

**ORDINANCE NO. 745
(AS AMENDED THROUGH 745.2)**

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE 745
PROVIDING FOR THE COMPREHENSIVE COLLECTION AND DISPOSAL OF SOLID
WASTE WITHIN SPECIFIED UNINCORPORATED AREAS OF RIVERSIDE COUNTY**

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

SECTION 1. The Board of Supervisors of the County of Riverside hereby makes the following findings:

- A.** A considerable volume and variety of solid wastes are being generated in Riverside County;
- B.** Such wastes are creating conditions which threaten the public health, safety, and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment;
- C.** The foregoing conditions arise from the interaction of a number of factors, including rapid population increase, decentralized urban growth, industrial expansion, agricultural changes, transportation improvements, reduction in the number of landfills, and technological developments in the manufacturing, packaging, and marketing of consumer products;
- D.** It is becoming increasingly necessary for the protection of the health, safety and welfare of the residents in the unincorporated areas of Riverside County that solid waste generated in such areas be promptly and safely collected and disposed of in an orderly and efficient manner;
- E.** It is also necessary to carefully control the collection and disposal of solid waste so that the reductions required to be made by the Statutes for 1989, Chapter 1095 (AB 939) can be planned for and accurately measured; and
- F.** California Government Code, Sections 25827 and 25828 authorize the comprehensive collection of solid waste in unincorporated areas and require payment therefore by those persons and properties benefitted thereby.

In light of the findings above made, it is the intent and desire of the Board of Supervisors of this County to establish a Program of Comprehensive Collection in such areas as may be hereafter identified by a Resolution duly adopted by the Board.

SECTION 2. DEFINITIONS. Unless the context otherwise specifies or requires, the terms defined in this Section shall, for all purposes of this Ordinance, have the meanings herein specified. The definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined:

- A.** The term "**Commercial Unit**" shall mean Commercial, Industrial, or

- Institutional facilities;
- B. The term "**County**" means the County of Riverside;
 - C. The term "**Director**" means the Director of Environmental Health of the County of Riverside or his designee;
 - D. The term "**Dwelling**" means a residence, flat, apartment, or other facility, used for housing one or more persons in the County of Riverside;
 - E. The term "**Hauler**" means a solid waste Hauler duly permitted or franchised by the County of Riverside pursuant to the provisions of Ordinance No. 657, as amended, or any successor ordinance;
 - F. The term "**Owner**" means any person, firm or business that owns, occupies or otherwise controls real property.

SECTION 3. AREA OF COMPREHENSIVE COLLECTION. Any Program of Comprehensive Collection and payment therefore shall be established and operated only in those areas of the County as specified in a Resolution or Resolutions adopted by the Board of Supervisors following a duly noticed public hearing.

SECTION 4. OWNER RESPONSIBLE FOR PAYMENT FOR COMPREHENSIVE COLLECTION SERVICE.

- A. The Owner of any Dwelling or Commercial unit shall subscribe to and pay for comprehensive refuse collection service rendered to such Dwelling or Commercial unit by a Hauler and may be required to provide at a location accessible to the Hauler, a container or containers of adequate capacity and functional design as determined by the County for the deposit of solid waste generated on the premises.
- B. Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant or tenants, or any agent, on behalf of the Owner. However, any such arrangement shall not legally excuse the Owner's obligation to the Hauler or to the County under this Ordinance.
- C. When identified as a Tax Lien Guaranteed Comprehensive Collection Area within the enabling Resolution or Resolutions as identified in Section 3, non-payment shall be subject to the remedies established in Sections 11, 12, 13 and 14 of this Ordinance."

SECTION 5. FAILURE TO INITIATE SERVICE OR TO PROVIDE SUFFICIENT REFUSE CONTAINERS.

