, contain provisions for the protection of the public health, safety and welfare and provide that the Board may review, approve and set the rates, as applicable, to be charged customers by the franchisee.

8.42.130 Franchise Applications and Terms and Conditions. The Board by resolution shall adopt procedures governing: (a) the form and content of applications to the County by any person wanting to apply for a new or renewed franchise agreement with the County to collect, transport, process and/or dispose of solid waste and recyclables and (b) the terms and conditions of any such franchise. Nothing in this ordinance or in any resolution of the Board shall modify or abrogate any franchise agreement in effect as of the date of adoption hereof.

8.42.140 Exceptions to Requirement for Collection Franchise Agreement. A franchise agreement is not required for: (a) bona fide charities qualifying as such under Internal Revenue Code section 401(c)(3) which engage in the collection and sale of recyclable materials but no other activities regulated under this Chapter; (b) subject to the conditions of Article II, persons which handle, haul, or transport solid waste or recyclable materials

generated by or from his/her own residence or business operations for purposes of disposing of same at an authorized disposal area, processing facility or transfer station; (c) a person or entity contracts for the removal and disposal or recycling of inorganic refuse or garden waste and such removal and disposal or recycling are incidental to work such as remodeling or gardening performed by the person or entity for a customer.

8.42.150 Franchise Collection Rates. The franchise shall charge one (1) uniform rate for each class of service rendered as fixed by resolution of the Board. The Board shall set the rates to be charged by franchisee at such times as the Board deems appropriate, but no less often than every two years, unless a longer period is agreed on by the County and franchisee. In addition, the Board of Supervisors shall consider revising the franchisee's rates whenever franchisee establishes to the satisfaction of the Board that unforeseen circumstances have arisen which have materially affected the franchisee's costs or revenues.

8.42.160 Application for Rate Modification--Procedures. An application to the Board for a modification of franchise collection rates and disposal rates may be submitted by any interested party. Such application shall be:

A. Submitted on or before September 1st of the year prior to the calendar year the modification is requested to become effective, provided that the franchisee shall have the right to request an increase for unforeseen circumstances.

B. Referred by the Board to the Department for recommendation, the recommendation to be preceded by review of the annual audited financial statement and other records deemed necessary by the Department.

C. Considered by the Board and a decision reached at a properly noticed public hearing.

8.42.170 Noticing and Hearing for Franchise Rate Adjustment. The franchisee shall provide written notice to each ratepayer of the proposed adjustment in a form approved by the County of the time, date and place of each hearing set by the Board set rates. The franchisee shall provide said notice at least ten (10) but no more than sixty (60) days prior to such date, and the expense therefor shall be included in the rate base. The resolution fixing any such rate shall not be adopted or modified until a public hearing has been held thereon, after notice of the time, place and purpose of such hearing has been published in a newspaper of general circulation printed and published in El Dorado County, once each week, for two (2) consecutive weeks prior to such hearing.

ARTICLE II. MANDATORY COLLECTION AREAS

8.42.200 Mandatory Collection Areas. (A) A mandatory collection area is established and shall consist of the unincorporated area of the South Lake Tahoe Basin within El Dorado County included in the area more particularly described as follows:

All of Township 13 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 12 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 11 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

Excepting therefrom that processing of Section 6 in said township lying westerly of U.S Highway 50 and further excepting from said township all of Section 7 but that portion of the Northeast Quarter thereof lying easterly of U.S. Highway 50.

All of Sections 22, 23, 25, 26, 27, 28, 33, 34, 35, 36 in Township 13 North, Range 17 East, Section 1, 2, 11, 12, 13, 14, 23, 24 and East half Section 3, 10, 15, 22 of Township 12 North, Range 17 East.

(B) Other mandatory collection areas may be established by ordinance by the Board of Supervisors as necessary.

8.42.210 Liability for Payment of Fees-Mandatory Collection Area. Each owner, occupant or person in possession, charge, control of a parcel of property upon which there exists a residential unit within a mandatory collection area is hereby made liable for the payment of the solid waste collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the services provided by the County or the franchisee. Services made available to those premises required to receive such services shall be considered as services utilized. It shall be the duty of the owner of such premises to provide for the payment of the services.

