

ORDINANCE NO. 9666 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 68.501, 68.502 AND 68.563 OF THE
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATING TO MANAGEMENT OF SOLID WASTE

The Board of Supervisors of the County of San Diego ordains as follows

Section 1. The Board of Supervisors finds and determines that clarification and corrections are needed in the San Diego County Code regarding Solid Waste Management to better define terms and align them with California Code, and also to enhance the County's ability to ensure sanitary conditions in collection of Solid Waste by requiring that collection containers be placed in a manner that does not impede access to neighboring driveways, mailboxes, or easements, and before 6:00 p.m. of the day prior to the regular day for collection by the franchised collector, or after 12:00 p.m. on the day following collection day.

Section 2. Sections 68.501, 68.502 and 68.563 of the San Diego County Code are hereby amended to read as follows:

SEC. 68.501. GENERAL.

The purpose of this chapter is to provide for the management of Solid Waste; the storage, collection, transportation, and recovery of marketable and recyclable materials; the disposal of solid waste in San Diego County; and the orderly regulation of the business of collecting, transporting, and/or disposing of solid waste kept, accumulated or produced within the unincorporated area of the County.

(a) Declaration of Policy. Solid waste must be regulated to the extent necessary to protect the health, safety, and welfare of the public, to conserve disposal capacity, to meet state laws and to ensure cost effective public service. To this end, the Board of Supervisors finds that to give practical effect to this policy, a system of non-exclusive management agreements to regulate the collection of waste, and a comprehensive system for the storage, collection, removal, transport, recovery of marketable and recyclable materials, and disposal of solid waste in the unincorporated areas of the County is essential.

(b) Definitions. For the purpose of this Chapter, the following words and phrases shall have the meaning given herein unless their use in the text of the Chapter clearly demonstrates a different meaning.

(1) "Aluminum" means recoverable aluminum materials such as used beverage containers, siding, and other manufactured items.

(2) "Authorized Enforcement Official" means the Director of the Department of Public Works, the Director of the Department of Planning and Land Use or the

Director of the Department of Environmental Health and the designees of those Directors, in accordance with department responsibilities outlined in this Section.

(3) "Biohazardous Waste" means waste such as pathological cultures and stocks of infectious agents, discarded live and attenuated vaccines, culture dishes, recognizable fluid blood elements and regulated body fluids, sharps, and body parts. Biohazardous waste includes any other waste defined as such, in Chapter 6.1 of the California Health and Safety Code.

(4) "Board" means the Board of Supervisors of the County of San Diego.

(5) "Bulky waste" includes large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

(6) "Buy-back Center" means a facility which pays a fee for the delivery and transfer of ownership to the facility of source separated materials, for the purpose of recycling or composting.

(7) "Cardboard" means post-consumer waste paper grade corrugated cardboard (#11), kraft (brown) paper bags or solid fiber boxes which have served their packaging purpose and are discarded and can later be reclaimed for collection and recovery for recycling.

(8) "Collection" means to take physical possession of solid waste materials or recyclables at residential, commercial, industrial, or governmental sites, and transport it to a facility for processing, composting, transfer, disposal or burning.

(9) "Collection Vehicle or Equipment" means any vehicle or equipment used in the collection of residential, commercial, industrial, or governmental solid waste or recyclables.

(10) "Collector" means any person who holds a valid, unrevoked, and unexpired County nonexclusive Solid Waste Management Agreement to operate on public property an enterprise for the collection and subsequent transportation or disposal of Solid Waste within the County. A Collector operates routes or provides regular service and is directly or indirectly reimbursed for the collection and disposal of solid waste from residential, commercial, or industrial premises in the unincorporated area of San Diego County.

(11) "Commercial Solid Waste" means solid waste originating from stores, offices, and other commercial sources but does not include construction and demolition waste (14) or industrial sold waste (28).

(12) "Commercial Service" means collection of all types of solid wastes generated by stores, offices, and other commercial sources.

(13) "Compostable Material" means any organic material that when accumulated can become active compost as defined in Section 17852(a)(1). of CIWMB Title 14 Div 7 Chapter 3.1 Section 17852.