- A. When an Owner or tenant fails to initiate adequate refuse collection service within fifteen (15) calendar days of occupancy of a dwelling, the Director shall give the Owner written notification that such service is required. If service is not initiated within fifteen (15) calendar days from the date of mailing of the notice, then the Director may require the Hauler to initiate and continue solid waste collection service for said dwelling or dwellings.
- B. When, in the judgment of the Director, additional refuse containers are

required, they may be provided by the Hauler or, upon written notification by the Director, the Owner may be required to provide such containers. The cost of any additional containers furnished by the Hauler shall be added to the collection fees and collected in the same manner as the collection fees.

SECTION 6. EXEMPTION FROM SERVICE.

A. Dwellings

1. The Owner of any Dwelling may apply for exemption from Comprehensive Collection Service by submitting a written application on a form issued by the Director accompanied by a non-refundable application fee to the Director requesting a permit to provide self-haul solid waste collection, and transportation. This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the Director upon submittal of application and deposit of application fees to the Director.
2. The form and content of said application shall be approved by the Director.
3. The Owner may be granted an exemption provided he/she can adequately document that he/she can properly transport all solid waste generated on the premises, in a safe and sanitary manner, to an approved Solid Waste Facility. The Director may require the grantee to furnish evidence such as landfill receipts, of such delivery of waste.
4. The application fee shall include an administrative fee of ten dollars (\$10.00) in addition to a deposit equal to the average annual landfill disposal cost for county residents. This deposit will be forwarded to the Waste Resources Management District as a pre-payment for one year's weekly refuse disposal.
5. The Director shall provide the grantee with a card or other document which attests to the prepayment of the landfill fee and which will further allow weekly disposal privileges at all Riverside County Disposal Facilities.
6. Should the grantee violate the provisions of this Ordinance or Ordinance No. 657 the Director may, upon advance written notice to the Owner, revoke the exemption and require the Owner to subscribe to and pay for refuse collection services as described in Sections 3. and 9.

B. Commercial Units

1. The Owner of any Commercial Unit may apply for exemption from Comprehensive Collection Service by submitting a written application

on a form issued by the Director accompanied by a non-refundable application fee to the Director requesting a permit to provide self-haul solid waste collection and transportation. This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the Director upon submittal of application and deposit of application fees to the Director.

2. The form and content of said application shall be approved by the Director.
3. The Owner may be granted an exemption provided he/she can adequately document that he/she can properly transport all solid waste generated on the premises, in a safe and sanitary manner, to an approved Solid Waste Facility.
 - a) The vehicles and equipment to be used for transporting the waste shall be listed by the Owner and made available for inspection by this Department.
 - b) The vehicles used shall meet the standards contained in Ordinance No. 657, Section 7C3.
 - c) An account in good standing is maintained at one or more disposal sites as defined in Riverside County Ordinance No. 657.
4. The Director may require the grantee to furnish evidence, such as landfill receipts, of such delivery of waste.
5. The application fee shall include an administrative fee of twenty five dollars (\$25.00).
6. Should the grantee violate the provisions of this Ordinance or Ordinance No. 657 the Director may, upon advance written notice to the Owner, revoke the exemption and require the Owner to subscribe to and pay for refuse collection services as described in Section 3. and Sections 9. to Section 14., inclusive.

SECTION 7. TEMPORARY DISCONTINUANCE OF SERVICE.

- A. An Owner may discontinue solid waste collection service up to two (2) times during a given fiscal year (i.e., July 1-June 30), providing the dwelling(s) will be unoccupied throughout the entire period of discontinuance.
- B. The Owner shall give written notification to the Hauler at least fifteen (15) working days prior to the date that discontinuance of service is requested.
- C. Should an Owner, after discontinuing service, request that service be re-established, the Hauler may charge a reconnect fee equal to, but not exceeding, fifty per cent (50%) of the cost for one (1) month's regular

collection service as provided by the Board of Supervisors upon application for resumption of collection service. However, no such reconnect fee shall be charged for properties where title is being legally transferred resulting in a discontinuance and later reconnection of collection service.