8.42.220 Billing Cycle and Penalty for Delinquent Payments-Mandatory Collection Area. Solid waste collection fees shall be billed and paid in advance on a quarter-annual basis. Payment shall be due upon, and shall become delinquent after, the fifteenth day following the end of the quarter. A finance charge as

permitted by law shall be added at the end of each month following the delinquency date.

8.42.230 Fee a Civil Debt-Mandatory Collection Area. The solid waste collection fee shall be a civil debt owed by the owner, occupant and/or person in possession, charge or control of a residential unit.

8.42.240 Termination for Nonpayment of Multiple Residential Unit Accounts- Mandatory Collection Area. In the event that the solid waste collection fees due and owing for services rendered to a multiple residential unit containing five (5) or more units remain unpaid for a period of thirty (30) days following the date such payment is due, the franchisee shall be authorized to terminate solid waste collection services to such unit. The termination shall become effective on the thirtieth (30th) day following the service of notice of such termination upon the owner, occupant, or person in possession, charge of control of such residential unit. Solid waste collection services terminated, as provided herein, shall be resumed upon payment of all applicable delinquent fees, penalties and interest.

8.42.250 General Exemptions-Mandatory Collection Area.

A. The provisions of this Article shall not apply to any of the residential units or commercial enterprises hereafter described:

1. To residential units in a motel or hotel containing more than three (3) units, where not more than twenty-five (25) percent of the total number of units are residential units and where the franchisee is satisfied that adequate solid waste collection and disposal is provided by such motel or hotel;
2. To residential units which are not connected to water and electrical power and where water and electric power cannot be provided to such premises without action by a public utility or mutual water company; provided that such exemption shall terminate upon occupancy of such units;
3. To commercial enterprises from which the owner of the premises on which the commercial enterprise is operated collects and disposes of solid waste from such premises in compliance with all applicable laws, ordinances and regulations.

B. Any person claiming an exemption pursuant to this section shall file a statement under oath or under penalty of perjury with the franchise stating the facts upon which exemption is claimed and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the solid waste collection fees required by this article.

C. The franchisee, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein.

8.42.260 Multiple Residential Unit Exemptions-Mandatory Collection Area.

A. The provisions of this article shall not apply to any of the multiple residential where all of the following conditions exist:

1. The owners have entered into a contract with the franchisee, upon terms and conditions acceptable to the franchisee, requiring the removal of all solid waste accumulated upon the premises, not less than once each week and as often as good sanitary practice requires; provided, each multiple residential unit shall not less than two (2) cubic yards per ten (10) units, or individual receptacle service according to the current rate schedule.
2. The owners shall fully perform the terms and conditions of such contract on their part to be performed.
3. Adequate solid waste collection and disposal is provided to the premises.

B. The Director, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon receiving information from the franchise that the person is no longer entitled to the exemption by reason of his breach of any of the above described conditions. In the event that such exemption is revoked, such person shall then be bound by the provisions of this chapter.

ARTICLE III. DISPOSAL SITE, PROCESSING AND TRANSFER STATION FRANCHISES

8.42.300 Requirement for Franchise for Operation of Solid Waste Facility. In addition to any applicable requirements of state law, no person shall establish or operate any solid waste disposal site, materials recovery facility, transfer station or processing facility within the County unless a franchise agreement has been entered into between such person and the County.

8.42.310 Exceptions to Requirement for Disposal, Processing and Transfer Station Franchise Agreement. A franchise agreement pursuant to this Article is not required for: (a) bona fide charities qualifying as such under Internal Revenue Code section 401(c)(3) which engage in the collection and sale of recyclable materials but no other activities regulated under this Chapter; (b) persons operating buy-back recycling centers and drop off recycling centers and (c) persons which handle, haul, or transport solid waste or recyclables generated by or from his/her own business operations for purposes of disposing of same at an authorized disposal area, processing facility or transfer station; provided, however, an annual permit obtained by persons exempted herein as set forth in section 8.42.320.

8.42.320 Permit Required. Bona fide charities and persons proposing to operate buy-back and drop off recycling centers shall first apply to the Department for a permit to operate on a form to be provided by the Department accompanied by the payment of the fee required herein.

8.42.330 Issuance of Permit. Upon proper application, the Department shall issue a permit for the activity if it finds that the proposed activity is proposed to be, or designed to be, carried on in accordance with the laws, rules and regulations pertaining to the public health and safety, and the reporting requirements set forth in section 8.42.380.