(a) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

(2) For Residences, Compostable material consists of any vegetative material that can be processed for decomposition to provide soil amendments, including ruminant manures.

(14) "Construction and Demolition Waste" means the nonhazardous waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. .

(15) "County" means the County of San Diego.

(16) "Curbside Collection" means the collection of recyclables or solid waste from the residential waste stream from curb or alleyway.

(17) "Designated Recyclables" means those materials designated as such by the Authorized Enforcement Official or by this chapter.

(18) "Disposal" means the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.

(19) "Food Waste" means all institutional, wholesale, retail, and residential food wastes.

(20) "Garbage" means all kitchen and table waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking, or handling of foodstuffs.

(21) "Glass bottles and jars" means food and beverage glass containers including container glass covered by the deposit law, and excluding household and kitchen containers such as drinking glasses, cups, and cooking and serving dishes.

(22) "Hazardous Waste" means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code Sections 25110.02, 25115, and 25117 or in the future amendments to or modifications of such statutes or identified and listed as hazardous waste by the U.S. Environmental Protection Agency, pursuant to the Federal Resource Conservation and Recovery Act (42 USC Sec. 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated.

(23) "Hospitality Facilities" means establishments serving food and beverages including all restaurants, taverns, and hotels and motels with restaurants and/or taverns on the premises.

(24) "Hospitality Recyclables" means aluminum, corrugated cardboard, glass jars and bottles, plastic beverage bottles, tin and bi-metal cans, and white goods generated by hospitality facilities.

(25) "Highway" shall mean any street, road, alley, highway, or thoroughfare.

(26) "Industrial Recyclables" means loads consisting of 90% or more of one of the following materials: asphalt, concrete, dirt, land clearing brush, sand, and rock.

(27) "Industrial Service" means collection of all types of solid wastes which result from construction and demolition activity, industrial processes and manufacturing operations, excluding hazardous wastes.

(28) "Industrial Solid Waste" means solid waste originating from mechanized manufacturing facilities, factories, refineries, publicly operated treatment works, and/or solid wastes placed in commercial collection bins.

(29) "Inert" means materials such as concrete, soil, asphalt, ceramics, earthen cooking ware, automotive safety glass, and mirrors.

(30) "Municipal Solid Waste Landfill" or "MSW Landfill" means any landfill that is subject to Title 27 Division 2 Solid Waste of the California Code of Regulations.

(31) "Litter" means any post-consumer waste which is not deposited in (1) an authorized solid waste disposal site, (2) appropriate and serviced storage container(s), or (3) other areas designated for disposal of solid waste.

(32) "Manure" means accumulated animal excrement. This includes but is not limited to feces and/or urine, any animal bedding material, spilled feed, or soil that is mixed with feces and/or urine.

(33) "Medical Waste" means any solid waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, or research pertaining thereto, and shall include but not be limited to biohazardous and medical waste

or other solid waste as defined by Chapter 12 of the County Code of Regulatory Ordinances or state and federal law.

(34) "Multi-Family" means any premises, five units or more, that is serviced in a manner similar to commercial and industrial property (bin or debris box), but used for residential purposes (not including hotels or motels) irrespective of whether residence therein is transient, temporary or permanent.

(35) "Newspaper" means publications or packing materials made of newsprint; also known as old newspaper or "ONP".

(36) "Non-exclusive management agreements." Non-exclusive management agreements are between the County of San Diego and solid waste and recycling collectors operating in the unincorporated area of San Diego County for the collection, and subsequent transfer, transportation, recycling, processing and disposal of commercial, industrial, and residential solid waste. Agreements in the unincorporated area are, non-exclusive, which means several collectors can compete for customers in the unincorporated area.

(37) "Nuisance" means anything which is injurious to human health, or is indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood, or any number of persons, although the extent of annoyance or damage inflicted upon the individual may be unequal, and which occurs as a result of the storage, removal, transport, processing, or disposal of solid waste and/or recyclables.