SECTION 8. HAULER ENTITLED TO PAYMENT FOR SERVICES RENDERED

- A.** The Hauler shall be entitled to payment from the Owner for services rendered and in the amounts as specified in a Resolution or Resolutions adopted by the Board of Supervisors.
- B.** A failure to make timely payment for any service rendered by the Hauler shall constitute a violation of this ordinance and be subject to the penalty provisions herein included.

SECTION 9. BILLS AND STATEMENTS OF NONPAYMENT.

- A.** Upon the expiration of not less than thirty (30) calendar days from the date that the Hauler first presented a bill to the occupants of the premises, if the bill has not been paid in full, the Hauler shall send the Owner a second, written request for payment.
- B.** The second, written request shall include a Warning Notice that if the fees due are not paid within sixty (60) calendar days, waste collection services shall be terminated and the county advised of a Failure to Maintain a waste Collection service by the occupants of the premises. The Warning Notice shall also be sent to the most recent address of the Owner as shown on the records of the Riverside County Assessor's Office and shall include information with respect to penalties that may become due.
- C.** The form and content of said Warning Notice shall be approved by the Director and shall advise the property owner of his or her right to a hearing to contest the charges.
- D.** Upon the expiration of not less than thirty (30) calendar days following the mailing of the second request for payment, provided the bill still remains unpaid, the Hauler may file with the Director a verified written statement which shall contain the specific facts setting forth the name or names of said Owner(s), the address of the Dwelling service, the period of service, the amount(s) due, the steps taken to secure payment and such other information as the Director may reasonably require.
- E.** Unless otherwise provided by the Director, the Hauler shall not be required to continue to provide such solid waste collection service if the account remains unpaid past the sixty (60) days specified in the second notice.

SECTION 10. APPEALS.

- A.** **Appeals Procedure.**

1. A property owner or person who is adversely affected by the notice set forth in Section 9, may appeal to the Board of Appeals within the twenty (20) calendar days of the post-mark on the Warning Notice by filing a timely written appeal with the Director. Timely appeal shall not stay any further solid waste collection or responsibility to pay therefore. The Director shall set the matter for hearing before the Board of Appeals and shall notify the Appellant by mail of the date set for such hearing, at least fifteen (15) days prior to said date. If the Appellant resides outside the County, the above period of notice by mail before the hearing shall be at least twenty-five (25) days. The Appellant shall have the right to appear in person or by an agent, designated in writing, at the hearing, and present oral, and/or written, evidence. The Board of Appeals shall decide the appeal and shall issue its decision, which shall be in writing.
2. The Board of Appeals shall have authority to make reasonable adjustments in the amount billed or to excuse payment altogether as well as authority to grant ancillary relief. The Board of Appeals shall have authority to determine that the Hauler shall not be entitled to any payment from the owner or person affected. The Board of Appeals shall have no authority to award monetary damages, costs or attorney's fees.
3. The Owner or other person affected may appeal the decision of the Board of Appeals to the Board of Supervisors by filing a written request with the Clerk of the Board of Supervisors within thirty (30) days of the mailing of the written decision of the Board of Appeals.

B. Composition of Board of Appeals. The Board of Appeals shall be comprised of three (3) persons selected and appointed as follows:

- One (1) member shall be from the solid waste hauling industry currently operating in Riverside County but shall not be from the company, or a related company of the company, that has provided the services which are being contested.
- One (1) member shall be an employee in the County Environmental Health Department.
- One (1) member shall be a public representative, but shall not be the actual Appellant in the action or related to the appellant by blood, marriage or through business dealings.

C. The Director shall have the authority to determine the actual composition of any given hearing panel. The industry and public representative members of the panel shall be drawn from the similarly designated members of the Solid Waste Advisory Council/Local Solid Waste Task Force for Riverside County.

SECTION 11. PAYMENT BY COUNTY GIVES RISE TO LIEN.