8.42.340 Revocation of Permit. Permits issued under this chapter may be revoked by the Director after notice to the permittee if the Director finds that the activity has been, or is being carried on or engaged in, contrary to laws, ordinances, rules and regulations pertaining to the public health and safety, or that the activity violates a condition of the permit.

8.42.350 Revocation of or Denial of Issuance of Permits--Appeal. In the event the Director denies or revokes a permit issued under this chapter and the permittee wishes to contest the denial or revocation, he may do so by filing a written notice of appeal to the Board of Supervisors within ten days of the

revocation of the permit, unless the revocation is based upon public health or safety violations. Upon receipt of such a written notice of appeal, the Board of Supervisors shall schedule and set a hearing of said matter to take place within thirty days of receipt of the notice. At the hearing, the Board of Supervisors shall fully hear all persons who are parties to the dispute, or aggrieved by the action, and render a decision thereon, which decision shall be final. The hearing of the Board of Supervisors may be continued from time to time at the direction of the Board.

8.42.360 Permit Fee. Each application and application renewal for a permit shall be by a fee as set forth by Resolution of the Board of Supervisors.

8.42.370 Separate Activities. When a person conducts more than one of the activities for which a permit is required under this chapter, he shall first obtain a separate permit for each activity.

8.42.380 AB 939 Reporting Requirements. Each franchisee or permittee shall submit to the County quarterly, and more often if required by law, information reasonably required by County to meet its reporting obligations imposed by AB 939.

ARTICLE IV. COUNTY WASTESTREAM CONTROL.

8.42.400 Need for County Wastestream Control. The Board finds that the feasibility of the construction, operation and maintenance of disposal sites, transfer stations, processing facilities and other solid waste facilities to serve the present and future needs of the citizen's of the County depends upon the County establishing control over the movement of solid waste generated within the County's boundaries as well as the movement of solid waste from outside of the County that may be transported to a solid waste facility franchised pursuant to this Chapter. The Board finds that it is in the public interest to obtain and commit the type and quantity of operational volumes of solid waste, recyclables, transformables and compostables needed to make such facilities economically viable to protect the public health, safety, and welfare and to the meet the County's waste diversion goals mandated under AB 939.

8.42.410 Required Use Orders. The Board may and consistent with the terms of the current franchise agreement(s), by resolution, issue a Required Use Order directing solid waste and recyclable materials to a facility or to a proposed facility. Such a Required Use Order for an existing or proposed facility shall be prepared by the Director and submitted to the Board for approval. A Required Use Order for any such facility may be approved by the

Board if the Board finds that the Order is necessary to ensure the probable successful construction or operation of the solid waste facility and that it is in the public interest that such facility be constructed or operated. The Board shall give due regard to the following factors:

A. the type of facility to which solid waste and recyclables would be delivered;

B. limitations on the capacity of the facility to which such solid waste or recyclable materials would be delivered;

C. the need for a Required Use Order to obtain or induce financing for the permitting, development, or construction of a facility;

D. the County's need for the facility to protect the public health, safety and welfare and to meet the County's waste diversion goals under AB 939.

E. access to the facility, in terms of time and distance, by the persons to be subject to the Required Use Order;

F. the amount of suitable solid waste or recyclable materials estimated to be delivered to the facility in the absence of a Required Use Order;

G. the ability to obtain an agreement(s) by waste haulers and persons to deliver solid waste or recyclable materials of suitable composition and quantity to a specific facility;

H. the fair distribution of any inconvenience or burden on waste haulers or persons to be subject to the Required Use Order; and

I. such other reasonable and appropriate factors as the Director or Board may deem appropriate.

Required Use Orders with respect to such a facility may be issued by the Board as circumstances require, for the purpose of requiring delivery of solid waste or recyclables to a facility. The content of the Order shall be as specified in this Article.