(38) "Occupant" includes and means every owner, tenant, or person having the care or control of any premise(s).

(39) "Office Buildings" means any office and/or combination of offices enclosed in a single or connected building with 20,000 square feet or more of office space used for commercial, governmental, or educational purposes.

(40) "Office Paper" means waste paper grades of office generated paper. Examples include computer and ledger papers and other papers that are commonly accepted by office paper recycling services.

(41) "Office Recyclables" means office paper, corrugated cardboard, newspaper, and aluminum.

(42) "Operator" means the Landowner or other person who through a lease, franchise agreement or other arrangement with the landowner becomes legally responsible to the State for solid waste facility or disposal site requirements including, but not limited to, the following: obtaining a solid waste facility permit;

- A. complying with all applicable federal, state and local requirements;
- B. the physical operation of the facility or site; and

C. closing and maintaining the site during postclosure maintenance period.

(43) "Permit Areas" means those areas designated by the County on the map entitled "County of San Diego Solid Waste Subregional Collection Areas". The map is on file in the office of the Clerk of the Board of Supervisors and in the office of the Authorized Enforcement Official. Permit areas may be adjusted from time to time by the Authorized Enforcement Official.

(44) "Permittee" shall mean a person or corporation who holds a valid, unrevoked, and unexpired Non-Exclusive Solid Waste Management Agreement issued pursuant to this Chapter.

(45) "Person" means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, State of California, political subdivision, government agency, municipality, public corporation, or any other entity whatsoever.

(46) "Plastic Beverage Bottles" means plastic containers composed of "natural" high density polyethylene (HDPE #2) and polyethylene terephthalate (PET or PETE #1) resin types with narrow necks, or mouth openings smaller than the diameter of the container bodies, used for containing milk, juice, soft drinks, or water intended for human consumption; to be distinguished from non-food bottles such as those for containing motor oil, detergent, or other household products.

(47) "Premises" means a tract or parcel of land with or without habitable buildings or appurtenant structures.

(48) "Pollution" means the condition caused by the presence in or on a body of water, soil, or air of any solid waste or substance derived therefrom in such quantity, of such nature and duration, or under such condition that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.

(49) "Processing" means the reduction, separation, recovery, or conversion, of solid waste.

(50) "Putrescible Wastes" means wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause a nuisance because of odors, gases or other offensive conditions. Material in this category includes but is not limited to kitchen waste, dead animals, food from containers, etc.

(51) "Radioactive Waste" means any waste which exceeds regulatory levels of activity as defined in Chapter 7 of the California Health and Safety Code.

(52) "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconfiguring 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. Recycling does not include transformation.

(53) "Refuse" means any mixture of putrescible and nonputrescible solid and semi-solid wastes, including but not limited to, garbage, trash, residential refuse, industrial and commercial solid waste, vegetable or animal solid and semi-solid wastes, and other solid waste destined for disposal sites.

(54) "Refuse Collection Vehicle" means any vehicle used for the collection and/or transport of solid waste. Vehicles shall be durable, easily cleanable and designed for safe handling, and constructed to prevent loss of wastes from the vehicle during collection or transport. If such equipment is used to collect or transport garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such equipment shall in all cases be non-absorbent and leak resistant.

(55) "Regional Collection Area" shall be defined as a geographic area(s) where conditions exist or might exist that threaten to cause damage to the public health, safety, general welfare or environment.

(56) "Removal" means the act of taking solid wastes or recoverable material from the place of generation either by an approved collector, agent for the collector or by a person in control of the premises.

(57) "Removal Frequency" means frequency of removal of solid wastes or recoverable materials from the place of generation.

(58) "Residential Recyclables" means aluminum, glass bottles and jars, newspaper, plastic beverage bottles, tin and bi-metal cans, white goods, and yard waste from residential generators and any other materials so designated by the Authorized Enforcement Official.

(59) "Residential Service" means collection of all types of domestic solid waste or recyclables generated in residential dwellings.

(60) "Residential Solid Waste" means solid waste generated in single-family or multi-family dwellings.