Upon the receipt of the statement filed in accordance with Section 9, the

Director may authorize payment in the amount due the Hauler from a continuing appropriation account so provided herein under Section 14. The Owner shall be directly liable to the County for fees paid. Upon confirmation by the Board of Supervisors by Resolution duly adopted and upon recordation thereof as provided in sections 12 and 13 of the Ordinance, the Director shall mail written notice to the Owner at the address as shown on the latest equalized county assessment roll. In addition, the Director shall notify the Owner that if the fees and administrative charges plus interest remain unpaid, subsequent proceedings may be taken to make said fees and charges a special assessment on the real property to which said solid waste collection service was rendered.

SECTION 12. REPORT OF DELINQUENCIES TRANSMITTED TO BOARD OF SUPERVISORS.

The Director shall, on annual basis, prepare and submit a report of delinquent charges and a proposed resolution confirming the report to the Board, thereby initiating proceedings before the Board to make delinquent solid waste collection service fees a special assessment and lien against the parcels of property situated within the County to which said service was rendered and fees paid by the County and not reimbursed by the Owner. Upon receipt of the report, the Board shall fix a time, date, and place for hearing the report. The Board shall cause notice of the hearing to be mailed to the Owners of the property listed on the report not less than 10 days prior to the date of the hearing. At the hearing the Board shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The Board may make revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

SECTION 13. COLLECTION OF ASSESSMENT.

The delinquent charges set forth in the report specified in Section 12 of this ordinance and as confirmed therein shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the delinquent charges. A certified copy of the conformed report, as well as all data and documentation required by the Auditor-Controller as specified in that office's procedures for placement of fixed charge benefit assessments on the tax roll, shall be filed with the County Auditor-Controller, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation in the Office of the County Recorder of a certified copy of the resolution of confirmation. The assessment shall be collected at the same time and in the same manner as ordinary County ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection, and enforcement of County ad valorem taxes shall be applicable to the assessment, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the lien which would otherwise be imposed hereby shall not attach to the real property and

the delinquent charges, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.

SECTION 14. CONTINUING APPROPRIATION ACCOUNT.

There is hereby created in the Environmental Health Department, a fund account entitled "Payment of Property Owner's Delinquencies for Solid Waste Collection Service". This fund is hereby created by a forty thousand dollar (\$40,000.00) appropriation from current years Solid Waste Franchise Fees. Thereafter, this account shall be credited with such sums as may be appropriated by the Board of Supervisors from the originating source, franchise or permit fees, delinquencies collected by the Environmental Health Department, assessments collected by the Tax Collector, and sums received in consideration of release of liens. Expenditures from said sums shall be made to Haulers for Owner delinquent accounts."

SECTION 15. MANNER OF GIVING NOTICES.

Any notice required to be given hereunder by the County, the Director, or any Hauler to an Owner, shall be sufficiently given or served upon the Owner for all purposes hereunder, if personally served upon the Owner or if deposited, postage prepaid, in a post office letter box addressed to the "Owner" at the official address of the Owner maintained by the Assessor of the County for the mailing of tax bills or, if no such address is available, to the Owner at the address of the Dwelling.

SECTION 16. PENALTIES

It shall constitute an infraction for an owner as defined above to fail to sign up for or to timely pay for refuse collection service or to otherwise violate any provision of this ordinance and upon conviction of such violation shall be subject to a fine of \$100.00 for the first offense; \$200.00 for a second violation within a one (1) year period and \$500.00 for a third or subsequent violation within a one (1) year period. The additional remedies, penalties and procedures for violations and for recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated herein by this reference. The owner shall also be subject to court action to pay for trash collection service furnished to the property, residence or business located thereon.

SECTION 17. SEVERABILITY.

If any part or provision of this Ordinance, or application thereof, to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

This Ordinance shall take effect thirty (30) calendar days after adoption.

Adopted: 745 Item 3.5 of 11/29/1994 (Eff: 12/29/1994)

Amended: 745.1 Item 12.6 of 05/20/1997 (Eff: 06/19/1997)

745.2 Item 16.1 of 03/30/2004 (Eff: 04/29/2004)