8.42.430 Content of Required Use Orders Notice. Required Use Orders issued by the Board shall set forth the following:

A. the identity (either by name, category or geographic area) of the waste haulers or persons to be subject to the Required Use Order;

B. the type and quantity of solid waste or recyclables or transformables or compostables subject to the Required Use Order;

C. the point or points for delivery of the solid waste or recyclables or transformables or compostables to be subject to the Required Use Order;

D. the effective date of the Required Use Order, which date, unless otherwise specified, shall not be less than ten (10) days from the date of the order; and

E. such other information as the Director or Board may consider necessary or appropriate.

8.42.440 Notice of Required Use Orders. Following the adoption by the Board of a Required Use Order, the Director shall cause notice of such Required Use Order to be given as follows:

A. by United States mail, postage prepaid, to each waste hauler and person to be subject to such Required Use Order at the last known address thereof; and

B. by posting notice of such Required Use Order in a public place at the principal offices of the County and at each facility covered by the Required Use Order.

8.42.450 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations. Any franchise or person who violates or fails to comply with any provision of this Article or who fails to comply with the terms and conditions of any Required Use Order, is guilty of a misdemeanor, and upon conviction thereof shall be punished in accordance with Chapter 1.24 of this Code. The disposal by a single vehicle of a single load of solid waste or recyclables in violation of a Required Use Order shall constitute a single and separate violation under this section.

ARTICLE V. RESPONSIBILITIES OF SOLID WASTE GENERATORS.

8.42.500 Responsibility of Property Owner. The owner of any property, including any residence, commercial establishment, institution or industry, vacant or occupied, shall be responsible for the satisfactory storage and removal of all solid waste accumulated on that property. In those instances where a person rents or leases to another, the property owner shall be responsible

for solid waste generated or stored on those premises should said waste remain on the premises during or beyond the tenant term. Excepting disruptions in normal solid waste collection schedules, non-recyclable wastes shall not be allowed to remain on the premises for more than seven (7) days, to prevent propagation, harborage, or attraction of flies, rodents or other vectors, and the creation of nuisances.

For purposes of this section, disruptions in normal solid waste collection schedules shall be limited to where:

- A. Disruptions are due to strikes; or
- B. Severe weather conditions or acts of God make collection impossible using normal collection equipment; or
- C. Official holidays interrupt a normal seven-day collection cycle in which case collection may be postponed until the next working day.

Where it is deemed necessary by the Department, Building Department or the Health Department because of the potential propagation of vectors and for the protection of public health, more frequent removal of non-recyclable wastes may be required. Recyclable materials separated from non-recyclable wastes may be stored on the premises for longer than seven days provided that the recyclable materials are cleaned and/or stored in a manner that prevents propagation, harborage, or attraction of flies, rodents or other vectors, or the creation of nuisances or fire hazards.

8.42.510 Solid Waste and Recyclable Materials Ownership.

A. Except as provided hereinabove, all solid wastes and recyclable materials are the property of the person generating them until:

- 1. The solid wastes and/or recyclable materials are legally disposed in an authorized disposal site; or
- 2. The solid wastes and/or recyclable materials are legally deposited at an authorized transfer station, processing facility, buy back center or drop off recycling center; or
- 3. The solid wastes and/or recyclable materials are picked up by a franchisee or permittee authorized by the Board.

B. Solid wastes and recyclable materials legally placed

for disposal and/or processing become the property and responsibility of the franchisee or permittee upon receipt of the solid waste or material.

C. No person shall remove solid wastes and/or recyclable materials placed for collection other than the person generating or responsible for the waste or by the franchisee or permittee.

D. If solid waste is found dumped or deposited in violation of this Chapter, the person responsible under this Chapter for said solid waste and/or recyclable material 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.

8.42.520 Residential, Multi-Residential and Commercial Refuse Containers. (a) Residential, multi-residential and commercial property owners and tenants shall deposit all solid waste in covered and enclosed metal or heavy duty plastic cans ("Residential Containers") or safety approved dumpsters which are nonabsorbent, watertight, vector-resistant, durable, easily cleanable, and designed for safe handling for the containment of solid waste. Such containers shall contain without overflowing all the solid waste that a household or other establishment generates. Residential Containers when filled shall not exceed (60) sixty pounds or (32) thirty-two gallons and dumpsters shall not exceed 540 pounds per yard, unless otherwise approved by the County. Containers shall be maintained in a clean, sound condition free from putrescible residue. All items too large to fit into containers, such as, but not limited to appliances, furniture and mattresses, shall be disposed of by the property owner or agency by making arrangements with the franchised collector for a special pick up or by self-hauling such items to an authorized disposal site, transfer station or processing facility. All loose materials which normally fit into containers, but which are excess as a result of a special circumstance such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers. Containers shall be kept covered or closed at all times.