(61) "Rubbish" means non-putrescible solid wastes.

(62) "Rural Container Station" means a solid waste facility provided in the sparsely populated areas, primarily the interior zone area of the County, and which is restricted to the deposit of normal residential refuse.

(63) "Segregated From Other Waste Material" means any of the following: the placement of recyclables in separate containers; the binding of recyclable material

separately from waste material; the physical separation of recyclables from other waste material.

(64) "Single-family" means a structure containing a dwelling unit that is serviced with solid waste and recycling removal.

(65) "Solid Waste" means all putrescible and non-putrescible solid, semi-solid and liquid wastes, including, but not limited to, refuse, trash, garbage, rubbish, paper, ashes, industrial wastes, construction and demolition waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and dewatered, treated, or chemically fixed sewage sludge, which provided that sludge is not hazardous waste.

Solid waste does not include any of the following waste:

- A. hazardous waste
- B. radioactive waste
- C. medical waste

(66) "Solid Waste Facility" includes a solid waste transfer or processing facility, a construction, demolition and inert debris processing/disposal facility, a compostable materials handling facility, a transformation facility, an incinerator or a disposal facility.

(67) "Solid Waste Management" means a planned program for effectively controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid waste in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal, litter control and resource recovery systems necessary to achieve established objectives.

(68) "Storage" means the interim containment of solid waste, materials and recyclables in an approved manner.

(69) "Tin and bi-metal cans" means any food or beverage containers that are composed of steel with a tin coating or steel and aluminum.

(70) "Transfer or Processing Station" means those facilities that receive, handle, separate, convert or otherwise process materials in solid waste; and/or transfer solid waste directly from one container to another for transport; and/or store solid waste.

(71) "Vector" means a carrier, usually insects or rodents that are capable of transmitting a disease.

(72) "White Goods" means kitchen or other large appliances.

(73) "Wood Wastes" means lumber and wood products but excludes painted wood, wood treated with chemicals, and pressure treated wood.

(74) "Yard Wastes" means leaves, grass, weeds and wood materials from trees and shrubs.

Cross reference(s)--Definitions, § 12.101 et seq.

SEC. 68.502. SOLID WASTE DECLARED PUBLIC NUISANCE.

It shall be unlawful and is a public nuisance for any person to place, deposit or bury, or to employ anyone on their behalf, to place, deposit or bury, any "solid waste" as defined in section 68.501(65) upon the right of way of any street or highway, or any park or campgrounds, or upon and any public or private property, unless the property is a solid waste facility regulated under the California Public Resources Code. It shall also be unlawful and a public nuisance for any owner or occupier of private property who knows that solid waste has been unlawfully placed, deposited or buried on property owned or occupied by him, to allow the solid waste to remain on the property.

Cross reference(s)--Uniform public nuisance abatement procedure, § 16.201 et seq.

SEC. 68.563. STANDARDS FOR CUSTOMERS.

Property owners or any person being provided with residential, commercial, or industrial collection service (solid waste, recycling and/or green waste) in the unincorporated areas of the County shall comply with the following regulations:

(a) All reusable containers for collection service shall be of an adequate size and in sufficient numbers to contain without overflowing all the refuse that a household or other establishment generates within the designated removal period and shall be equipped with tight-fitting lids or closures.

(b) When plastic or paper bags are used as containers for collection service, they shall be tied or sealed when set out for collection.

(c) Property owners and/or persons receiving residential, commercial, or industrial collection service shall not place containers in a manner that impedes access to neighboring driveways, mailboxes, or easements.

(d) No person shall place, deposit or permit to remain any solid waste or containers for solid waste on streets, curbs, or sidewalks before 6:00 p.m. of the day prior to the regular day for collection by the franchised collector, or after 12:00 p.m. on the day following collection day.

(e) Violation of this ordinance shall be charged as an infraction, except that a person convicted of two or more violations in a one year period, may at the discretion of the prosecutor, be charged with a misdemeanor.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force on August 14, 2004, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in County of San Diego.

PASSED, APPROVED, AND ADOPTED this 14th day of July, 2004.