ORDINANCE NO. 745
(AS AMENDED THROUGH 745.3)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 745
RELATING TO 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. Ordinance 745 is amended in its entirety to read as follows:

SECTION 1. PURPOSE
The Board of Supervisors of the County of Riverside hereby makes the following
findings:
A. A considerable volume and variety of solid wastes is generated in
Riverside County;
B. Such wastes can create 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. It is 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; and
D. California Government Code, Sections 25827 and 25828 authorize the
comprehensive collection of solid waste in unincorporated areas and
requires payment therefore by those persons and properties benefitted
thereby.

In light of the findings above, 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 otherwise stated, 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. "Commercial Unit" means Commercial, Industrial, or Institutional
facilities.
B. "County" means the County of Riverside.
C. "Director" means the Director of the Department of Environmental Health
of the County of Riverside or their designee.
D. "Hauler" means a solid waste Hauler duly franchised by the County of
Riverside.
E. "Multi-Residential Units" means permanent buildings containing three or
more residential units including, but not limited to, condominiums, apartment houses, and motels.

F. "Owner" means any person, firm or business that owns, or otherwise controls real property.

G. "Residential Unit" means a dwelling within the unincorporated area of the County occupied by a person or group of persons. A residential unit to which service must be rendered under the provisions of this ordinance shall be either a single-family residential unit or a duplex residential unit that requires waste collection service. A residential unit shall be deemed occupied when either water or power services are being supplied thereto. A duplex is considered to be two (2) attached residential units. This definition shall apply also to mobilehome subdivisions where the mobilehome lot is individually owned.

H. "Solid Waste" shall have the same definition as is set forth in California Public Resources Code Title 30 Section 40191.

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. SOLID WASTE REMOVAL RESPONSIBILITY
A. Every tenant, occupier, operator, or owner of a residential or commercial unit site shall, not less than once a week, cause to be removed all solid waste created, produced or brought upon the property to an approved disposal facility. Should conditions warrant, the Director may require increased frequency of collection so as to prevent the creation of a nuisance.

B. No container shall be placed adjacent to a street for collection more than twelve (12) hours prior to collection day. All containers shall be removed from the street location onto the owner’s property within twelve (12) hours after collection.

C. No person shall tamper with, remove from or deposit, any solid waste or recyclable materials in any container without the permission of the owner of the container.

D. All residential solid waste must be placed out at the curb pickup site by 6:00 A.M. on the designated pickup day.

SECTION 5. SOLID WASTE REMOVAL PROHIBITIONS
A. No person shall collect, transfer or remove solid waste in the unincorporated area of the County of Riverside without a franchise issued by the County of Riverside.

B. A franchisee shall not collect, transfer or remove solid waste in any area for which it does not hold a current and valid franchise.

C. Exempted from the foregoing prohibitions are the following:
1. A person may haul solid waste generated from his own residence. However, in a Comprehensive Collection Area, the resident is not excused from having to pay any comprehensive collection fee which may be applicable.

2. A business may remove commercial or industrial solid waste produced in the course of its own business, and utilizing only its own employees and equipment. However, in a Comprehensive Collection Area, the business is not excused from having to pay any comprehensive collection fee which may be applicable.

3. Construction contractors or their subcontractors, building remodeling contractors and demolition contractors, may haul their own construction debris and waste provided they utilize only their own employees and equipment.

4. The County of Riverside.

D. No person shall accept solid waste at any place, location, tract of land, area or premises that is not a solid waste facility as defined in Public Resources Code 40194, which facility is duly licensed, permitted, properly zoned and approved by all governmental bodies and agencies having jurisdiction.

SECTION 6. 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 to such Dwelling or Commercial unit.

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. Tax Lien Guaranteed Comprehensive Collection Areas shall be subject to the remedies established in this Ordinance.

D. 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.

SECTION 7. EXEMPTION FROM COMPREHENSIVE COLLECTION SERVICE.

Only the owner of a residential unit or commercial unit may request an exemption from comprehensive collection service. Requests for an exemption from service shall be submitted to the Department of Environmental Health on an application provided by the Department.
A. For an exemption from service to be considered the owner must provide the following:
   1. Proof of ownership for the property requesting exemption.
   2. Site to which the solid waste will be taken by the owner.
   3. Certification that the owner will provide receipts of proper disposal of all solid waste.
   4. The fees for an exemption from service shall be as noted in the Ordinance 640.

SECTION 8. 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. Fees for discontinuance of service shall be as noted in the current fee schedule for comprehensive collection approved by the Board of Supervisors.

SECTION 9. BILLS AND STATEMENTS OF NONPAYMENT
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. 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.
C. 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.
D. 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.
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.
F. The Hauler may submit a report to the Director each year of properties with unpaid trash charges that would be considered for property tax assessment.

SECTION 10. NONPAYMENT OF REFUSE COLLECTION SERVICES GIVES RISE TO PROPERTY TAX ASSESSMENT
A. At least once a year, the Director shall prepare a report of delinquent charges for the Board of Supervisors. Upon receipt of the report, the Board shall fix a time, date, and place for hearing the report and any protests or objections to the report.

B. The Board shall cause notice of the hearing to be mailed to the owners of property listed on the report not less than 10 days prior to the date of the hearing.

C. 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.

D. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the delinquent charges.

E. The report shall be filed with the Riverside County Auditor Controller’s Office (ACO) in a manner and timeframe dictated by the ACO. The ACO shall assess the delinquent charges to each property identified in the final report and the delinquent charges will be handled in the same manner as other Riverside County ad valorem taxes.

F. Any dispute related to delinquent charges assessed to a property shall be addressed by the Department of Environmental Health.

SECTION 11. DISBURSEMENT OF ASSESSMENT FUNDS
All monies collected as part of the special assessments as set forth in Section 9 shall be collected in a distinct fund account for each distinct hauler. When one tax year’s delinquent charges for a specific property has been paid in full to the ACO, those funds, minus the County’s Administrative fee, shall be paid to the hauler.

SECTION 12. VIOLATIONS
Any violation of this ordinance shall be subject to legal remedy up to and including administrative citations, as noted in Ordinance 725, and /or criminal citations. Those remedies may also include recovery of abatement costs, as defined in Ordinance 725, at the sole discretion of the Director.

SECTION 13. PUBLIC NUISANCE DECLARATION
In addition, any violation of this ordinance is hereby deemed to be a public nuisance, and may be abated by the Director or his designee, irrespective of any other remedy hereinabove provided.

SECTION 14. 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.
SECTION 2. This Ordinance shall take effect on January 3, 2019

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)
745.3 Item 3.32 of 12/04/2018 (Eff: 01/03/2019)