(b) The Container requirements set forth in section 5.42.540, and not in subsection (a) herein, shall apply to the disposal of recyclable materials separated for collection by a franchisee or permittee.

8.42.530 Exception: Deposit of Yard Waste in Plastic Bags. Property owners and tenants may deposit yard waste in sealed or tied plastic bags for collection pick up provided that the bags are of sufficient durability to avoid breaking or tearing during placement on the curb and pick up.

8.42.540 Deposit of Recyclable Materials Into Acceptable Containers Required. Property owners and tenants wishing to have recyclable materials collected by a franchisee shall separate recyclable materials from non-recyclable wastes and deposit the recyclable materials in a recycling container provided by, or acceptable to the franchisee or permittee which has been approved by the County. If the recycling container is a reusable container, the container shall be maintained in a clean, sound condition free from putrescible residue and non-recyclable wastes.

8.42.550 Placement of Residential Containers and Bags for Collection. Residential containers, plastic bags and recycling containers shall be stored in such a manner as not to be readily visible from the public street; provided, that during the time fixed for collection from the premises, residential containers, plastic bags and recycling containers shall be placed for collection as follows:

A. Curb Service. Residential containers, plastic bags and recycling containers shall be placed adjacent to a public thoroughfare for collection service but not more than twelve hours prior to the normal collection time by a franchisee, and shall be removed from the public thoroughfare location within twelve hours after collection.

B. Yard Service. Residential containers, plastic bags and recycling containers may also be placed for collection service on the generator's property in a place mutually agreed to by the owner or tenant and the franchisee or permittee not more than one hundred feet from a public thoroughfare.

C. Franchisee or permittee company personnel shall be responsible for the placement of all empty containers in a safe location which does not present a risk of interference with pedestrian or motorized traffic.

D. During periods of heavy snow, generators shall provide a clear path for the return of containers to a point 20 feet back from the property line.

E. No person shall place any residential container, plastic bag, recycling container or other solid waste so that it, in any way, obstructs a public right of way.

F. In addition, residential containers and plastic bags may be placed as indicated above at times other than the date of collection provided that they are at all times housed in shelters or housing constructed in accordance with specifications approved by the County Building and Planning Departments which shall develop such specifications in consultation with the public and interested local public agencies and private entities, and make the final approved specifications available for public use.

8.42.560 Construction/Demolition Projects.

A. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained or permitted the accumulation of any solid waste and litter on the site before, during or after completion of the construction or demolitions project.

B. It shall be the duty of the owner, agent or contractor to have adequate containers on site for the disposal of solid waste and litter and to make appropriate arrangements for the collection thereof or transportation by the owner, agent or contractor to an authorized facility for final disposal. While the container is on-site, substantial provisions shall be employed by the owner, agent or contractor so as to prevent the blowing or falling of solid waste from the container so as prevent a littering condition.

C. The owner, agent, or contractor may be required at any time to show proof of appropriate collection, or if personally transported, of final disposal at an authorized facility.

ARTICLE VI. AREAS FOR COLLECTING AND LOADING SOLID WASTE AND RECYCLABLE MATERIALS IN DEVELOPMENT PROJECTS

8.42.600 General Requirements for Adequate, Accessible and Convenient Areas for Storing, Collecting and Loading Solid Waste and Recyclable Materials in Development Projects.

A. Any new development project for which an application is submitted on or after the effective date of this Chapter, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

B. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading

recyclable materials.

C. Any existing development project for which an application for a building permit is submitted on or after the effective date of this Chapter, for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

D. Any existing development project for which an application for a building permit is submitted on or after the effective date of this Chapter, for multiple alterations which are conducted within a twelve month period which collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

E. Any existing development project for which multiple applications for building permits are submitted within a twelve month period beginning on or after the effective date of this Chapter, for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

F. Any existing development project occupied by multiple tenants, one of which submits on or after the effective date of this Chapter, an application for a building permit for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

G. Any existing development project occupied by multiple tenants, one of which submits on or after the effective date of this Chapter, an application for a building permit for multiple alterations which are conducted within a twelve month period which collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

H. Any existing development project occupied by multiple

tenants, one of which submits within a twelve month period beginning on or after December 31, 1993, multiple applications for building permits for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

8.42.610 Guidelines for All Development Projects.

A. Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.

B. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

C. The design, construction, and location of recycling areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.

D. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

E. Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

F. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

G. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.

8.42.620 Additional Guidelines for Single Tenant Development Projects.

A. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.

B. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.

8.42.630 Additional Guidelines for Multiple Tenant Development Projects.

A. Recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.

B. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.

8.42.640 Location.

A. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.

B. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

C. Before building permits shall be issued for development projects, plans for the adequacy, accessibility, convenience and location of solid waste and recyclable containers and storage facilities must be approved by the County Building, Planning and Environmental Management Departments and the respective franchisee.

ARTICLE VII. PROHIBITED ACTS, NUISANCES, VIOLATIONS, ABATEMENT AND PENALTIES

8.42.700 Littering, Accumulation of Litter, and Illegal Dumping Prohibited.

A. It shall be unlawful for any person to throw, dump, scatter, discard, place or deposit litter or solid waste in any manner or amount on any highway, road, right-of-way, or public or private property within the unincorporated area of the County, except in containers or in areas lawfully provided for or permitted for that use.

B. The existence or accumulation, without the authority of the County, of litter, trash, scrap materials, junk parts, garbage or refuse of any kind upon private property shall be prohibited, provided that said refuse is visible to the occupants of an adjacent or nearby parcel of real property, or to the users of any right of way. It shall be unlawful to allow accumulations of wastepaper, litter or combustible or flammable waste materials or rubbish of any kind to remain in any court, yard, vacant lot or open space.

8.42.710 Unauthorized Use of Public Receptacles. It shall be unlawful for any owner, manager or employee of a commercial establishment or institution to deposit solid waste from the establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

8.42.720 Unauthorized Dumping, Deposition or Disposal of Hazardous Waste Prohibited. No person shall dump, deposit, or otherwise dispose of any hazardous or biomedical waste onto land, into soil, rock, air, or water or at an unauthorized disposal sites, transfer stations, resource recovery facilities, transformation facilities, buy back centers, drop off recycling centers, or any container to be collected and ultimately deposited, unless otherwise approved in advance and in writing by the Board or Director.

8.42.730 Burning Solid Waste Prohibited. No person shall burn or incinerate solid waste except as permitted by the Department.

8.42.740 Storing Refuse Inside Buildings Prohibited. No person, except a franchisee or permittee authorized by the Board under this ordinance, shall store solid waste inside a building or structure except in enclosed containers as specified in sections 8.42.520 and as is necessary or incidental to the temporary storage

of such waste until the next regularly scheduled solid waste collection pick-up. Such temporary storage shall not exceed the time limits specified in section 8.42.500.

8.42.750 Tampering with Container Unlawful. No person shall tamper with, modify, remove from, or deposit solid waste or recyclable materials in any container which has not been provided for his/her use, without the permission of the container owner.

8.42.760 Placement of Solid Waste On Property of Another Prohibited. No person shall place solid waste upon the land of another, or in a residential or commercial solid waste receptacle of another, or upon premises other than those from which the solid waste originated, for the purpose of making solid waste available for collection and disposal.

8.42.770 Tampering or Removal of Recyclable Materials. No person shall, other than the owner, franchised recyclable materials hauler, tamper with, modify, or deposit wastes into recyclable materials that have been segregated from non-recyclable wastes and placed at a designated collection location for the purpose of collection and recycling. Unless otherwise provided by contract, all recyclable materials which are segregated from non-recyclable wastes for the purpose of recycling, and placed at a designated collection location, may not be removed by anyone other than the franchised recyclable materials collector or owner.

8.42.780 Load Covering Required During Transportation. No person, franchisee or permittee shall transport solid waste and/or recyclable materials within the County unless the vehicle load is covered in such a way so as to prevent wastes or recyclable materials from blowing or falling from the load. Persons hauling wastes or recyclable materials from their residences, or wastes or recyclable materials produced in the course of their own business, or persons performing occasional hauling for others without compensation must haul such materials in appropriate covered vehicles or must cover the loads with a temporary cover suitable to prevent materials from being blown or falling from the load.

8.42.790 Trespass at Any Solid Waste Disposal, Transfer Station or Processing Facility.

A. No person shall enter upon any County owned or franchised waste disposal site, transfer station or processing facility without first obtaining County's and/or franchisee's consent. Such consent shall be deemed to have been given where a person is:

1. Entering the facility for the purpose of disposing of solid waste or recyclable materials in

accordance with County ordinance or state and federal law; or

2. Logging in with the franchisee with responsibility 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 and/or franchisee so that arrangements can be made for an employee to be present; or
3. Obtaining the permission of the Department and/or franchisee for visits. The permission shall be in writing from the Director and shall contain conditions and restrictions as to its use, and the visitor shall execute a signed and witnessed hold-harmless agreement.

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

ARTICLE VIII ABATEMENT AND PENALTIES

8.42.800 Abatement Procedures. When addressing prohibited acts associated with litter and solid waste, the following abatement procedures will apply:

A. The procedures provided by this Article are not exclusive, but are in addition to other procedures provided by other provisions of this code or any other law of this state.

B. When the Director determines that acts are being performed or conditions exist which have been declared by law to be in violation of this Chapter 8.42, the Director shall notify by certified letter, the owner of the property upon which the violation exists and the current occupant, if any, and if identifiable.

The letter shall contain the following information:

1. The assessor's parcel number of the property upon which such violation exists as shown on the current records of the County assessor or any other description that in the opinion of the Director is necessary to identify the property.

2. A description of the acts or conditions constituting the violation.

3. A final compliance date.

4. A description of the steps necessary to abate the violation.

5. The date, time and location of a hearing at which objections to the abatement of the violation may be heard. The hearing shall be held no earlier than five days after the date of the letter, unless the parties agree otherwise.

6. Notice that the nuisance will be abated by county authorities and all costs will be assessed upon the property, should the nuisance remain after the hearing date.

C. A copy of such notice shall be mailed to each person named in subsection (1) herein.

D. A copy of such notice shall be posted upon the property upon or in front of which the nuisance is declared to exist.

E. An error in name or address of any person, or the failure of any person to whom notice is to be given to receive the notice shall not affect the validity of the proceedings.

8.42.810 Steps Necessary to Abate the Nuisance by Owner.

A. If the owner intends to correct the violation, he/she must comply by the date set forth in the notice of violation.

B. If the property owner fails to response or refuses to comply within the deadline, the County will abate the nuisance.

C. A bill will be sent to the property owner for the cost and service charges associated with the abatement.

D. If payment is not received from the property owner within sixty (60) days of the date of mailing of the bill referred to in subsection (C) herein, a lien will be placed against the property.

8.42.820 Action by Director

A. If after hearing all the evidence at the time and place set forth in the notice of violation the hearing officer determines that the act is or conditions do not constitute a violation, he/she shall so find in writing and the proceedings shall terminate.

B. If the hearing officer determines that the acts or conditions do constitute a violation of this Article, he/she shall so find in writing after which the County may commence the abatement of the violation.

8.42.830 Immediate Abatement. Where litter conditions exist to the extent that they constitute a potential fire hazard, or an immediate threat to the health, safety and/or welfare of neighboring residents, the Director is hereby authorized to initiate immediate action to correct the problem by either contacting the appropriate fire and/or health authorities, or by commencing an immediate abatement. A hearing shall be held thereafter pursuant to section 8.42.800 to determine whether the property owner may be held liable for the costs of abatement.

8.42.840 Violation - Penalty. Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Chapter 1.24 of this Code.

8.42.850 Compliance with State Law. Nothing herein shall be construed to relieve any person from compliance with state law as to any activity allowed or permitted by the County hereunder.

8.42.860 Enforcement by Local Enforcement Agency. Nothing herein shall be construed to limit or restrict the authority of the Local Enforcement Agency as set forth in Article 1, Chapter 2, Part 4 of Division 30 of the Public Resources Code and regulations promulgated thereunder.

Section 2. This amendment shall take effect and shall become effective thirty (30) days after the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 8th day of February, 1944, by the following vote of said Board:

Ayes: Supervisors William S. Bradley, Raymond J. Nitting, J. Mark Nielsen, William H. Conter, John E. Upton

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

Noes: none
Absent: none

By Margaret E. Needy
Deputy Clerk

John E. Upton
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk