

**These amendments will be effective on May 6, 2021.**

**SCC NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 6.20 OF THE SACRAMENTO COUNTY CODE TO INCORPORATE REQUIREMENTS OF THE SACRAMENTO REGIONAL SOLID WASTE AUTHORITY CODE AND ADDRESS STATE REGULATIONS CONCERNING MANDATORY ORGANICS RECYCLING**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Article 1 of Chapter 6.20, Title 6, of the Sacramento County Code is amended to read as follows:

**Article 1 General Provisions.**

**6.20.010 History.**

The County has relied on a mixture of private companies and County staff and equipment to collect and transport solid waste, green waste, and recyclable material within the unincorporated area. In 1958, the Board of Supervisors, pursuant to competitive bidding, awarded two exclusive franchises for the collection of residential and commercial solid waste north of Calvine Road, one north of the American River and the other south of the American River. Pursuant to the discovery that there had been fraud and collusion among bidders for the franchise north of the American River, the franchise was terminated in 1963. Collection responsibility north of the American River was delegated, on an emergency basis, to another private hauler by contract. In 1968, the hauler became financially unstable and went out of business. The County undertook the performance of residential solid waste collection services directly by acquiring equipment, employing personnel, and acting as an enterprise. Six nonexclusive permits were issued for commercial collection north of the American River. When the second franchise terminated in 1973, the transition was largely complete, leaving only the area south of Calvine Road to be served by a contractor to the County. Single family dwelling residential curbside collection of recyclable material began in 1991 and of green waste in 1993.

Permittees continued to collect commercial solid waste within the unincorporated area throughout this transition. In 1975, regulations were enacted requiring permittees to divest themselves of ownership interests in each other. In 1996, in order to provide uniform regulation of commercial solid waste collection, removal, and transportation, the Sacramento Regional Solid Waste Authority (SWA) assumed regulatory responsibility for commercial solid waste permitting in the City of Sacramento and the unincorporated County of Sacramento. In 2000, the SWA adopted an ordinance establishing a non-exclusive franchise system for the collection of commercial solid waste throughout the City of Sacramento and the unincorporated County of Sacramento.

The County began operating the Kiefer landfill in 1967 to serve the solid waste disposal needs of residents and businesses in the County. An expansion of disposal

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capacity was approved in 2005 to extend the useful life of the landfill beyond 2036. The North Area Recovery Station (NARS) on Roseville Road was opened in 1973 to serve the County's waste transfer needs and still functions in this role, along with a Household Hazardous Waste (HHW) facility and expanded infrastructure for a variety of recyclable materials. The South Area Transfer Station (SATS) on Fruitridge Road was opened in 1977 and was utilized for solid waste transfer until 1999, when it was closed to the public. While SATS continues to provide usable, permitted waste transfer and processing capacity, since 2016 it has not been used in that manner.

The State of California has placed increased statutory and regulatory mandates for waste diversion from landfilling, reduced emissions and discharges from waste management and processing, and more stringent requirements for protecting human health and the environment from the risks associated with solid waste. These mandates, while intended to improve the environmental performance of municipal solid waste management systems, simultaneously pose challenges to effective and efficient solid waste management.

On April 23, 2019 the County Board of Supervisors adopted Resolution 2019-0277 electing to withdraw from the SWA. Such withdrawal effectively dissolved the SWA, as it had only the City of Sacramento and the County as member agencies, and transferred to the County commercial solid waste collection, removal, and transportation services for its unincorporated areas effective July 1, 2021.

The mission statement of the County of Sacramento Department of Waste Management and Recycling is to further enhance the quality of life in the County's unincorporated areas by providing: solid waste management and recycling programs in a fiscally responsible manner; public and employee health and safety; stewardship of our natural resources and environment; consumer protection; and outstanding customer service.

The Department is responsible for, in coordination with the municipalities located within the County, the implementation of the Countywide Integrated Waste Management Plan.

#### **6.20.015 Purposes and Findings.**

A. The purposes of this chapter are to express the County's overall plan for the collection, recycling, and disposal of solid waste, organic material, and recyclable material within the unincorporated areas and to establish uniform regulations ensuring the implementation and execution of the plan in a manner which protects public health, safety and welfare. It is also the purpose of this chapter to provide mechanisms to sustainably fund the abovementioned critical endeavors and achieve compliance with applicable laws and regulations.

B. The Board of Supervisors finds as follows:

1. The safe and sanitary collection and disposal of solid waste and the diversion of recyclable material and organic material are of such importance to the protection of the health, safety and welfare that either direct provision by government or constant monitoring, regulation, and evaluation by government must be sustained to ensure continuing adequacy, reliability and efficiency of private service systems;

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2. Economies and efficiencies expected from privately provided commercial and rural collection services will best promote the public interest if such services are sufficiently monitored, regulated and evaluated to insure reliability and adequacy;

3. A variety of factors dictate the necessity for exclusivity in the provision of solid waste collection services in varying degrees depending upon the nature, extent, and magnitude of service demands;

4. The factors include, but are not limited to, the following: (1) the provision of efficient service requires heavy capital investment in trucks and other equipment and maintenance of trucks in continuing operating condition in order to insure regularity of service and the meeting of collection schedules; (2) unrestricted competition may or may not result in a sufficient number of adequately equipped firms to satisfy the total demand and need for reliable collection service, and may discourage the introduction of capital investment among competing firms sufficient to satisfy service inadequacies; (3) by severely restricting the authority of a local agency to substitute an exclusive direct governmental or franchised service for service provided by holders of solid waste collection franchises, state law (Health and Safety Code Sections 4270 through 4273) impairs the ability of local government to effectively correct any service inadequacies produced by an unrestricted competitive environment; (4) revocation of franchises for cause relating to unreliable or inadequate service or failure to fulfill minimum standards requires heavy commitments of County staff, prolonged investigations, and results in time consuming and costly hearings, and litigation while services remain inadequate and endanger the health, safety and welfare; (5) certain types of collection services (particularly those in areas with low density) are so costly as to make the price of collection prohibitive unless the collector can equalize costs and charges associated with low density or rural areas with those associated with high density or urban areas, and competition will divide the high density high efficiency business in a manner which produces inadequate or nonexistent service to low density areas; (6) certain types of collection (particularly residential) will produce the most efficient service at the lowest cost when collection routes provide door-to-door service uninterrupted by competition in the same area; and (7) objectives of energy conservation in fuel consumed by collection equipment and the reduction of traffic congestion on roads and streets;

5. Sacramento County has the second largest unincorporated area population of any County within the State of California, and experiences service and regulatory demands similar to those in large cities;

6. The unincorporated area population of the County is predominantly concentrated north of Calvine Road. The remainder of the unincorporated area is largely devoted to agricultural uses with sparse and low density population and intermittent commercial use, and as such, the provision of waste material management services, including diversion programs, are less efficient. Solid waste self-hauling in low density areas is traditional and waivers for diversion mandates are commonly found in State Law;

7. The demographical characteristics of the unincorporated area of the County require variable approaches to the provision of solid waste collection services based upon factors which include, but are not limited to, weighing and balancing the following: (1) the degree to which exclusivity of collection is necessary to support the public interest; (2) the nature and extent of capital investment required to provide

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adequate services within particular areas; (3) the cost of providing collection services within various areas; and (4) the extent to which the cost of serving areas to which service cannot be provided economically should be spread to high density areas;

8. Illegal hauling, illegal dumping, and otherwise irresponsible management of waste materials such as littering persistently present dangers to the health, safety, welfare, public finances, quality of life, and environment of Sacramento County.

**6.20.025 Service Delivery Systems.**

It is hereby determined that the public interest will be best promoted within the unincorporated area of the County by the following types of service delivery systems:

A. Exclusively by the County Solid Waste Enterprise: cart collection service to residential areas from single-family residences, duplex residences, and certain triplex and quadplex residences, multiple-family dwelling units, mobile home parks, and commercial establishments best served by standard waste material carts or other County supplied containers, as determined by the Director to be in the public interest, rather than by larger containers such as dumpsters, drop boxes or compactors. The Director's determination may apply to some or all waste material containers used by that waste generator. The County may contract with a private collector for collection from certain residential areas where determined by the Director to be in the best interest of the County rate payers.

B. By County Franchisees: containerized service to commercial and industrial sources, multi-family residential properties, schools, public agencies, and construction and demolition activities.

C. By self-hauling: certain residential and commercial waste generators may self-haul recyclable and organic material consistent with this chapter.

**6.20.030 Definitions.**

Unless the context indicates otherwise, the following definitions of terms shall govern the meaning of those terms as used in this chapter.

"Board" means the Board of Supervisors of the County.

"Business generator" means "business" as defined in Public Resources Code Section 42649.8 subdivision (a) that contracts for waste material collection service. A business generator is a type of commercial generator.

"CalRecycle" means the California Department of Resources, Recycling, and Recovery.

"CFR" means the Code of Federal Regulations.

"C&D debris" means used or discarded materials resulting from construction, renovation, remodeling, repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations. C&D debris includes "mixed C&D debris" and "source separated recyclable C&D material."

"Clerk" means the Clerk of the Board of Supervisors of the County.

"Collection" means the act of removing waste material at the place of waste material generation.

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“Commercial generator” means businesses, including commercial and industrial sources (stores, business offices, commercial warehouses, hospitals, hotels), educational, health care, military, and correctional institutions, non-profit organizations, government offices, schools, public agencies, and multi-family residential properties (including single-family residential properties managed by an organization or association) that contract for solid waste removal service. “Commercial generator” also includes those that engage in construction and demolition activities, and includes business generators and multi-family generators.

“Commercial solid waste” means all solid waste generated by a commercial generator.

“County” means the County of Sacramento.

“Director” means the Director of the Department of Waste Management and Recycling (DWMR) and/or his or her designee.

“ Dwelling” means any building or portion thereof used or designed for residential occupancy, including any garages or other accessory buildings belonging thereto, and including those which are rented or leased for any term or duration, type or tenure.

“ Dwelling unit” means one or more rooms in a dwelling, apartment house or apartment hotel designed for or occupied by persons residing together in a single household for living or sleeping purposes and having only one kitchen and separate toilet facilities. A single household means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Indications that a household is not operating as a single household include but are not limited to the following: members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

“ DWMR” means the Sacramento County Department of Waste Management and Recycling. As indicated by context, DWMR may include “its designee” (e.g. when referring to enforcement), or “a contractor acting on its behalf” (e.g., when referring to collection).

“ EMD” means the Sacramento County Environmental Management Department or successor thereto.

“ Farm” or “ ranch” means a place where agricultural production is the primary use and shall include, but not be limited to, the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture; the raising of livestock, fur-bearing animals, fish, or poultry; and any place where practices performed by a farmer or on a farm as incidental to or in conjunction with such farming operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

“ Food waste” means “ food material” as defined in Section 17852(20) of Title 14 of the CCR.

“ Franchisee” means any person holding a valid commercial solid waste collection franchise issued by the County.

“ GAAP” means the Generally Accepted Accounting Principles comprised of a standard framework of guidelines generally accepted in the United States of America.

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GAAP includes the established standards, conventions, and rules accountants follow in recording and summarizing transactions, and in the preparation of financial statements.

“Garbage” means “garbage” as defined in Section 17225.30 of title 14 of the CCR.

“Generator” means a commercial generator, a multi-family generator, a person subscribing to County curbside waste material collection service, or a self-hauler.

“Green Waste” means “green material” as defined in Section 17852(21) of Title 14 of the CCR.

“Hearing Officer” means the person appointed by the County Executive, pursuant to Government Code section 27720, et seq., to preside over and render judgments at hearings in accordance with this chapter. The Hearing Officer may be an employee of the County. However, they shall not have any interests in any property subject to any hearing at which they preside. The Hearing Officer may also be a person who is not a County employee, but who is retained pursuant to a contract to provide such services. Any such Hearing Officer shall be qualified by training or experience or shall be an attorney or an administrative law judge.

“Local enforcement agency” or “LEA” means the enforcement agency designated by the local governing body and certified CalRecycle, as defined in Public Resources Code Section 40130.

“Materials Recovery Facility” or “MRF” means a permitted waste material management facility where solid wastes or recyclable materials are sorted, or separated, by hand or by use of machinery, for the purposes of recycling. This definition shall apply only within the framework of materials recovery facility services and the reporting requirements of this chapter.

“Mixed C&D debris” means C&D debris that includes commingled recyclable C&D materials or recyclable C&D materials and non-recyclable C&D debris generated from a construction or demolition project.

“Multi-family generator” means any multi-family dwelling, building or group of buildings that contains five (5) or more individual dwelling units on a single tax lot and that contracts for solid waste, recyclable material, and/or organic material collection and/or removal service. It includes, but is not limited to, apartment complexes, senior housing/care facilities, and condominium complexes. Unless otherwise indicated, multi-family generators also include single-family residential properties whose solid waste collection is shared and managed by an association or other organization. A multi-family generator is a type of commercial generator.

“Non-residential property” means real property that is located in the unincorporated areas of the County, whose owner or operator contracts for waste material collection, and is used primarily for:

1. Commerce, including but not limited to offices, stores, restaurants, motels, hotels, recreational vehicle parks, theaters, and service stations;
2. Not-for profit organizations; or
3. Institutional uses, including schools, churches, and hospitals. It does not include residential units or undeveloped land.

“Organic material” means organic waste as defined in Public Resources Code Section 42649.8 subdivision (c). It is a waste material and includes food waste and green waste.

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“Person” means any individual, firm, co-partnership, limited liability company, corporation, government agency, joint venture, association, partnership, industry, public or private corporation, school, public agency, or any other entity whatsoever, and includes the plural as well as the singular.

"Recyclable material" or "recyclables" means materials that have been separated from the solid waste stream prior to disposal and returning them for use or for reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place, and that are not landfilled, including, but not limited to, recyclable material designated by the Director pursuant to section 6.20.435 or as established by the Director as minimum recycling program standards in County franchise agreements. Recyclable material is waste material.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials, including organic material (unless otherwise indicated), that would otherwise become solid waste, and returning them for use in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include “transformation” as defined in Public Resources Code section 40201.

“Removal” means the act of taking waste materials from the place of waste generation. In some contexts, it is used interchangeably with collection.

“Residential accessory dwelling unit” means an attached or detached dwelling unit, accessory to a primary dwelling, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A residential accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Health and Safety Code Section 17958.1.
2. A manufactured home, as defined in this chapter and in Health and Safety Code Section 18007. For purposes of this chapter, a residential accessory dwelling unit must be fit for human habitation as required by Civil Code Section 1941 (and lack all of the conditions or characteristics described in Civil Code Section 1941.1).

“Residual” means solid waste destined for disposal, further transfer/processing, or transformation as defined in Public Resources Code section 40201, which remains after processing of recyclable material or organic material.

“Responsible person” means the person who arranges for waste material collection services and implementation of diversion programs. Responsible person includes but is not limited to a property owner, a business owner, a tenant, or a property manager.

“Rubbish” means “rubbish” as defined in Section 17225.59 of Title 14 of the CCR.

“Salvageable material” includes materials which can be separated from refuse and sold for reuse or recycling, but shall not include material disposed of at a landfill. Salvageable material includes, but is not limited to, recyclable material, recyclable C&D debris, and organic material set out for separate collection.

“SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016), which was signed into law by the Governor on September 19, 2016 and mandates, among other things, a 50 percent statewide reduction in the landfilling of organic wastes. It includes

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associated regulations promulgated by CalRecycle as contained in titles 14 and 27 of the CCR.

“Self-haul” or “self-hauling” means “self-haul” or “self-hauling” as defined in section 18836 of title 14 of the CCR.

“Service agreement” or “customer service agreement” means a written agreement between a franchisee and commercial generator for the collection of waste materials.

“Solid waste” means all putrescible and non-putrescible solid, semisolid, wastes collected and transported for disposal, including garbage, trash, refuse, unrecyclable paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. Solid waste does not include hazardous waste as defined in the Health and Safety Code section 25117, or medical waste, or low-level radioactive waste regulated under State law. Solid waste does not include source separated recyclable materials or source-separated organic materials set out for separate collection for the purposes of recycling. Solid waste is a waste material.

“SWA” means the Sacramento Regional Solid Waste Authority.

“Source separate” or “Source separated” means the keeping of recyclable materials or organic materials independently containerized or clearly segregated from solid waste at the point of generation for the purpose of reuse, recycling, composting or some other method of diversion and preventing them from being contaminated by solid waste.

“Transfer/processing facility” means a solid waste facility permitted or otherwise regulated by CalRecycle where waste materials are tipped for transfer to a landfill or subsequent processing, and/or are sorted, or separated, by hand or by use of machinery, for the purposes of recovery.

“Treated medical waste” means medical waste treated in the manner described in Health and Safety Code section 25123.5, subdivision (a).

“Truck” means any truck, trailer, semitrailer, conveyance, vehicle or equipment used to collect or haul waste materials.

“Waste generator” means each person, as defined by Public Resources Code section 40170, and each single family home resident, business, non-residential property, multi-family residential property or single family residential property managed by an association, or other organization, or the owner, manager, or operator thereof, that contracts for waste material collection service, that generates waste material as a result of activities conducted thereon. In this chapter, as determined by context, a “generator” can be a commercial generator and/or a residential generator.

“Waste log” means the record sheet (provided as a blank form by DWMR to the applicant) with periodic entries (completed by the project manager or permit holder) that detail the C&D debris management activity for the project pursuant to Sections 4.408.5 and 5.408.5 of Title 24 of the CCR, as amended from time to time, and Board Resolution 2011-0024.

“Waste management plan (WMP)” means a completed WMP form prepared by the applicant and submitted for approval by the DWMR for the purpose of compliance



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with this chapter pursuant to Sections 4.408.5 and 5.408.5 of Title 24 of the CCR, as amended from time to time, and Board Resolution 2011-0023.

“Waste materials” means solid waste, recyclable material, and/or organic material.

“Waste material container” means any dumpster, roll-off container, compactor, bin, cart, or other container provided by the County or a franchisee and used to place waste materials.

**6.20.035 Rules and Regulations.**

The Director is authorized to promulgate and enforce rules and regulations governing the following:

- A. Waste material generation, storage, recycling, recovery, accumulation, collection, transportation, and disposal;
- B. Types, size, number, location, minimum frequency of collection, and hours of collection of waste material containers and the vehicles used therefor;
- C. The operation and maintenance of sanitary methods of waste material recycling disposal;
- D. The designation of recyclable materials, recyclable organic materials, and recyclable C&D materials required to be diverted;
- E. Reporting requirements for franchisees, and facilities that manage waste material, necessary for implementation of this chapter; and
- F. The effective administration of this chapter.

All such rules and regulations shall be consistent with the provisions of this chapter and effective on the thirtieth day following filing thereof with the Clerk.

It is unlawful and constitutes a violation of the provisions of this section for any person to violate or fail to comply with the provisions of regulations issued pursuant to this section which are expressly authorized by other provisions of this chapter.

**6.20.045 Federal and State Standards.**

The generation, storage, recovery, collection, transportation, transfer, disposal, and recycling and recovery of waste material as well as the operation of solid waste facilities and other waste material management facilities within the unincorporated area of the County, including the handling of special waste such as hazardous waste, shall be regulated by the provisions of the Resource Conservation and Recovery Act of 1976 (codified as 40 CFR Sections 239—282); Titles 14 and 27 of the CCR; and all other applicable federal, state and local statutes, ordinances and regulations, as the same may be hereafter amended. All such regulations shall be enforced in the same manner as provisions of this chapter, and violations of any such regulations shall constitute violations of this chapter.

**6.20.050 Enforcement.**

Unless otherwise specified in this chapter, the Director shall enforce the provisions of this chapter.

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SECTION 2. Article 2 of Chapter 6.20, Title 6, of the Sacramento County Code is amended to read as follows:

## **Article 2 General Solid Waste Regulations**

### **6.20.105 Collection or Transportation Prohibited.**

Except as authorized by Section 6.20.110, it shall be unlawful for any person to engage in the business of or otherwise solicit, organize, direct or sponsor the collection or transportation of solid waste within the unincorporated area of the County without possessing a valid, unexpired and unrevoked County solid waste collection franchise. Brokering any of the services identified in this section is lawful only as long as the services brokered are those of a hauling service provider who possesses a valid County franchise.

### **6.20.110 Franchise-Exempt Collection or Transportation.**

The following persons shall be authorized to collect or transport solid waste, including commercial solid waste, within the unincorporated County without a County franchise:

- A. DWMR;
- B. The United States, the State of California, the County, a special district or other local public agency, or any employee or member of the Armed Forces thereof, when collecting or transporting solid waste produced by operation of the public agency under a system of solid waste collection and transportation operated and maintained by the public agency;
- C. The owner, operator or occupant or employee thereof of a farm or ranch zoned five acres or more, when transporting for off-site disposal solid waste that has accumulated as a result of operation of the farm or ranch;
- D. An owner or occupant of a residential unit, when collecting or transporting rubbish, not containing garbage, from his or her residential premises to a lawful point of disposal;
- E. A residential or commercial construction contractor, gardener, or any person engaged in the business of cleaning residential and commercial properties and the employees thereof, when self-hauling waste materials consisting of by-products of the services provided to a lawful disposal location;
- F. Recyclers of organic material, provided they are storing, containerizing, collecting, transporting, and diverting from landfill disposal, organic material in a manner that does not create a public nuisance, including the generation of noxious odors, leakage, and the creation of conditions for the harboring of rats, vermin, and vectors, such recyclers as:
  1. A person or employee thereof, when only collecting or transporting dead animals for disposal or rendering and lawfully operating pursuant to Food and Agricultural Code section 19200 et seq.;
  2. A person or employee thereof when only collecting or transporting bones, meat scraps or other organic material resulting from food processing plants for tallow, animal feed, energy production, compost, or fertilizer;

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3. A recycler of organic material that is destined for use as either animal feed or for final disposition on land in a manner that is specifically authorized by the State Water Resources Control Board or a Regional Water Quality Control Board, provided such final disposition does not adversely affect public health and safety or the environment;

4. A recycler that transports less than one (1) cubic yard of food waste per vehicle trip.

G. A person or employee thereof when only collecting or transporting other waste material to be used as raw material in manufacturing, or waste material for purposes of salvage; provided that such persons shall reuse or recycle or cause to be reused or recycled all materials collected, and shall not transport any collected materials to a disposal site;

H. An operator or employee thereof of one or more industrial plants which are under single ownership, when collecting or transporting waste material which cannot be handled by standard solid waste collection equipment or which involve significant health, operating or handling hazards, including, but not limited to, rice hulls, tomato pulp, chemical residues, explosives, and other toxic, noxious or hazardous substances; provided that all such wastes shall be deposited at a facility operating in compliance with Title 22 of the California Code of Regulations and any other applicable State or Federal standards; and

I. A person that is in the business of providing moving, hauling, custodial, landscape, clearing, or cleaning services, which may occasionally be augmented by waste material removal and/or disposal services, provided out of necessity to residents and businesses in the County, and that obtains a special businesses license issued by the County pursuant to title 4 of this Code.

J. A person collecting or transporting hazardous waste, medical waste, or designated waste, as defined by law, regardless of its source, provided it is delivered to a lawful disposal location.

K. A person collecting or transporting by-products of sewage treatment, including sludge, sludge ash, grit, and screenings provided it is delivered to a lawful disposal location.

L. A person collecting or transporting residue or non-processable waste from a solid waste management facility, including material recovery, composting, and transformation facilities.

Any transportation of solid waste authorized by this section shall be conducted in strict compliance with any and all requirements of this chapter and all applicable state and federal laws relating to transportation and any regulations issued hereunder.

#### **6.20.115 Solid Waste Removal.**

Except as otherwise provided by this chapter, all solid waste other than rubbish, created, produced or accumulated in or about a residential unit or other place of human habitation or any business with a fixed location where solid waste is accumulated, situated in the unincorporated area of the County, shall be removed from the premises by DWMR or a County franchisee at least once every seven(7) days. Pursuant to DWMR rules and regulations issued as required by Section 6.20.035, DWMR may require a greater or lesser number of collections consistent with proper sanitation

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requirements. It is unlawful for the owner, occupant, tenant or lessee of any of the above-described premises to fail or neglect to provide for the removal of solid waste as required by this section or regulations issued hereunder. Each day's violation of this section shall be treated and considered to be a separate and distinct offense.

**6.20.120 Mandatory Service.**

A. Except as otherwise expressly provided by this chapter, the owner, tenant, or occupant of every improved parcel (parcel with one or more business and/or residential buildings approved for occupancy) located within the unincorporated area of the County shall subscribe to solid waste, recyclable material, and organic material collection service provided by DWMR or a County franchisee. Each business and/or residential building with a separate address and each separate business unit and each separate residential unit with a common address located on such parcel shall subscribe, or participate in the subscription, to such service.

B. Exceptions to this mandatory service requirement are listed in Sections 6.20.110 and 6.20.145.

**6.20.130 Illegal Dumping.**

No person shall place, deposit, dump or accumulate, or cause to be placed, deposited, dumped or accumulated, any solid waste, organic material, or recyclable material on or in any public or private street, public right-of-way, easement, gutter, or sidewalk, or any public or private property, including public parks, within the unincorporated area of the County, without the consent of the owner thereof and except in conformance with this chapter and DWMR rules and regulations promulgated pursuant to Section 6.20.035,. No owner, tenant or occupant of any premises in the unincorporated area of the County, whether vacant or improved, shall allow any accumulation of solid waste, organic material, or recyclable material to remain thereon for any period of time if such solid waste, organic material, or recyclable material is determined to constitute a public health or safety hazard. Enforcement of this section is governed by section 6.20.710.

**6.20.145 Exemption from Mandatory County Residential Service.**

A. Exemptions from mandatory County collection service requirements may be granted, upon application, for a residential accessory dwelling unit to a single-family home when all of the following conditions are met:

1. The primary dwelling is occupied by the owner of record as listed with the County of Sacramento Tax Assessor's Office;
2. The residential accessory dwelling unit is occupied by a family member of the owner of record, or a person who resides at the location and is the primary caregiver/caretaker of the resident(s) of the primary dwelling;
3. The residential accessory dwelling unit is occupied by one of two occupants;
4. The residential accessory dwelling unit is not required to be registered with the Sacramento County Rental Housing Inspection Program as a rental unit;

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5. The County's Office of Planning and Environmental Review has not issued a short-term rental permit for the residential accessory dwelling unit; and

6. The properly sorted waste materials generated by the primary dwelling and the residential accessory dwelling unit does not exceed the amount that can be properly sorted and stored in the approved receptacles for weekly/bi-weekly removal.

B. Exemptions will be granted to qualified applicants for a period of three years. DWMR may verify the status of the exemption at any time. Property owners must notify DWMR within ten (10) days if any of the conditions listed in subsection A of this section have changed (e.g., the property owner has sold the property; the property owner no longer resides at the property; the residential accessory dwelling unit has been turned into a rental unit; etc.).

C. Revocation of the exemption will occur upon any of the following events:

1. It is determined by DWMR that solid waste collection service to the primary dwelling is insufficient to remove weekly the accumulated garbage on the property, as required by the provisions of Sections 6.20.115 and 6.20.120;

2. The residential accessory dwelling unit becomes a rental unit;

3. Property has changed ownership or the property owner who received the exemption no longer resides at that location; or

4. Failure to notify DWMR of any changes in exemption status.

E. Appeal of denial or revocation of the exemption shall follow the procedures provided in Sections 6.20.755 through 6.20.760.

Written notification will be mailed to the property owner stating reason(s) for revocation of exemption. Regular service and billing will begin immediately.

#### **6.20.150 Use of Waste Material Containers.**

No person, other than the customer who has contracted for service with DWMR or a County franchisee or a person with such customer's consent, shall deposit waste material into waste material container, including, but not limited to, bins, drop boxes, compactors, roll carts, or dumpsters placed in the unincorporated area by DWMR or a franchisee for the purpose of receiving waste material.

#### **6.20.160 Ownership of Waste Materials and Prohibition on Scavenging.**

A. Waste material lawfully deposited in containers used by DWMR or a franchisee for collection for either disposal or recycling shall become the property of DWMR or the franchisee, respectively, upon its deposit in any such container. Scavenging of such materials, as described in subsections B and C below, is prohibited.

B. It shall be unlawful for any person within the unincorporated area of the County, other than DWMR or a franchisee authorized under this chapter, to collect or remove solid waste or salvageable material placed by any person at a curb or in a container for collection by DWMR or the franchisee.

C. No person shall open, look into, search through, or remove any of the contents from a waste material container located within the unincorporated County other than:

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1. The customer receiving the collection service or who is billed the rates, fees, and charges for the collection service or a person with the customer's consent;
2. Any employee, agent, or contractor of DWMR or a County franchisee that owns or maintains the container in the performance of their duties; or
3. Any employee, agent, or contractor of any city, county, state or federal government agency in the performance of their duties.

**6.20.165 Truck Requirements.**

Vehicles used in the collection or transportation of waste material shall be constructed and maintained in such a manner as to minimize the health and safety hazards to collection personnel and to the public. Each vehicle used for the collection and transport of waste material shall be clearly marked with the name of the agency or firm operating the vehicle. All trucks used in the collection and transportation of solid waste in the unincorporated area of the County shall be subject to inspection by EMD, as the Local Enforcement Agency for CalRecycle, for the purpose of determining whether or not they comply with sanitary requirements set forth in Sections 17341—17345 of title 14 of the CCR.

**6.20.170 Covered Load Requirement.**

All vehicles transporting waste material in the County shall comply with California Vehicle Code section 23115 and have their vehicle loads covered with a tarp or equivalent cover, or otherwise adequately secured, to ensure protection from littering during transportation.

SECTION 3. Article 3 of Chapter 6.20, Title 6, of the Sacramento County Code is added to read as follows:

**Article 3 Commercial Waste Material Collectors and Facility Operators**

**6.20.200 Franchise Requirement.**

It is unlawful for any person to engage in the business of collecting, transporting or disposing commercial solid waste, accumulated or generated in the unincorporated areas of the County, or to engage in the business of soliciting accounts or invoicing customers for commercial solid waste service in the County unless:

- A. A franchise has first been granted pursuant to the provisions of this chapter and such franchise is in full force and effect and a written franchise agreement therefore has been executed between such person and the County; or
- B. The commercial solid waste is generated and hauled by the same person.

**6.20.210 Authority to Grant Franchise.**

- A. The Board may grant to a qualified applicant a non-exclusive franchise to engage in the business of collecting, transporting or disposing of commercial solid waste kept, accumulated or generated in the unincorporated areas of the County.
- B. The Board may grant a franchise to an applicant conditioned on compliance with this chapter. Any grant of a franchise by the Board may be subject to

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such terms, conditions, rules, regulations, restrictions, and limitations, as the Board deems necessary to protect the public health, safety, or welfare.

C. The Board hereby delegates to the Director the authority to negotiate franchise agreements, establish minimum standards for recycling and organic material recycling programs in such agreements, and execute and administer such agreements following Board approval. The Board further empowers the Director to grant and execute provisional franchises of up to 90 (ninety) days in order to avoid delays in the Board's franchise approval process.

D. The initial term of a County franchise will be up to one year. Thereafter, the Director is authorized to extend the agreement term for additional two-year terms, provided that mandatory annual diversion plans and insurance and indemnification requirements have been approved by the Director.

#### **6.20.215 Franchise Terms and Conditions.**

A. All franchises granted to persons pursuant to this article shall be nonexclusive to allow franchisees to compete with each other for commercial solid waste and recycling service accounts. No provisions of this article shall be deemed to require restricting the number of franchises to one or any particular number, and no provision of this article shall be deemed to require the Board to grant any franchise if the Board finds or determines that the grant of any such franchise does not serve the public interest.

B. All franchises shall be subject to the terms and conditions specified in this chapter, any applicable rule or regulation promulgated pursuant to section 6.20.035, the franchise agreement, and all other applicable federal, state and local statutes, ordinances, laws and regulations.

C. In granting any franchise, the Board may prescribe such other additional terms and conditions, not in conflict with this chapter, as in the judgment of the Board to be in the public interest.

D. Each franchisee shall provide commercial solid waste collection, removal, recycling, and transportation services consistent with the provisions of this chapter, any applicable rule or regulation promulgated pursuant to section 6.20.035, the terms and conditions of the franchise agreement, and any applicable federal, state, or local statute, ordinance, rule or regulation.

E. Each franchisee shall provide services without undue interruptions caused by mechanical failures or other inadequacies of equipment and shall utilize equipment in quantities and of an age and quality adequate for the provisions of reliable service and to provide preventive and repair maintenance of such equipment sufficient to ensure reliability.

F. Any franchise granted pursuant to this article is a privilege to be held in trust by the original franchisee. A franchisee shall not sell, lease, transfer, assign or otherwise dispose of, either in whole or in part, whether by forced sale, merger, consolidation, bankruptcy, reorganization under bankruptcy laws or otherwise, a franchise issued pursuant to this article without the prior consent of the Director.

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**6.20.220 Rights Reserved to the County.**

In addition to all other rights reserved to the County under this chapter, the following shall apply:

A. There is hereby reserved to the County every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful ordinance or resolution of the County.

B. Neither the granting of any franchise nor any provision of any franchise shall constitute a waiver of or a bar to the exercise of any governmental right or power of the County.

C. The franchisee shall have no recourse whatsoever against the County, its officials, officers, employees or agents, their officials, officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or of any franchised waste hauler franchise issued under this chapter or because of the enforcement of this chapter.

D. There is hereby expressly reserved to the County the authority to amend any section of this chapter so as to require additional or greater standards on the part of the franchisee.

**6.20.225 Requirements for Franchisees.**

A. Commercial waste haulers shall be issued franchises pursuant to this article.

B. Franchisees shall provide collection service in containers, bins, carts or roll off bins for solid waste, recyclable materials, and organic materials sufficient to accommodate the quantity and types of solid waste, recyclable materials, and organic materials to all customers who have not obtained an exemption to franchisee-provided recyclable material or organic material collection service from the County.

C. Franchisees shall provide recycling and organic material recycling services to each of its generators unless that customer has obtained an exemption, or provided an alternative service verification, or unless that customer is explicitly exempted by California Law.

D. Franchisees shall provide containers, bins, carts and roll off bins for solid waste, recyclable materials and organic materials that are capable of installing secure locks and/or other suitable features to prevent scavenging of waste materials.

E. Franchisees shall provide a written service agreement to any new generator and obtain that customer's signature before the franchise waste hauler begins to collect the customer's solid waste. This provision does not restrict the Franchisee from commencing recyclable material and organic material collection in compliance with this chapter.

F. Franchisees shall conduct all of its activities in accordance with this chapter, all applicable state, federal, and local statutes, ordinances, laws, and regulations, and best management practices as determined by DWMR. Vehicles, equipment, and containers shall be kept in a clean and well-maintained condition.

G. Franchisee shall collect waste materials only during such hours permitted, in any area designated as such, by the Director and / or in the Franchise agreement.

H. Franchisees shall, upon request, provide the Director with a copy of any customer service agreement.



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**6.20.230 On-Site Storage and Container Requirements.**

A. Every franchisee shall ensure at all times that containers are clearly identified with the name, or recognizable corporate or company logo, and phone number of the franchisee that is legible from a distance of fifty (50) feet. Containers shall identify the type or types of solid waste or recyclable material or organic material for which they are intended to be used, and such identification shall comply with the coloring and labeling required by sections 18984.7 and 18984.8 of title 14 of the CCR, according to the timeframes established in those regulations. Containers shall also be kept free of graffiti.

B. Violations of the conditions of this section, which conditions are material terms of the franchise agreement and constitute franchisee contractual obligations, may constitute a material breach of the franchise agreement and subject the franchisee to payment of liquidated damages as provided in the agreement.

**6.20.235 Solid Waste Disposal Restrictions.**

A. It shall be unlawful for any franchisee to do any of the following:

1. To operate or have an interest in a solid waste disposal site, other than a transfer/processing facility, within the County;
2. To enter into a billing, invoicing, subcontracting, or brokering agreement for the purpose of providing commercial solid waste collection services in the County with an operator of a solid waste disposal site located within the County, its principal employees, or affiliated companies.

**6.20.245 Application for Franchise.**

A. All applications for franchises pursuant to this article shall be in writing, including electronic writing; shall be filed with the Director; and shall be accompanied by an application processing fee which shall be set by Board resolution.

B. The Director shall develop forms, processes, and standards for issuance of County franchises. Such standards shall be based on the requirements of this article and shall include, but are not limited to, the following:

1. Corporate and personal names of the party applying for a franchise, including phone numbers, email addresses, and physical addresses, including operational and mailing addresses requested; company or corporate structure and affiliations and pertinent contact information.
2. Executive, operational, and financial management personnel and their responsibilities and contact information.
3. Attestations of conformity with GAAP; obligation to insurance and indemnification requirements of all County contractual partners including franchisees; and commitment to the compliance with the requirements of this chapter, including timely submittal of fees and reports.
4. A complete listing and explanation of any civil or criminal rulings or judgments in excess of five thousand dollars (\$5,000), or convictions against applicant, any of applicant's partners, major stockholders, corporate directors or parent or subsidiary companies. Applicants that are subject to the periodic reporting requirements of section 13 (a) of the federal Securities Exchange Act, may, in lieu of the

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information required by this subsection, submit the information reported pursuant to 17 CFR §§ 229.103 (Legal proceedings) and 229.403 (Security ownership of certain beneficial owners and management) on the most recent form 10-K filed by the applicant with the Securities and Exchange Commission.

5. Description of all facilities and equipment intended for use in the collection of waste material in the County.

6. Submittal of an irrevocable letter of credit or refundable cash deposit to the County of \$500 multiplied by the number of vehicles identified in the franchise application.

7. A Diversion Plan satisfactory to the Director demonstrating compliance with diversion mandates in section 6.20.285 of this chapter.

8. An application for Sheriff's review and investigation. The Director shall consider the results and recommendation from the Sheriff's review and investigation.

9. Demonstration of insurance coverage and indemnification required by the abovementioned forms, processes, and standards and equivalent or greater than what is required by County standards for professional contractors.

10. Such additional information as may be reasonably requested by the Director.

C. The franchise application must be signed by the individual applying, or by an authorized representative of the partnership, corporation, or other entity applying for the franchise. Scanned or electronic signatures are acceptable.

D. Outstanding debts to the County or any public agency or joint powers authority of which the County is a participating agency shall be paid in full before a franchise will be granted.

**6.20.250 Franchise Application Review Process.**

A. Applicants may submit their completed application for a franchise, as provided in section 6.20.245, to the Director for review and consideration at any time.

B. The Director shall review such submittals and either recommend to the Board approval and award of such franchise, or notify applicant of incompleteness or denial of the application, within sixty (60) days of receiving an application.

1. A Director's notification of incompleteness or denial shall be in writing and include specific reasons why the application was deemed incomplete or denied.

C. In reviewing an application for a franchise, the Director shall take into consideration all components of the application, including but not limited to:

1. The ability of the applicant to meet all terms of the franchise agreement;

2. Any history of civil or criminal convictions that may compromise the public's interests should a franchise to the applicant be awarded; and

3. The completeness, accuracy, and validity of the application. The Director may independently verify any and all statements made and implied in the application, including conducting an on-site interview and inspection of the applicant's records and recordkeeping methods. The Director may also request clarification from applicant of any or all elements of the submitted application.

D. An applicant has sixty (60) days from the date of a notice of incompleteness to complete the application as provided in the notice. Failure to submit a complete application within sixty (60) days from the date of this notice shall result in its

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automatic rejection, with no further action necessary on the part of the County. Any application submitted after sixty (60) days of the date of the notice of incompleteness shall be treated as a new application for a franchise as provided in this article and must be accompanied by the processing fee required by section 6.20.245 above.

E. The Director may refuse to accept any franchise application from any applicant who has had an application for a County franchise rejected within the previous twelve (12) months.

F. Appeals concerning denial of an award of a franchise shall be conducted in the manner described in section 6.20.755 through 6.20.760.

**6.20.255 Award of Franchise.**

A. A franchise shall become effective only after the applicant and the Director sign a written agreement following Board approval.

B. Prior to performing any services provided under a franchise, franchisee must provide to the Director, copies of all required certificates of insurance, and copies of all required truck inspection forms as enumerated in the franchise agreement and this chapter. Should franchisee fail to maintain all such insurance requirements, uninterrupted for the term of the agreement, the franchise shall be immediately suspended as provided in section 6.20.260 below.

C. If the franchisee's description of vehicles and equipment, as required under section 6.20.245, has changed between the application date and the effective date of the franchise agreement, franchisee must submit to Director an amended description, including all identification elements required under section 6.20.245, prior to commencing the provision of services under the agreement.

**6.20.260 Termination or Suspension of Franchise.**

A. The Board may terminate any franchise granted pursuant to this article if the Board, after a public hearing following not less than thirty (30) days written notice to the franchisee, finds that:

1. The franchisee has failed to comply with, or to do anything required of the franchisee by provisions of this chapter or of the franchise agreement; or
2. Any provision of this chapter becomes or is declared to be invalid and the Board expressly finds that such provision constitutes a material consideration to the grant or continuation of such franchise.

B. Any franchise granted pursuant to this article shall immediately be suspended whenever the franchisee fails to keep in full force and effect the insurance requirements enumerated in the franchise agreement or any applicable licenses or permits required by federal, state or local law. The suspension shall remain in effect until the franchisee provides documentation satisfactory to the Director verifying that the reason for the suspension specified above no longer exists.

C. The Director may suspend any franchise granted under this article if the franchisee fails to submit timely reports as described in section 6.20.275. The Director shall give fifteen (15) days written notice before suspending the franchise due to failure to submit timely reports. The suspension shall remain in effect for the period specified in the Director's notice unless the suspension is reversed or modified by the Director.

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D. In the event the franchise granted pursuant to this article is suspended, the franchisee shall have no right or authority to engage in commercial solid waste collection, transportation or disposal operations in the County during the period of suspension.

E. In the event the franchise granted pursuant to this article is terminated, the franchisee shall have no right or authority to engage in commercial solid waste collection, transportation or disposal operations in the unincorporated areas of the County unless and until a new franchise is granted to the franchisee pursuant to this article. Nothing herein shall require the County to grant any subsequent franchise to the franchisee.

F. In the event any franchise granted pursuant to this article is terminated, then within 30 days the franchisee shall:

1. Remove all of the franchisee's, and any subcontractor's, solid waste containers from all service locations where services have been provided pursuant to such franchise; and
2. Properly dispose of any and all solid wastes in the containers at the time of removal; and
3. Pay to the County any and all outstanding fees due and/or debts, including but not limited to, franchise fees and delinquent charges.

G. If the franchisee fails to remove any solid waste container or to properly dispose of any solid waste in any container within the 30-day period provided in subsection F above, the County may remove the container and/or dispose of the solid waste therein and charge the franchisee for the County's costs. The franchisee shall pay to the County all costs incurred by the County in such removal and/or disposal within ten (10) days of receipt of the County's invoice for such costs.

H. Notwithstanding any other provisions of the franchise agreement and this chapter, franchisee may relinquish or otherwise terminate its County franchise with 30 days written notice to the Director.

I. Appeals concerning the termination or suspension of a franchise shall be conducted in the manner described in section 6.20.755 through 6.20.760.

**6.20.265 Franchise Fees.**

A. Each person engaging in the business of collecting, transporting or disposing of commercial solid waste kept, accumulated or generated in the unincorporated area of County shall pay a franchise fee to the County. The Board shall set the franchise fee by resolution.

B. Franchise fees shall be payable on a monthly basis, and shall be due and payable on the first day of the second month immediately following the month in which collection services were provided. Each payment shall be calculated in accordance with the provisions of this article.

C. The required franchise fee shall be paid to the County as described in the franchise agreement.

D. No statement filed under this article shall be conclusive as to the matters set forth in such statement, nor shall the filing of such statement preclude the County from collecting by appropriate action the sum that is actually due and payable.

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E. The payment of franchise fees to the County pursuant to this article shall be in addition to any license fee or business tax prescribed by any local jurisdictions for the same period.

F. If franchise fees are not paid by the franchisee at the times required by this article and the franchise agreement, then in addition to the franchise fees, the franchisee shall pay a late payment fee. The late payment fee and any accruable interest, shall be established by Board resolution. The Director may charge and collect the delinquent franchise fees and any and all late payment fees, including accrued interest, from any financial guarantee mechanism required by section 6.20.245 (B)(6) of this chapter.

G. Franchise fees shall be payable monthly on all gross collection revenues collected by a franchisee from its customers served within the County. The franchise fee shall be calculated based on gross collection revenues prior to franchisee imposing the franchise fee on its customers. For purposes of this section, gross collection revenues include revenue from the collection of source-separated recyclable material and/or organic material, if that material was disposed instead of recycled for any reason.

H. The County may require that each franchisee pay a minimum annual franchise fee. The Board shall set this minimum franchise fee amount by resolution, which amount may be amended by the Board from time to time. Any franchisee whose total gross collection revenues do not result in a payment of a franchise fee in an amount equal to or greater than the minimum franchise fee set for that calendar year may be charged the difference between the franchise fee calculated on its annual gross revenues and the minimum franchise fee.

**6.20.267 Source-Separated Material and Calculation of Franchise Fees.**

A. Gross receipts from the collection of source-separated recyclable material and source-separated organic material may be excluded from gross collection revenues for the purposes of calculating franchise fees, provided those revenues are only from source-separated recyclable materials and source-separated organic materials and are collected and characterized by weight in a manner satisfactory to the Director.

B. Gross receipts from the collection of solid waste from any public agency with the County are not subject to franchise fees.

C. Source-separated materials that were collected and subsequently landfilled for any reason are subject to franchise fees. Franchisees must notify the County of the landfilling of source-separated materials, including identifying the generator of those source-separated materials.

D. Disputes over whether gross receipts from the collection of source-separated materials should be excluded from the calculation of franchise fees shall be resolved by the Director.

**6.20.270 Use of Franchise Fees.**

The franchise fees and revenues collected pursuant to this article shall be deposited into the Solid Waste Enterprise Fund to meet the purpose set forth in this chapter.

**6.20.275 Reporting Requirements.**

**These amendments will be effective on May 6, 2021.**

A. The franchisee shall file with the Director reports of the quantities of commercial waste material collected, transported, sorted, diverted, and/or disposed. Such report shall be in such form, including electronic form, and detail by waste material type as required by the Director. Unless otherwise specified in this section, reports shall be submitted quarterly. The reports shall include the following information:

1. The commercial solid waste tonnage, C&D debris tonnage, recyclable material tonnage, organic material tonnage, and medical waste tonnage collected during the previous quarter within the County that was disposed or diverted and the location of the facilities where such waste material was disposed or diverted. Franchisees may use information supplied by disposal and diversion facilities to meet this requirement.

2. The total number and individual name and service address of all waste generators the franchisee serves in the County and the level of service those customers subscribe to for solid waste, recyclable material, and organic material service.

3. A list of waste generators that are not in compliance with recycling or organic material recycling requirements.

4. The progress in implementing the franchisee's Diversion Plan and achieving the diversion performance requirements set forth in section 6.20.290 of this chapter.

5. Franchisees delivering material to solid waste facilities owned or operated by the County shall submit information pursuant to section 6.20.350 for all tons delivered to such facility in addition to the required information as noted in sections 1-4 above.

6. All other information required to be submitted by the franchisee to the County for compliance with article 7 (beginning with section 18988.1) of chapter 12 of division 7 of title 14 and article 13 (beginning with section 18994.1) of chapter 12 of division 7 of title 14 of the CCR, as determined by the Director.

B. If the quarterly report required under subsection A above is not filed by the due date specified in the franchise agreement, the report shall be deemed delinquent, and the franchisee shall pay to the County a delinquent report fee for each day it is delinquent until the report is received by the County. Such delinquent report charge shall be in addition to any franchise fees or other charges payable by the franchisee for the same period of time. The delinquent report fee shall be set by Board resolution.

C. Payment of monthly franchisee fees shall be accompanied by a report provided by the Director, verified by the person making the payment, or a duly authorized representative of the person, showing the calculation of the franchise fee payable in such form and detail as the Director may require and such other information as the Director may decide is material to a determination of the amount due.

D. Any franchisee's failure to file the reports required by this chapter shall constitute cause for termination or suspension of its franchise pursuant to section 6.20.260.

E. The Director shall provide and establish guidelines, forms and other appropriate material to assist franchisees in preparing the reports required by this chapter.

**6.20.280 Restrictions on Franchisees.**

**These amendments will be effective on May 6, 2021.**

A. No franchisee shall, by contract, subcontract, or otherwise, share with another franchisee any office space associated with operations authorized under a franchise.

B. No franchisee shall, by contract, subcontract, express understanding or otherwise, cooperate with another franchisee to divide, segregate, or apportion any territory within the unincorporated area of the County for the purpose of restricting competition within a particular territory.

C. No franchisee shall, directly or indirectly, enter into any contract, subcontract, express understanding or other transaction with another franchisee for the purpose of fixing customer rates or charges or otherwise maintaining rates or charges at a particular level.

D. No franchisee or any director, officer, partner, joint venture partner, sole proprietor or corporate owner thereof, shall be a controlling shareholder, joint venture partner, sole proprietor, employee, or owner of any interest in another franchisee. No franchisee which is owned in whole or in part by a corporation shall be effectively controlled by a person or entity by virtue of that person or entity's ownership of shares in the corporation, if that same person or entity otherwise controls another franchisee. The sole remedy for violation of the provisions of this subsection D shall be termination of the franchise pursuant to section 6.20.260 or County's refusal to accept or renew a franchise application, at the County's option.

E. Each franchisee shall provide to the Director such information as the Director determines is reasonably necessary to facilitate effective administration of the franchise under the provisions of this chapter.

F. Notwithstanding any other provisions of this chapter, it shall be allowable for a franchisee having an interest in a materials recovery facility to provide a reporting service, a solid waste processing service, and/or a recyclables processing service to another franchisee consistent with the framework for MRF services and reporting required by this chapter.

G. Any franchisee shall immediately cease collecting solid waste and remove any solid waste containers from the premises of a waste generator that has had solid waste collection services discontinued by another franchisee pursuant to the provisions of section 6.20.772 (B) (4) upon notification from the Director that such discontinuation has been ordered.

#### **6.20.285 Diversion Plans.**

A. Each franchise applicant shall submit a Diversion Plan to the County with its application, and annually thereafter prior to sixty (60) days before the expiration of a valid franchise. The Diversion Plan shall include a detailed description of how the franchisee intends to comply with the diversion requirements set forth in this chapter. The Diversion Plan must include a description of the methods the franchisee intends to use, the facilities the franchisee intends to utilize, and the customer education and outreach efforts the franchisee intends to implement to satisfy its diversion requirements. The Director shall establish guidelines, forms and other appropriate material to assist franchisees in preparing the Diversion Plan required by this section.

B. Within sixty (60) days from the date of receipt of a Diversion Plan, the County shall determine whether the Diversion Plan complies with the requirements of

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this section and, based on that determination, shall approve or disapprove the Diversion Plan. If the County fails to approve or disapprove the Diversion Plan within such sixty (60) day period, the County shall be deemed to have approved the Diversion Plan.

C. If the Director disapproves a Diversion Plan, the County shall issue a written notice of deficiency to the franchisee or franchise applicant that identifies the specific reasons for disapproval and recommendations on how to correct the identified deficiencies. Within sixty (60) days of receipt of the notice of deficiency, the franchisee shall submit a revised Diversion Plan that corrects the deficiencies identified in the notice or the franchise shall be suspended.

#### **6.20.290 Diversion and Recycling Requirements.**

Each Franchisee shall divert at a rate or rates, measured as a percentage, of commercial waste material the franchisee collects within the unincorporated areas of the County. The diversion rate or rates, and the waste materials utilized to calculate those rate or rates shall be established by Board resolution. Penalties for failing to achieve the required diversion rate or rates are specified in section 6.20.777 of this chapter.

#### **6.20.295 Compliance with SB 1383 Regulations**

Any Franchisee, or any person engaged in collecting and recycling organic material, pursuant to sections 18988.1, 18988.4, and 18995 of title 14 of the CCR, shall:

- A. Collect organic material in compliance with section 18988.2; and
- B. Keep records of collection of organic material in compliance with section 18984.4; and
- C. Conduct route reviews, waste evaluations, and container contamination evaluations, and keep records of those reviews or evaluations, in compliance sections 18984.5 and 18984.6 of title 14 of the CCR; and
- D. Provide those records, or a summary report of such records, on a form made available by the Director, within sixty (60) days of such request by the Director.

#### **6.20.300 Medical Waste.**

A. Notwithstanding the requirements of section 6.20.290 hereof, franchisees shall not be required to divert treated medical waste and such waste shall not be included in determining a franchisee's compliance with the diversion requirements set forth in section 6.20.290.

B. No treated medical waste from commercial solid waste generators shall be delivered by a franchisee to a materials recovery facility for the purpose of recycling.

#### **6.20.305 Inspection Authority and Internal Controls.**

A. Each franchisee shall at all times maintain accurate and complete accounts of all revenues and income arising out of its operations under the franchise granted pursuant to this article; all waste material collected, transported, diverted, and/or disposed; the source of such waste material; the final destination of such waste, material, and all current customer service agreements held. Franchisee's books, accounts, and records, including customer service agreements and documentation concerning the proper calculation of franchise fees, reasonably necessary for the



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enforcement of this chapter shall be made available for inspection, examination and audit during normal business hours by authorized officers, employees and agents of the County. The Director shall give written notice at least seven (7) days prior to any inspection, audit, or examination of these records.

B. Each franchisee shall establish and maintain internal controls consistent with GAAP and be able to demonstrate compliance with County reporting requirements as set forth in this article. Such internal controls shall include measures to record, document and/or make available to the Director:

1. Weights and/or volumes of all waste material collected in the County from the franchisee's service accounts, detailed by each customer's location or locations.

2. Collection truck driver's logs and/or routing sheets, indicating the collection vehicle license plate number, driver's full name, service date, collection locations with container sizes, and the name and location of the disposal and/or recycling facilities where collected materials were disposed of or recycled.

3. A list of customer accounts in the County with customer addresses and contact information for the reporting period, including customers specifically subject to mandatory commercial recycling requirements set forth in in Public Resources Code sections 42649.1, 42649.2, 42649.8, and 42649.81.

4. A summary and copies of all the invoices related to waste material collection within the County.

5. A summary and copies of all weight tickets issued by the disposal and /or recycling facilities for all waste materials collected in the County for the reporting period. The weight tickets must have the franchisee's company name or other adequate identifier printed legibly on it.

6. A report linking weight tickets to the franchisee's service locations, including job sites, and customer's invoice numbers.

C. Where the Director determines that an audit is necessary, the Director may require that a franchisee be responsible for reimbursement of costs incurred by the County, including any consultant services, to perform audits of accounts of all franchisee books, accounts, customer service agreements and records related to operations under the franchise granted pursuant to this article.

D. Each franchisee must provide a designated county audit contact, along with that contact's current mailing address, telephone number, and email address. Any changes to the designated county audit contact (including mailing address, telephone number, or email address) must be provided to the County within thirty (30) days of any such change.

1. All information provided to the County by the franchisee during an audit shall be certified by the designated county audit contact as accurate and up-to-date.

#### **6.20.310 Signs on Collection Vehicles and Containers.**

Each franchisee shall permanently display in a prominent place on the exterior of each truck utilized in the collection, removal or transportation of commercial solid waste under its franchise a sign containing such information as is required by EMD regulations adopted pursuant to section 17344 of title 14 of the CCR.

#### **6.20.315 Office Required.**

**These amendments will be effective on May 6, 2021.**

Every franchisee shall at all times maintain a central office within the County, or within the metropolitan area immediately adjacent to the County, where an agent or representative of the franchisee can be reached by telephone between the hours of 9:00 a.m. and 5:00 p.m., Mondays through Fridays, legal holidays excepted. Such office shall have a local telephone number so that customers served by the franchisee may contact the franchisee without the necessity of making a long-distance telephone call.

**6.20.320 Indemnification.**

Each franchisee must agree to indemnify, defend, and hold harmless the County as provided in the franchise agreement.

**6.20.325 Insurance.**

Each franchisee shall maintain, at its own expense, required insurance coverages, as provided in the franchise agreement.

**6.20.330 Collection Vehicles.**

A. In addition to compliance with section 6.20.165 above, all vehicles and other equipment used in the collection and subsequent transportation, and disposal of commercial solid waste in the unincorporated area of the County shall be inspected as often as the Director deems necessary and at such times and places as shall be designated by the Director. No vehicle shall be used in the collection and subsequent transportation, and/or disposal of commercial solid waste within the County unless it carries a current, unrevoked tag or decal issued by the County authorizing such activity. The Director shall provide for each vehicle operated by franchisee, a durable tag or decal upon completion of a satisfactory vehicle inspection. Such tag or decal shall be securely fastened and maintained by the franchisee on each vehicle so as to be clearly visible. The Director may suspend the tag or decal of any vehicle that fails to meet the requirements of this section, and such vehicle shall not be used for the collection and subsequent transportation or disposal of refuse until the tag or decal has been reinstated by the Director. In the event any vehicle fails to meet the requirements of this section, or in the event any vehicle becomes temporarily or permanently inoperable or unavailable. The franchisee must notify DWMR of any changes to its vehicles or tags.

B. The franchisee shall be responsible for all inspection costs incurred by County under this section and any other inspections or vehicle approvals, certifications, permits or authorizations required to insure compliance with this chapter.

C. The bodies of vehicles used in the collection, removal or transportation of commercial solid waste in the County shall have beds of metal or other impervious material which can be cleaned, and shall otherwise be of a type approved by EMD as provided in section 6.20.165.

D. EMD shall be authorized to issue administrative regulations pertaining to specifications for vehicles and containers, the cleansing and disinfection thereof, and other sanitary measures in connection therewith.

E. The franchisee must be the registered owner, as defined by Vehicle Code section 505, of all vehicles used in the collection, removal, or transportation of commercial solid waste in the County under their franchised operations.

**These amendments will be effective on May 6, 2021.**

**6.20.340 Customer Service Agreements.**

A. The requirements contained in this section shall govern all service agreements executed on and after July 1, 2021 and all service agreement renewals executed by a franchisee and its customers on and after July 1, 2022. The service agreements shall incorporate, but not be limited to, the following terms and conditions, and shall:

1. Be clearly labeled as a service agreement;
2. Describe the services to be provided by the franchisee and an itemized cost for providing such services to the customer, including but not limited to fees, taxes, administrative costs, and costs for delivery or removal of containers;
3. Clearly state the initial term and renewal terms, if any;
4. Allow for any term that is mutually agreed to by the customer and the franchised waste hauler, but recognize that the hauler's franchise must remain in full force and effect throughout the term of the agreement;
5. Not contain automatic renewals for successive periods of longer than one (1) year;
6. Only be amended as mutually agreed upon by the customer and franchised waste hauler;
7. State that customers are to receive written notice of proposed increases in the franchisee's charges for providing the services not less than thirty (30) days prior to the effective date of such increase;
8. Allow for termination, at the end of the current agreement term, initial or renewal, by the customer by written notice, any time prior to no less than sixty (60) days before the termination date of the current term, initial or renewal;
9. State that franchisees shall respond to customer inquiries regarding the service agreement within thirty (30) days of receiving the inquiry;
10. Include language stating that collection containers will be removed from the property of a customer within thirty (30) days of final termination of services to the customer;
11. Not require customers to pay over three (3) months liquidated damages during the renewal term and over six (6) months liquidated damages during the initial term of the service agreement;
12. Not require a customer to give a franchisee the exclusive right to provide recycling services or organic material collection services as a condition of a service agreement unless the customer affirmatively indicates that is its desire;
13. Not require customers to give notice of any offer by a competitor or require customers to give franchisee the right to respond to such an offer;
14. State that franchises must be in full force and effect for the service agreement to be effective;
15. Contain clauses that automatically terminate such customer service agreements in the event that the franchise or franchise agreement is terminated;
16. State all special requirements related to the frequency and hours of collection, the size, placement and care of the containers, and the any other specifically applicable rules promulgated by the Director pursuant to section 6.20.035; and
17. Allow for additional collection services and / or increased charges for service due to change in the regulatory environment.

**These amendments will be effective on May 6, 2021.**

B. National contracts or agreements are exempt from the requirements stated in subsections A.4 and A.5 above.

C. Franchisee shall provide a copy of any customer service agreement to the Director within ten (10) days of request.

**6.20.350 Determining Jurisdiction of Origin.**

All franchisees or self-haulers of waste materials shall provide information on the amount and jurisdiction of origin of all waste materials collected and delivered to a LEA-permitted solid waste facility in the County to the operator of that facility. If a load of waste materials includes material from multiple jurisdictions of origin, the franchisee shall provide the percentage of tonnage originating from each jurisdiction. If actual tons collected by jurisdiction are not directly available, a franchisee may provide an estimate of the percentage of tonnage from each jurisdiction using customer data including bin size and frequency of collection.

**6.20.360 Facility Reporting Requirements.**

A. The operator of any LEA-regulated solid waste facility in the County shall file with the Director a quarterly report of the quantities and type of waste material delivered to solid waste facilities owned or operated by the County. Such report shall be in such form, including electronic form, as required by the Director.

B. The Director shall provide and establish guidelines, forms and other appropriate material to assist facilities in preparing the reports required by this article.

**6.20.365 Certification of Diversion Facilities.**

A. The Director may develop forms, processes, and standards, including minimum recycling standards, for certifying diversion facilities, including but not limited to single-stream recyclable material recovery facilities, C&D sorting facilities, and organic material processing facilities. Such standards shall be based on extraction and marketing of recyclable material.

B. To be certified, the facility must submit an application for certification to the County on forms provided by the Director.

C. The Director is authorized to certify a diversion facility whose application demonstrates a history of regulatory compliance and a technical competence to effectively sort, extract, and/or market recyclable material from the waste material stream anticipated to be delivered. The Director shall review the application and either certify the diversion facility or notify the applicant of incompleteness or denial of the application within sixty (60) days of receipt. A Director's notification of incompleteness shall be in writing and include specific reason(s) why the application was deemed incomplete or denied. Appeals concerning denial of a certification application shall be conducted in the manner described in section 6.20.755 through 6.20.760.

D. Certification will be valid for one (1) year from the date of approval and shall be subject to annual renewal. All certification applications, including renewals, must be accompanied by a processing fee which the Board shall set by resolution and which may be amended from time to time.

E. The operator of a certified diversion facility shall file with the Director a quarterly report, on forms provided by the County, of all material delivered, the

**These amendments will be effective on May 6, 2021.**

jurisdiction of origin of all material, the hauler and source of such material, and the amounts and types of material sorted and/or recycled. The report shall be in such form, including electronic form, and detail as required by the Director. The report shall also contain any other information or data as the Director determines is necessary to effectively administer this chapter. The quarterly report shall be used to calculate a recovery percentage which franchisees shall, or others may, use to calculate their own diversion percentages. Recovery percentages shall be calculated for waste material processes clearly identified by the Director within the certified diversion facility, not necessarily for the entirety of waste material activities occurring at the certified diversion facility.

F. Certified diversion facilities shall be subject to inspections by the Director, on a monthly or more frequent basis, to ensure ongoing compliance with the terms of certification. These inspections shall be unannounced. Each certified diversion facility operator shall at all times maintain accurate and complete accounts of all waste material delivered and the hauler and source of such waste material. The operator's books, accounts and records reasonably necessary for the enforcement of this chapter shall be made available for inspection, examination, and audit during normal business hours by authorized officers, employees and agents of the County.

1. Where the Director determines that an audit is necessary, the operator of a certified diversion facility shall be responsible for reimbursement of costs incurred by the County, including any consultant services, to perform audits of accounts of all waste material delivered, including the hauler and source of such waste material disposed or recycled.

2. If, following an audit, a facility's recovery percentage is discovered to have been reported inaccurately pursuant to subsection E above, the Director shall take the following actions:

a. Following the first instance, the Director shall provide a written notice to operator requiring correction of the calculation methods utilized in the quarterly report. Operator shall submit said correction within the time period set forth in the notice.

b. Following the second instance, the tonnage shortfall shall be subtracted from the subsequent quarterly recycling percentage.

c. Following the third instance, the Director may, in addition to pursuing subsection F.2.b above, suspend the certification as provided in section 6.20.380.

d. Following the fourth instance, the Director shall revoke the certification as provided in section 6.20.380.

G. All certifications granted pursuant to this part shall be nonexclusive. No provision of this article shall be deemed to require restricting the number of certified facilities or to require the Director to grant any certification if the Director finds or determines that the grant of any such certification is not in the public interest.

H. Each certified facility shall provide services without undue interruption caused by mechanical failures or other inadequacies of equipment, and shall utilize equipment in quantities and of an age and quality adequate for the provision of reliable service and achievement of the minimum diversion standards established by this chapter.

#### **6.20.370 Certified C&D Sorting Facilities.**

**These amendments will be effective on May 6, 2021.**

A. The Director shall establish specific forms, processes, and standards, including minimum recycling standards for materials that must be extracted from mixed C&D debris by the facility's sorting protocols, for certifying C&D sorting facilities.

B. A certified C&D sorting facility shall, in addition to complying with sections 6.20.365 above, conduct a continuous survey of incoming loads of C&D debris to determine whether the load was generated at a covered project as described in section 6.20.620. A minimum percentage of loads from projects identified as covered by sections 4.408.5 and 5.408.5 of title 24 of the CCR or article 6 of this chapter, must be subjected to the facility's sorting protocols.

C. The Director shall maintain, and make available to the public upon request, a list of all certified C&D sorting facilities and their specific recycling percentage performance.

**6.20.371 Certified Material Recovery Facilities.**

The Director may establish specific forms, processes, and standards for certifying material recovery facilities in addition to those set forth in section 6.20.365.

**6.20.372 Certified Organic Material Facilities.**

The Director may establish specific forms, processes, and standards for certifying organic material facilities in addition to those set forth in section 6.20.365.

**6.20.380 Certification Suspension and Revocation.**

A. The Director may suspend any certification granted pursuant to this article if the Director finds that the operator has failed to comply with, or to do anything required by this chapter, any applicable rule or regulation promulgated pursuant to section 6.20.035, and any applicable federal, state, or local statute, ordinance, rule or regulation.

B. The suspension shall remain in effect until the certified facility provides documentation satisfactory to the Director, verifying that the reason for suspension specified above no longer exists.

C. The Director may revoke any certification upon the facility's second suspension within any twelve (12) month period.

D. The Director shall immediately suspend any certification granted pursuant to this particle whenever the certified facility:

1. Fails to keep in full force and effect the insurance required by the certification; or
2. Fails to keep in full force and effect any applicable licenses or permits required by federal, state or local law; or
3. Repeatedly fails to correct inaccurate reporting of its recovery percentages as provided in section 6.20.365.F above.

E. Notices of suspension or revocation of certification shall be sent to the operator by certified mail and shall state the reason or reasons for suspension or revocation.

F. Appeals concerning suspension or revocation of a certification shall be conducted in the manner described in section 6.20.755 through 6.20.760.

**These amendments will be effective on May 6, 2021.**

SECTION 4. Article 4 of Chapter 6.20, Title 6, of the Sacramento County Code is added to read as follows:

**Article 4 Waste Generators**

**6.20.400 On-Site Storage. Waste Generator Requirements.**

A. Every waste generator in the unincorporated area of the County shall keep, within an enclosure or, in the absence of an enclosure, conveniently located near a building, water-tight waste material containers, and shall cause to be deposited in such containers, and not elsewhere, all waste materials accumulating on the premises. Every waste generator shall subscribe to, or participate in subscription to, solid waste collection service and shall subscribe to, or participate in subscription to, recyclable material and organic material collection service unless otherwise exempted by the provisions of this chapter. The waste material containers shall have tightly fitted covers, and shall not leak or permit the escape of odors. The waste material containers shall be adequately sized and serviced with adequate frequency to provide for the waste generation needs of the business or residents, as determined by the Director.

B. Waste generators shall ensure that waste material containers are utilized for depositing the correct waste material for which they were intended.

C. Waste generators shall ensure that waste material containers placed for collection in a manner that collection vehicles can service them safely and unobstructed, including overhead obstructions, and shall ensure that containers are placed for collection no earlier than twenty-four (24) hours prior to scheduled collection and are removed from streets within twenty-four (24) hours of collection.

D. No waste material container, bin, or cart within the County shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

E. Compliance with this section shall be the sole responsibility of the waste generator. The Director may require special container equipment, and/or container labeling with customer identifying information, in designated areas. Special equipment may include, but is not limited to, functioning locking mechanisms.

**6.20.405 Participation in Recycling Program.**

A. All waste generators shall participate and cooperate in a recycling program and an organic material recycling program.

B. Each waste generator shall subscribe to a recycling service and an organic material service from a franchisee or obtain an exemption or waiver from the Director to franchisee-provided recycling service and/or organic material recycling service.

C. Specific waste generator recycling requirements are articulated, by generator type, in sections 6.20.420 through 6.20.430.

**6.20 410 Requirements for All Residential Waste Generators.**

Reserved.

**These amendments will be effective on May 6, 2021.**

**6.20.420 Requirements for All Business Generators.**

Except as authorized in sections 6.20.110 and 6.20.200, each business generator may not hire, select or contract for solid waste collection with a person who does not hold a current and valid commercial solid waste collection franchise issued by the County. Business generators must subscribe to a level of solid waste, recyclable material, and organic material collection service, both with respect to container capacity and frequency of collection, that adequately meets the waste generation needs, as determined by the Director.

A. Each business generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter, and shall:

1. Enter into a customer service agreement with a franchisee for solid waste collection on, at minimum, a weekly basis; and

2. Subscribe to a service for removal of large and bulky items, as needed; and

3. Source separate recyclable material and subscribe to recycling service; and

4. Source separate organic material and subscribe to organic material collection service.

B. As an alternative to subsections A.3 and A.4 above, each business generator may submit an application in a form, provided by the Director, certifying that all self-haul or alternative service activities will be completed in accordance with the provisions of this chapter, any rule or regulation promulgated pursuant to section 6.20.035, and all other applicable federal, state, and local statutes, ordinances, laws and regulations. Upon the Director's request, self-haulers and alternative service providers shall prepare reports documenting the amount of recyclable material and organic material collected and removed and the location of the recycling facility(ies) to which the material were taken during the previous quarter. A copy of such report shall be made available to the Director within ten (10) business days of the date of the request.

C. Each commercial generator subject to California Public Resources Code section 42649 subdivision (c) shall provide recyclable materials containers or organic material containers, as applicable, to be used by employees and customers, in all areas, including public areas, where recyclable materials may be generated, and shall prominently post and maintain signs in all areas where recyclable materials are generated that set forth what materials must be source separated.

D. Each business generator shall notify and instruct employees in writing of applicable source separation requirements, including what materials are required to be source separated and how to source separate such materials. A copy of such written instructions shall be provided to the Director, upon request, within ten (10) business days of the date of the request.

E. Nothing in this chapter shall abridge the right of any business generator or any other person, to sell or exchange at fair market value its own recyclable materials which are source separated for reuse and recycling.

F. Business generators, pursuant to Public Resources Code sections 42649.1, 42649.2, 42649.8, and 42649.81, shall provide convenient, separate collection areas for recyclables and organics for customers.



**These amendments will be effective on May 6, 2021.**

**6.20.430 Requirements for All Multi-Family Generators.**

Except as authorized in sections 6.20.110 and 6.20.200, each multi-family generator may not hire, select, or contract for solid waste collection with, a person who does not hold a current and valid commercial solid waste collection franchise issued by the County. Multi-family generators must subscribe to a level of material collection service, both with respect to container capacity and frequency of collection, that adequately meets the waste generation needs, as determined by the Director.

A. Each multi-family generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter and shall:

1. Enter into a customer service agreement with a franchised waste hauler for solid waste collection on, at minimum, a weekly basis; and

2. Source separate recyclable material and subscribe to a basic level of recycling service that reserves a minimum of 30% of total collection capacity for recyclable materials; and

3. Source separate organic material and subscribe to a basic level of organic material collection service according to the thresholds and standards established in this chapter. Prior to January 1, 2022 this subsection shall refer only to green waste. On and after January 1, 2022 this subsection shall refer to all organic material.

4. Place recyclable materials containers in a location or locations at least as convenient to tenants as the solid waste containers; and

5. Subscribe to a service for removal of bulky waste, such as tenants' furniture and household belongings, on an on-call basis or at a frequency necessary to avoid overflowing waste material containers and unsafe accumulation outside of containers, as determined by the Director.

B. As an alternative to subsections A.2 and A.3 above, each multi-family waste generator may submit an application in a form, provided by the Director, certifying that all self-haul and alternative service activities will be completed in accordance with the provisions of this chapter, any rule or regulation promulgated pursuant to section 6.20.035, and all other applicable federal, state, and local statutes, ordinances, laws and regulations. Upon the Director's request, self-haulers and alternative service providers shall prepare reports identifying an estimate of the amount of recyclable material collected and removed and the location of the recycling facility(ies) to which the material were taken during the previous quarter. A copy of such report shall be made available to the Director within ten (10) business days of the date of the request.

C. Each multi-family generator shall notify and instruct tenants and residents in writing of recycling requirements, including what materials are required to be recycled and how to keep recyclable materials out of waste material containers and shall prominently post and maintain signs on or near the containers that set forth what materials are required to be source separated. A copy of such written instructions shall be provided to the Director, upon request, within ten (10) business days of the date of the request.

D. Nothing in this chapter shall abridge the right of any multi-family generator, or any tenant thereof, to sell or exchange at fair market value its own recyclable materials which are source separated for reuse and recycling.

**These amendments will be effective on May 6, 2021.**

E. No multi-family generator shall, after taking reasonable measures to inform tenants of recycling requirements and tenant responsibilities, be cited for non-compliance with this article as a result of the failure of his or her rental property tenants to source separate designated recyclable materials from solid waste. Such reasonable measures may include, but are not limited to, lease agreement provisions requiring tenants to source separate recyclable materials and periodic tenant education efforts such as the distribution of information flyers or handouts.

**6.20.432 Compliance with SB 1383 Regulations.**

A. Unless determined by the Director, according to the provisions of section 6.20.460, that said business generator is exempt from applicable CalRecycle regulations implementing SB 1383, a business generator shall:

1. Subscribe to source-separated organic material collection in compliance with the provisions of section 18984.9 of title 14 of the CCR; or
2. Self-haul organic material in compliance with the provisions of section 18988.3 of title 14 of the CCR.

B. Unless determined by the Director, according to the provisions of section 6.20.460, that said commercial generator is exempt from applicable CalRecycle regulations implementing SB 1383, a commercial generator shall provide readily available containers and educational material regarding organic material recycling to all tenants, employees, and / or customers in compliance with the provisions of section 18984.10 of title 14 of the CCR.

**6.20.435 Designation of Recyclable Materials and Recyclable Organic Materials.**

The Director shall designate recyclable materials that must be source separated by commercial generators. Such a designation shall consider materials market conditions and the availability of a cost-effective system for recycling such materials. Changes to the designation of recyclable materials, by additions, deletion, or clarifications, shall be communicated directly to franchisees, made publicly available by the Director, and be included in franchise agreements.

**6.20.440 Ownership of Waste Materials.**

All waste materials placed in waste material containers provided by the County or any franchisee shall be considered owned by and be the responsibility of the County or franchisee, respectively. No other person other than the subscriber to recyclable material collection shall collect recyclable materials from such containers.

**6.20.445 Self-Hauling and Service Verification.**

A. A commercial generator may self-haul bulky items, recyclable materials and/or organic material generated and collected at its place of business, non-residential property, or multi-family residential property to a recycling facility.

B. A commercial generator may designate an alternative service provider not holding a valid franchise from the County to collect bulky items, recyclable materials and/or organic material from its place of business, non-residential property, or multi-

**These amendments will be effective on May 6, 2021.**

family residential property to a recycling facility. Such designation shall be submitted to the Director upon request for verification.

C. Self-hauling activities and/or alternative service activities conducted to maintain generator compliance with recycling requirements must be approved by the Director, using forms provided by the Director. Activities that do not meet the diversion performance of franchisee-provided service will not comply with recycling requirements.

D. Appeals relating to the denial of self-hauling and service verification authorization shall be conducted in the manner prescribed in section 6.20.755 through 6.20.760.

E. Generators are required to keep records of self-hauling activities and alternative service provision activities.

#### **6.20.460 Exemptions from Recycling and Organic Material Recycling Requirements.**

Exemptions from participation in mandatory commercial generator recycling programs and/or organic material recycling programs must be approved by the Director. The Director may approve an exemption to the mandatory recycling service requirements for recycling, or for organic material recycling, or both. Exemption applications must be submitted on a form provided by the Director. An exemption may be approved by the Director if the waste generator falls within one of the categories set forth below. Exemptions shall be effective for a time period determined by the Director.

A. A commercial generator may be exempted from recycling or organic material recycling requirements if compliance would result in a violation of municipal zoning requirements (e.g. a required number of parking spaces); or if there is no adequate storage space for recyclable material containers or organic material containers on site, as determined by the Director, and it is infeasible to share recyclable material containers with another adjacent or conveniently located commercial generator. If the Director determines that it is feasible for recyclable material containers to be placed on site or shared with an adjacent or conveniently located commercial generator, then that adjacent or conveniently located commercial generator shall be responsible for compliance with this article.

B. A business generator may be exempt from mandatory recyclable material collection if it generates less than four (4) cubic yards of solid waste per week.

C. A multifamily generator may be exempt from mandatory recycling requirements and organic material recycling requirements if it consists of fewer than five (5) residential units.

D. Exemptions for commercial generators from organic material recycling requirements are set forth in section 18984.11 of title 14 of the CCR, and may also include exemptions for commercial generators in rural areas that are set forth in section 18984.12 of title 14 of the CCR, as authorized by the Director.

E. Any person collecting illegally dumped material on public property or in any public right-of-way is exempt from source-separation requirements for that collected material.

**These amendments will be effective on May 6, 2021.**

SECTION 5. Article 5 of Chapter 6.20, Title 6, of the Sacramento County Code is amended to read as follows:

**Article 5 Charges for County Service and Liens**

**6.20.510 Charges for County Waste Material Collection Services.**

A. All customers who receive the County's waste material collection services, described in section 6.20.025 above, shall pay to the County fees for such services. The fees shall be established by the Board by resolution and may be amended from time to time. The charge for County solid waste collection services may be collected with the rates, tolls and charges of any other County-administered utility, as authorized by DWMR. Customers shall receive a consolidated utility bill and, unless exempted by DWMR, shall pay the consolidated bill. If a tenant pays the consolidated bill, the owner shall remain liable under all other sections of this chapter.

B. If a customer of the County's waste material collection services contaminates a recyclable material container and/or an organic material container to such an extent as to render the contents of that container unrecyclable thereby necessitating disposal, the customer may be billed, at the discretion of the Director, an additional charge for waste disposal.

1. Upon the third instance of notification to the customer of repeated contamination, the Director may require additional solid waste container capacity be provided to the customer and the customer will be billed accordingly.

C. If a customer does not enclose full payment for their consolidated utility bill, and if the customer has not stipulated otherwise, the payment shall be allocated to his or her waste management account and any other utility accounts in the same proportion that the various utility charges constitute the total amount charged.

**6.20.515 Billing Basis.**

A. The County waste material collection service shall issue a consolidated billing statement for each legal parcel of improved land; however, separate waste material collection statements may be issued to individual residences located on the same legal parcel upon approval of the landowner and of DWMR.

B. Billing of two or more legal parcels on one billing statement which fulfill conditions established by DWMR may be authorized. Such authorization by DWMR does not relieve the individual property owner from liability under this chapter.

C. Except as provided herein, the County waste material collection service charges shall be billed no less frequently than bimonthly. It shall be due and payable on presentation and shall become delinquent thirty (30) days for bimonthly billing or twenty-one (21) days for monthly billing after the date of billing.

**6.20.520 Adjustments.**

Adjustments of County waste material collection service charges may be made at each billing, when appropriate, upon receipt from a customer of a written application to the Director requesting a billing adjustment and stating the grounds for said adjustment. Any amount paid in excess of the actual computed charge shall be credited against the charge for the succeeding billing period. Any deficiency in the amount paid against the

**These amendments will be effective on May 6, 2021.**

actual computed charge shall be added to the charge for the succeeding billing period. Deficiency or credit adjustments shall be limited to a period of no more than three years preceding the date that DWMR determines a billing discrepancy exists.

The Director may adjust billing or allow refunds for the following reasons:

- A. Upon change of use or users;
- B. Successful dispute by a customer as to a charge;
- C. Missed service; or
- D. When a residential dwelling unit (single-family, accessory, or duplex) is unoccupied for any purpose and is untenable as defined in Civil Code Section 1941.1.

#### **6.20.522 Hardship Assistance.**

Rate assistance to customers for financial hardship may be available through application to DWMR. Households are eligible for the rebate if household income does not exceed 200 percent of the then-current applicable federal poverty level, as set forth in the annual poverty guidelines published by the U.S. Department of Health and Human Services.

#### **6.20.525 Vacancy Credits.**

With respect to County waste material collection services, vacancy credits shall not be allowed after billing has been initiated unless DWMR allows a vacancy credit for periods in which a dwelling, previously determined habitable, is declared uninhabitable or untenable by the County because of fire, damage, or other causes, if the residential dwelling unit is actually unoccupied because of this change in status.

#### **6.20.530 Delinquency Penalty.**

Any waste material collection service charge that becomes delinquent as provided in Section 6.20.515 above, shall incur an added penalty charge of ten (10) percent of the amount that has become delinquent. The delinquent amount, including the ten (10) percent penalty charge, shall thereafter incur an additional interest charge of one and one-half (1.5%) percent per month until paid or placed on the annual tax bill. If collected with taxes, the total of delinquent amount plus penalties will incur an additional ten (10) percent lien penalty.

#### **6.20.535 Initiation of Billing.**

Billing for County waste material collection services shall commence on the date the premises are suitable for occupancy. This shall normally be considered to be ninety (90) days after the premises are connected to the public sewer system; however, the Director is empowered to vary the date that the premises are considered suitable for occupancy, based on a reasonable interpretation of information obtained from public records or field inspection. DWMR may also initiate billing based upon a request for other utility services to the premises, or notification from owners or occupants that the structure is completed. In all cases, initiation of billing shall be to the owner of record of the property as shown upon the most recent County Assessor's roll as of the date the property is considered suitable for occupancy unless otherwise requested by the owner in writing and agreed to by the Director.

**These amendments will be effective on May 6, 2021.**

**6.20.540 Level of Charges.**

A. The amount of charges for County waste material collection services and use of waste material transfer and recycling stations and solid waste disposal sites shall be established and may be revised from time to time by Board resolution. The revenue from such charges shall not exceed the costs incurred by the County Solid Waste Enterprise Fund in providing solid waste management services, including the cost of any charges imposed pursuant to subsection (B) below. The amount of such charges may vary based upon the type of property receiving service, the type and quantity of waste material collected and managed, the level of service, and any other factors determined to constitute an equitable apportionment of the costs incurred by the County Solid Waste Enterprise Fund.

B. The charges authorized by subsection (A) may include a charge to the County's Solid Waste Enterprise Fund to reflect reasonable compensation for the use of solid waste disposal sites owned by the County. The revenue from any such charge may be deposited in the County's general fund.

**6.20.545 Lien.**

Each customer service charge for the County's waste material collection service and any penalties levied on any such charges pursuant to this chapter, a resolution or ordinance adopted by the Board or rules or regulations promulgated by the Director pursuant to Section 6.20.035, is made a lien upon any such parcel receiving such waste material collection services, and any proceedings authorized by law to enforce payment of such liens may be taken by the County to enforce payment of such charges and penalties.

This section shall apply to all parcels wherein the owner has subscribed to the County's waste material collection service.

**6.20.550 Owner Responsibility.**

All charges for the County's waste material collection services shall be billed to the owner of record of any such parcel as shown upon the most recent County Assessor's roll as of the date that waste material collection service is commenced for the parcel, to the successor in interest of such person, such person's designee, or to any person requesting that such charges be billed to him or her. In all cases, however, the owner of record shall remain liable for the charges. This section shall apply to all parcels wherein the owner has subscribed to the County's waste material collection service.

**6.20.560 User Service Charges.**

All users of County-owned transfer stations and recycling and disposal facilities shall pay fees for such use in accordance with Section 6.20.540. Fees for such services are payable upon delivery of such service unless otherwise excepted.

**6.20.565 Credit Customer Billing.**

Customers who receive waste material transfer and disposal services at County-owned facilities and who have approved credit applications on file with the County shall

**These amendments will be effective on May 6, 2021.**

be billed on a monthly basis, based upon weight tickets and other documentation for such services rendered during the preceding month. Payment shall be due at the end of the monthly billing cycle and shall be considered delinquent thirty (30) days from the date of the invoice. Delinquent payments shall incur an added penalty charge of ten percent (10%) of the invoice amount, plus an additional one and a half percent (1.5%) monthly interest charge applied cumulatively sixty (60) days after the date of delinquency.

SECTION 6. Article 6 of Chapter 6.20, Title 6, of the Sacramento County Code

is amended to read as follows:

**Article 6 Construction and Demolition Debris**

**6.20.615 General Requirements.**

A. All mixed C&D debris and unrecyclable C&D debris, including that from sources other than covered projects, must be contained in a manner so as to prevent blowing or scattering.

B. Mixed C&D debris and unrecyclable C&D debris, including that from sources other than covered projects, must be hauled by franchisees or by the person who generated that mixed C&D debris.

C. No C&D debris, including that from sources other than covered projects, shall be deposited on any roadway, or on any real property without a solid waste facilities permit for that real property, whether public or private, or in any river, stream or other waterway, or in any sanitary sewer or storm drainage system.

D. No C&D debris, including any from sources other than covered projects, shall be burned.

**6.20.620 Covered Project.**

Projects covered by this article include all projects covered by sections 4.408.5 and 5.408.5 of title 24 of the CCR. Projects covered by this article also include all full-structure demolitions.

**6.20.625 Requirements of C&D Generators.**

A. Each C&D generator from a covered project shall be responsible for ensuring and demonstrating their compliance with this chapter and shall recycle all recyclable C&D material by any of the following methods:

1. Source separating recyclable C&D material and recycling it; and/or
2. Self-hauling mixed C&D debris containing recyclable C&D material to a County-certified C&D sorting facility; and/or
3. Depositing mixed C&D debris containing recyclable C&D material in a container provided by a County franchisee, who shall deliver that load of mixed C&D to a County-certified C&D sorting facility; and/or

**These amendments will be effective on May 6, 2021.**

4. Any other method described in detail on the Waste Management Plan (WMP) and approved by the Director that achieves the diversion requirements contained in [sections 4.408.5 and 5.408.5 of title 24 of the CCR](#).

B. Each C&D generator from a covered project shall notify and instruct all employees and subcontractors of the recycling requirement and the methods, described in subsection (A), to be employed in meeting that requirement.

C. The approved WMP and other waste management documents shall be available for inspection by the Director, at the permitted jobsite.

D. Each C&D generator from a covered project shall keep record of all bills, receipts, and/or scale-house tickets, for hauling or disposal or recycling services, including that of any subcontractors, on file for a period of one year from the date of final inspection by the County or the issuance of the certificate of occupancy, whichever is later.

E. Nothing in this chapter shall abridge the right of any C&D generator to sell or exchange at fair market value its own recyclable materials which are source separated for reuse and recycling.

**6.20.630 C&D Debris Ownership.**

C&D debris lawfully deposited in bins, drop-boxes or other containers used by a franchisee for collection for either disposal or recycling shall become the property of the franchisee upon its deposit in any such container.

**6.20.635 Waiver of Requirements.**

The Director is authorized to waive the requirements of this article for projects with special circumstances.

**6.20.640 Waste Management Plan.**

A. Any person applying for a permit for a covered project shall submit a completed WMP, on a form provided by the Director.

B. The WMP shall provide the following:

1. The types of waste materials to be generated from the project;

2. The manner in which C&D debris will be managed on site, for example in dumpsters, bins or corrals;

3. The manner in which recyclable C&D debris will be diverted, for example by source separation of recyclable C&D debris or by delivery to a certified C&D sorting facility, or both;

4. The person or persons who will transport C&D material, for example identification of a franchised hauler, independent reusers or recyclers, and indication of any self-hauling activity to be employed; and

5. Identification of all disposal and recycling facilities, including County-certified C&D sorting facilities, where C&D debris will be delivered.

C. All WMPs submitted shall be accompanied by a processing fee. The fee shall be set by Board resolution, which may be amended from time to time.

D. WMPs deemed complete according to the requirements of this article shall be approved by the Director.



**These amendments will be effective on May 6, 2021.**

E. A copy of the WMP as well as any signed customer service agreement with a franchisee shall be kept readily available on the project site in the jobsite permit folder.

**6.20.650 Reporting.**

A. County Certified C&D Sorting Facilities. Any certified C&D sorting facility deemed in compliance with article 4 of this chapter shall be deemed in compliance with this section.

B. Franchisees. Any County franchisee deemed in compliance with article 4 of this chapter shall be deemed in compliance with this section.

C. Building Permittee (permittee). Any permittee deemed in compliance with [sections 4.408.5 and 5.408.5 of title 24 of the CCR](#), as applicable to residential or commercial construction permit types, shall be deemed in compliance with this section.

**6.20.655 Inspection and Audit Authority.**

A. Each person issued a building permit for a covered project by the County (permittee) shall at all times maintain accurate and complete records of all C&D debris generated, transported recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C&D debris. The permittee's books, accounts and records reasonably necessary for the enforcement of this chapter shall be made available for inspection, examination and audit during normal business hours by authorized officers, employees and agents of the County. The Director shall give written notice at least ten (10) days prior to any inspection, audit or examination of these records.

B. Accurate and complete records must be maintained by the permittee for a minimum period of twelve (12) months immediately following the date of the issuance of the certificate of occupancy or the project final inspection, whichever is later.

C. Where the Director determines that an audit is necessary, the permittee shall be responsible for reimbursement of costs incurred by the County, including any consultant services, to perform audits of accounts of all C&D debris generated, transported recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C&D debris.

**6.20.660 Use of Containers.**

No person other than a waste generator who has contracted for service with a franchisee, or a person with such generator's consent, shall deposit waste materials into a C&D debris bin, drop box, pen, compactor or any other container placed in the County by a franchised hauler for the purpose of receiving C&D debris.

SECTION 7. Article 7 of Chapter 6.20, Title 6, of the Sacramento County Code is added to read as follows:

**Article 7 Enforcement**

**6.20.700 Inspection Authority and Re-Inspection Fees.**

**These amendments will be effective on May 6, 2021.**

A. The Director is authorized to inspect waste material collection areas on any property in unincorporated Sacramento County for compliance with this chapter.

B. When a violation occurs for non-compliance with recycling mandates as described in article 4 of this chapter, the Director may provide written notification of such failure to comply, in any form or format described in this article, to the person violating this chapter and schedule a re-inspection.

C. When a violation continues to exist following the first inspection and beyond the timeframe provided in the notice allowing a reasonable opportunity to, which timeframe shall be no less than 30 days and no more than 90 days, there shall be, upon re-inspection, a re-inspection fee levied against the responsible person. When a violation continues subsequently to exist, additional re-inspections shall be conducted and applicable re-inspection fees shall be applied. The re-inspection fees shall be adopted by the Board by resolution.

**6.20.705 Posting of Notices for Waste Material Containers.**

A. The Director may post notices on automatic lift containers, bins, roll off bins, and any other containers that are used for waste material collection within the County if the owner of the container is in violation of this chapter, including, but not limited to, any regulation, franchise requirement, permit, information request, order, variance, or other requirement that the Director is authorized to enforce or implement pursuant to this chapter.

B. A notice shall remain on containers that are used for waste material collection within the County so long as the owner of the containers is in violation of this chapter.

The notice shall be posted on the container so as to be clearly visible to the general public and include all of the following:

1. The date that the notice was placed on the container.
2. The address or location of the property where the container is being used, including the identification of any dwelling unit, room number, apartment number, business, or non-residential property.
3. The name and contact telephone number of the Department posting the notice on the container.
4. The Sacramento County Code section that has been violated.
5. A statement that it is unlawful for any person to engage in the business of collecting, transporting or disposing of commercial solid waste kept, accumulated or generated in the unincorporated County, or to engage in the business of soliciting accounts or invoicing customers for commercial solid waste service in the unincorporated County unless a franchise has first been granted pursuant to the provisions of this chapter and such a franchise is in full force and effect.
6. A statement that any person violating the posted notice is subject to criminal penalties pursuant to section 6.20.790 and administrative penalties in an amount of up to one thousand dollars (\$1,000) for each day of each violation.
7. A statement that a person disturbing or destroying the posted notice is subject to administrative civil penalties in an amount of up to one thousand dollars (\$1,000) in addition to any other remedies provided by this chapter.

**6.20.710 Illegal Dumping – Penalties and Procedure.**

A. Any person who violates section 6.20.130 of this chapter shall be guilty of a misdemeanor, punishable by imprisonment in the County jail for not more than six months and by a fine of not less than one thousand dollars (\$1,000.00); provided, however, the County shall have the discretion to reduce the misdemeanor to an infraction.

B. Any person who places, deposits, dumps, or accumulates, or causes to be placed, deposited, dumped, or accumulated any solid waste on or in any public or private street, public right of way, easement, gutter, or sidewalk, or any public or private property, including public parks, within the unincorporated area of the County, without the consent of the owner thereof and except in conformance with this chapter or rules and regulations promulgated pursuant to section 6.20.035, in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in the County jail for not more than six months and by a fine as set forth in Penal Code section 374.3.

“Commercial quantities” means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. This subsection does not apply to the placing or temporary accumulation of household waste at the person’s residence that generated the waste. This subsection does not apply to the placing or temporary accumulation of rubbish, not containing garbage, at the person’s business or commercial property that generated the waste. For purposes of this subsection, “temporary” means a period up to seven (7) days from the commencement of placing or accumulation.

C. Citation. In addition to any other remedies provided by this chapter or state law, a violation of section 6.20.130 is subject to the immediate imposition of an administrative penalty because such violation poses an immediate danger to health and safety. The provisions of this section may be enforced by DWMR or its designee.

1. Notice. Where the County has determined that any person has violated section 6.20.130, the County may commence administrative citation proceedings.

Notice of such proceeding shall contain:

- a. the date, approximate time, and location of the violation(s);
- b. the conditions constituting the violation(s) and the code section(s) violated;
- c. the name and address of the responsible person in violation;
- d. the amount of the administrative penalty;
- e. an advisement of administrative review rights pursuant to this section and the address at which a written request for administrative review must be delivered;
- f. a statement that if the responsible person fails to request an appeal of the imposition of the administrative penalty, the citation imposing the penalty shall be final;
- g. a statement advising the responsible person that the County will seek recovery of administrative costs and attorneys’ fees as authorized by the Government Code and this chapter;
- h. a statement that any responsible person upon whom a final administrative penalty has been imposed may seek review of the order imposing the penalty pursuant to Code of Civil Procedure sections 1094.5 and 1094.6; and
- i. the name, signature, and contact information of the person issuing the citation.

**These amendments will be effective on May 6, 2021.**

2. Service. The citation, and any amended or supplemental citation, shall be served by personal delivery or certified mail, postage prepaid and return receipt requested, to all responsible persons subject to a penalty under this section. Citations delivered by mail shall be addressed as follows: if to a property owner, to the address shown on the last equalized assessment roll or any other address or addresses ascertained to be more accurate; if to any other responsible person, to the address provided in government identification records, or to any other address ascertained to be more accurate. Proof of service of the citation shall be retained by agency issuing the citation until the case is closed.

D. Failure to Seek Administrative Review. Failure of any cited person to file for administrative review pursuant to this section is a waiver of that person's right herein. The cited penalty shall be imposed and fully due upon ten (10) business days from citation service, unless administrative review is requested or the citation is rescinded by the County.

E. Administrative Review Hearing. Any person cited may contest imposition of the administrative penalty by submitting a written request for an administrative review hearing to the department head as identified in the citation.

1. Time to Contest Citation. A request for administrative review hearing must be received within ten (10) business days from the date the citation was personally served or mailed.

2. Hearing Officer. Upon receipt of a timely and properly filed request for administrative review hearing, a public hearing shall be scheduled before a Hearing Officer.

3. Notice of Public Hearing. Notice of the time, date, and location for the administrative review hearing shall be served in the same manner as a citation pursuant to this section. Such notice shall be served no later than fifteen (15) calendar days prior to the hearing.

4. Hearing Procedure. At the time set for hearing, the Hearing Officer shall proceed to hear the testimony and receive evidence of all parties. Formal rules of evidence shall not apply at the hearing. The proceedings may be recorded by audio recording device. Any party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense. A party may be self-represented, or represented by anyone of their choice.

a. The Hearing Officer shall administer an oath or affirmation.

b. The Hearing Officer may issue subpoenas to compel the attendance of witnesses.

c. The Hearing Officer may take official notice of any matter which would be subject to judicial notice by the courts of this state, or of any matter which may appear in the official records of this County or its departments.

d. The Hearing Officer may inspect the property or item(s) involved in the hearing provided that notice of inspection is given prior to inspection, parties are given an opportunity to be present, a statement of material facts observed and conclusions drawn is included in the record, and any party may include in the record a statement rebutting or explaining the Hearing Officer's facts or conclusions.

**These amendments will be effective on May 6, 2021.**

5. Continuance. The Hearing Officer may grant continuances from time to time upon request and for good cause, or upon his or her own motion. Notice of continuance shall be mailed to all persons cited.

6. Decision. The decision of the Hearing Officer shall be in writing and issued within ten (10) calendar days following conclusion of the hearing. The decision shall contain findings of fact and a determination to uphold or rescind the issued citation and shall advise that the time for judicial review of the decision is governed by the Government Code section 53069.4. The decision shall be served upon the cited person by the department head in the same manner as a citation pursuant to this section.

7. Finality. The decision of the Hearing Officer shall be final upon service.

F. Judicial Review. The manner of contesting the decision of the Hearing Officer is governed by Government Code section 53069.4. Service of a notice of appeal authorized by Government Code section 53069.4 shall be served upon the clerk.

G. Collection. Payment of a penalty is due in full the later of: (1) the day after the time to contest the citation expires, if no administrative review request is filed, or (2) ten (10) calendar days after service of a Hearing Officer decision upholding the citation. The County may pursue all reasonable and legal means in collecting sums due.

H. The administrative penalties for citations issued pursuant to this section shall be as follows:

1. One thousand dollars (\$1,000) for the first violation;
2. One thousand, five hundred dollars (\$1,500) for the second violation of the same section within one year of the first citation;
3. Three thousand dollars (\$3,000) for each additional violation of the same section within one year of the first citation.

#### **6.20.715 Notice of Violation.**

The Director may issue a Notice of Violation to any person found to be in violation of a provision of this chapter, including, but not limited to, any rule or regulation promulgated pursuant to section 6.20.035, requirements of any franchise agreement issued pursuant to article 3, or any permit, information request, order, variance, or other requirement that the Director is authorized to enforce or implement pursuant to this chapter. Issuance of a Notice of Violation may also result in issuance of a Notice of Administrative Enforcement Order pursuant to section 6.20.740.

#### **6.20.720 Notice of Violation - Content.**

A. In addition to any other content, a Notice of Violation shall contain the following elements:

1. A statement of the Director's findings that indicates a violation has occurred.
2. A citation of the provision of this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.
3. A date by which the responsible person must be in compliance with this chapter, including any regulation, franchise requirement, permit, information request, order, variance, or other requirement, or a date by which an action plan must be submitted by the responsible person to propose a means and time frame by which to

**These amendments will be effective on May 6, 2021.**

correct violations. The Director may extend the compliance date upon request and when good cause exists for such an extension.

4. Notification that continued non-compliance may result in additional enforcement action being taken against any responsible persons.

5. Notification that the County may recover any costs incurred by the County as a result of the violations.

6. Notification that a violation of this chapter may result in administrative and/or criminal penalties.

7. Notification that the correction of any alleged violation(s) within the specified deadline date(s) will not necessarily prevent the Director from issuing an Administrative Enforcement Order, imposing administrative penalties relating to the violation(s), and/or referral for civil or criminal legal actions or proceedings.

8. Notification of the penalties for non-compliance.

B. In addition to any other content, a Notice of Violation may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:

(a) Cessation of prohibited actions.

(b) Correction of prohibited conditions.

(c) A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.

(d) Reporting requirements to demonstrate ongoing compliance.

2. A requirement that the responsible person shall submit written certification to the Director that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the Notice of Violation may require documentation that substantiates the certification, including but not limited to receipts, contracts, or photographs.

3. Any other terms or conditions reasonably calculated to prevent additional or on-going violations of this chapter.

C. An Administrative Enforcement Order may be issued separately, after issuance of a Notice of Violation, or in combination with a Notice of Violation, for the same violations or set of related violations.

**6.20.730 Cease and Desist Orders.**

A. The Director may issue a cease and desist order requiring the owner or operator of any residence, multifamily residential facility, business or any other occupied structure, or any other person responsible for any violation of this chapter, to take any of the following actions:

1. Immediately discontinue the placement of recyclable material and / or organic material in solid waste containers;

2. Immediately discontinue any ongoing violation of this chapter, as described in the order;

3. Remediate the violation described in the order by subscribing to source-separated recyclable material and / or organic material collection or otherwise taking the corrective action noted in the order, to the satisfaction of the Director.

**These amendments will be effective on May 6, 2021.**

B. The Director may issue an Administrative Enforcement Order if it is determined that an owner or operator has not complied with any or all provision(s) of any cease and desist order.

**6.20.735 Injunctions.**

In addition to any other remedies provided by this chapter or state law, when any person has engaged in, is engaged in, or threatens to engage in, any acts or practices which violate this chapter, or any resolution, rule, or regulation adopted pursuant to this chapter, the County Counsel may apply to any court of competent jurisdiction for an order enjoining those acts or practices, or for an order directing compliance.

**6.20.740 Administrative Enforcement Order.**

A. If the Director determines that a responsible person has committed, or is committing, a violation of any provision of this chapter, any rule or regulation promulgated pursuant to section 6.20.035, or a franchise requirement, permit, information request, order, variance, or other requirement that the Director is authorized to enforce or implement, the Director may issue an Administrative Enforcement Order either subsequent to issuing a Notice of Violation or in combination with a Notice of Violation, requiring that the violation be corrected and imposing an administrative penalty.

B. The responsible person shall be liable for a penalty of not more than one thousand dollars (\$1,000) for each day in which each violation occurs and/or continues.

**6.20.745 Administrative Enforcement Order—Content.**

A. In addition to any other content, an Administrative Enforcement Order shall contain the following elements:

1. A statement of the Director's findings that indicates a violation has occurred.
2. A citation of the provision of this chapter including any regulation, franchise requirement, permit, information request, order, variance, or other requirement that has been violated.
3. A date by which the responsible person must be in compliance with this chapter, or a date by which an action plan must be submitted by the responsible person to propose a means and time frame by which to correct violations. The Director may extend the compliance date upon request and when good cause exists for such an extension.
4. Notification that continued non-compliance may result in additional enforcement action being taken against the business, non-residential property, multi-family residential property, facility, or any responsible persons.
5. Notification that the County may recover any costs incurred by the County as a result of the violation.
6. Notification as to whether an administrative civil penalty is imposed and the terms and conditions of payment if any. In establishing the penalty amount, the Director shall take into consideration:
  - a. The nature, circumstances, extent, and gravity of the violation;
  - b. The violator's past and present efforts towards compliant behavior;

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c. The violator's ability to pay the penalty;  
d. The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.

7. Notification that the responsible person has a right to an appeal of the Administrative Enforcement Order according to the procedures set forth in section 6.20.755 through 6.20.760.

B. In addition to any other content, an Administrative Enforcement Order may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:

- a. Cessation of prohibited actions.
  - b. Correction of prohibited conditions.
  - c. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter.
  - d. Reporting requirements to demonstrate ongoing compliance.
2. A requirement that the responsible person shall submit written certification to the Director that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the Administrative Enforcement Order may require documentation that substantiates the certification, including but not limited to receipts, contracts, or photographs.
3. Any other terms or conditions reasonably calculated to prevent additional or on-going violations of this chapter.

#### **6.20.750 Delivery of Notice or Order.**

Any Notice of Violation, Administrative Enforcement Order, citation, or other enforcement notice or order issued pursuant to this chapter shall be subject to the following requirements:

1. Delivery shall be deemed complete upon either personal delivery to the responsible person or by certified mail, postage prepaid and return receipt requested.
2. Where the responsible person is the owner of the subject premises, and can only be contacted by US mail, the address for notice or order shall be the address from the most recently issued equalized assessment roll for the subject premises.
3. Where the owner or occupant of the subject premises cannot be located after reasonable efforts of the Director, the notice or order shall be deemed delivered after posting on the subject premises for a period of ten (10) business days.
4. Proof of service of the notice or order shall be retained by the County until the enforcement action is concluded.

#### **6.20.752 Cumulative Remedies.**

The remedies set forth in this article are cumulative to any other remedy available to the County. Nothing contained herein shall limit or be deemed to prevent the County from pursuing any other available remedy under this chapter or any other applicable law.

#### **6.20.755 Administrative Appeals.**



**These amendments will be effective on May 6, 2021.**

The procedures in this section apply to any aggrieved party other than a person appealing an administrative citation issued pursuant to section 6.20.710 (Illegal Dumping).

A. Any person adversely affected by any action relating to the provisions of this chapter may appeal the action by submitting a written notice of appeal with the Director within thirty (30) days of the date of the decision. The Director shall conduct an informal hearing on the appeal within thirty (30) days of receipt of the notice of appeal.

1. If no notice of appeal is filed within the time limits provided by this subsection, the Administrative Enforcement Order or other enforcement notice shall become final.

2. The written appeal shall be accompanied by a filing fee. The filing fee shall be set by Board resolution. If the appeal is upheld, the filing fee shall be refunded to the appellant.

B. Any person adversely affected by the decision of the Director may appeal the decision of the Director by filing a notice of appeal with the Clerk within thirty (30) days of the date of the Director's decision, requesting a hearing with a Hearing Officer. Any such notice shall be in writing and signed by the appellant under penalty of perjury. The notice shall include the following information:

1. A complete description of the factual basis for the appeal; and

2. The legal basis for the appeal; and

3. The remedy sought by the appellant. If the appeal is not filed within such time or manner, the right to a review of the action against which complaint is made shall be deemed to have been waived.

C. Within thirty (30) days of receipt of the notice of appeal by the Director, a hearing shall be scheduled before a Hearing Officer. The Hearing Officer shall issue a decision within thirty (30) days after the hearing is conducted. Alternative dates for the hearing may be established by mutual consent of the appellant and the Director or as ordered by the Hearing Officer.

D. Within thirty (30) days after the conclusion of the hearing, the Hearing Officer shall render all decisions and findings in writing to the Director, with a copy to the appellant. Decisions and findings shall be filed in the office of the Director for public inspection.

E. The decision of the Hearing Officer shall be final and there shall be no appeal to the Board.

**6.20.757 Conduct of Administrative Hearings – Generally.**

A. General. At the time set for hearing, the Hearing Officer shall state what the prima facie case is, what the burden of proof is, and what the ranges of penalties are. The Hearing Officer shall proceed to hear the testimony of the Director, or designee, the person, and other competent persons respecting the circumstances of the violation, and other relevant facts concerning the matter. The Hearing Officer shall follow the rules of procedure for conducting hearings established by this chapter.

B. Record of Oral Evidence at Hearing. A record of the entire hearing proceedings shall be made by either a certified court reporter or any other means of permanent recording determined to be appropriate by the Hearing Officer. A transcript of the proceedings shall be made available to all parties upon request and upon

**These amendments will be effective on May 6, 2021.**

payment of the fee prescribed therefor. Such fees may be established and revised from time-to-time by the Director, or designee.

C. Continuances. The Hearing Officer may, upon request of the person, a party in interest, or the Director, or designee, grant continuances from time to time for good cause shown, or upon his/her own motion. Any continuance granted shall in no way diminish the responsibility of the person and/or parties in interest for maintaining the premises, nor affect other requirements of this chapter regarding time for challenging any decisions made or actions taken.

D. Oaths—Certification. The Hearing Officer or certified court reporter shall administer the oath or affirmation.

E. Evidence Rules. [Government Code](#) section 11513, as presently written or as may be amended from time to time, shall apply to hearings conducted under this chapter.

F. Rights of Parties. Each party may represent themselves, or be represented by anyone of their choice. Each party may appear at the hearing and offer evidence in this matter and cross examine witnesses.

G. Official Notice. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State.

H. Burden of Proof. The burden of proof in hearings held pursuant to this chapter shall be as follows:

1. In the case of any notice or order, the Director shall bear the burden of proof, by a preponderance of evidence, to show that a violation of this chapter has occurred.

2. In the case of a notice of administrative civil penalty, the Director shall bear the burden of proof, by a preponderance of evidence, to show that a penalty should be assessed.

3. In the case of an appeal regarding the occurrence of a violation, or of required corrective actions, the appellant shall bear the burden of proof, by clear and convincing evidence, to show cause for amending or rejecting all or part of the corrective actions or requirements imposed by the Director by a notice or order.

**6.20.760 Form and Content of Decision.**

A. Following the hearing, the Hearing Officer shall issue an order in writing no later than thirty (30) days from the date of the hearing, unless the time is waived or extended by the parties. The order shall contain findings of fact and rationale appropriate to the violation and result, and a resolution of the essential issues raised, including the following:

1. Confirmation or denial of the occurrence of violations of this chapter that are alleged by the Director, or designee;

2. Confirmation or rejection of any administrative civil penalty sought by the Director, or designee, and establishment of the monetary amount of any administrative civil penalty to be enforced; and

3. Confirmation, amendment, or rejection of required corrective actions related to compliance with this chapter that are imposed by the Director, or designee, but only if those requirements are appealed by the person.

**These amendments will be effective on May 6, 2021.**

B. The Hearing Officer's order shall uphold required corrective actions if the person fails to show clear and convincing evidence that the required corrective actions are unreasonable or unnecessary for achieving or demonstrating ongoing compliance with this chapter. The Hearing Officer's order may amend, or reject required corrective actions, provided that compliance with this chapter will be achieved.

C. The Hearing Officer's order shall inform the person that failure to comply with the Hearing Officer's order shall constitute a misdemeanor and is subject to additional enforcement action, including criminal penalties and additional civil and administrative penalties.

D. The Hearing Officer's order shall inform the person that the time and manner by which a person may file a challenge to the Hearing Officer's order is governed by [Government Code](#) Section 53069.4, or any successor provision thereto.

E. The order issued by the Hearing Officer pursuant to this chapter shall be effective upon issuance. A copy of the order shall be delivered by the Hearing Officer in accordance with section [6.20.750](#) of this chapter.

F. Preparation of a record of the administrative proceeding shall be governed by the provisions of the Code of Civil Procedure section 1096.4.

G. Any challenge to the order of the Hearing Officer concerning any appeal or administrative civil penalty shall be governed by [Government Code](#) section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by [Government Code](#) section 53069.4 on the County shall be served upon the Director.

H. After any notice or order made pursuant to this chapter becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order. The Director, or designee, may pursue, through the County Counsel or the District Attorney, appropriate judicial action against any person who fails to comply with any such notice or order, including charging that person with a misdemeanor offense.

#### **6.20.765 Procedures for Collection of Administrative Penalties.**

A. The administrative penalties described in section 6.20.770 through 6.20.785 shall be due and payable within thirty (30) days after issuance of the written notice or, if appealed, after the Hearing Officer's decision is issued. If the penalty is not timely paid, the Director, and/or his or her designee, may pursue all reasonable and legal means in collecting those sums authorized and due.

B. All administrative penalties collected from actions brought pursuant to this chapter shall be paid to DWMR, and shall be deposited into a special account that shall be expended to fund the activities of DWMR in implementing this chapter.

#### **6.20.770 Administrative Penalties.**

A. The administrative penalties described in section 6.20.770 through 6.20.782 shall be set by the Board by resolution and shall not exceed \$1,000 per violation per day.

#### **6.20.772 Recycling Non-Compliance - Administrative Penalties.**

A. The Director shall establish a form, process, and standards for submittal by Franchisees of a Non-Compliant Commercial Generator Notification that lists all commercial generators that are not in compliance with mandatory recycling and

**These amendments will be effective on May 6, 2021.**

organics recycling service. That list shall also include contact information for each non-compliant customer.

B. A non-compliant commercial generator shall be:

1. Subject to inspection and / or a Notice of Violation and/ or an Administrative Enforcement Order by the Director;
2. Subject to re-inspection and re-inspection fees if they continue to be non-compliant as described in section 6.20.700;
3. Subject to administrative penalties if they remain non-compliant after re-inspection; and
4. Subject to discontinuation of solid waste collection service until they achieve compliance, in which case they shall be subject to additional administrative penalties if they obtain solid waste collection services from a different franchisee without first gaining compliance.

C. A franchisee shall be subject to a Notice of Violation, an Administrative Enforcement Order, and / or administrative penalties if the franchisee fails to provide mandatory recycling service and / or organic material recycling service, or fails to discontinue solid waste collection service, to a non-compliant generator, according to a schedule provided by the Director.

D. Any franchisee that initiates solid waste collection services to a non-compliant commercial generator while a different franchisee is under order to remove that generator's solid waste container shall be subject to administrative penalties.

**6.20.775 Construction and Demolition Debris – Tonnage Shortfall Penalty.**

A. Permittees in violation of the waste diversion standards set forth in sections 4.408.5 and 5.408.5 of title 24 of the CCR shall mitigate their tonnage shortfall by delivering, or providing for the delivery of, C&D debris in the amount of their diversion shortfall, that is not required to be diverted by any other County regulation, to a County-certified sorting facility.

B. In the event that no County-certified sorting facility has available capacity for additional tonnage, permittees may mitigate their tonnage shortfall by paying to the County's Solid Waste Enterprise Fund the amount of \$100.00 per ton shortfall to be used by DWMR to promote C&D recycling.

**6.20.777 Franchisee Recycling Shortfall – Recycling Shortfall Penalty.**

A. Any franchisee not diverting the required percentage, by weight, of the waste materials under its collection shall pay a Recycling Shortfall Penalty, per ton for the tonnage shortfall, that would be needed for the franchisee to be diverting waste in compliance with section 6.20.290 of this chapter and any resolution adopted by the Board pursuant thereto. The tonnage shortfall shall be based on quarterly reports and documented diversion reported by the franchisee, as determined by DWMR.

B. The implementation of the Recycling Shortfall Penalty does not relieve franchisee from the obligation of complying with the diversion requirements of section 6.20.290. Failure to pay any Recycling Shortfall Penalty shall constitute grounds for the immediate suspension of the franchise, without advance notice or hearing, pending compliance by the franchisee with the requirements hereof.

**These amendments will be effective on May 6, 2021.**

C. Franchisees shall be responsible for reimbursement of costs incurred by the County, including staff time and any other County or consultant services, to perform detailed audits if DWMR determines that documentation of diversion, as reported by franchisees, is inadequate. When necessary, DWMR will retain the services of an independent consultant to verify performance and conduct any necessary diversion audits.

D. Recycling Shortfall Penalties shall be deposited in the County Solid Waste Enterprise Fund to be used by DWMR to promote commercial recycling and organic material recycling efforts.

**6.20.780 Scavenging - Administrative Penalty.**

A first violation of section 6.20.160 shall constitute an infraction, punishable by a fine not exceeding two hundred and fifty dollars (\$250). A second or subsequent violation committed within six (6) months of the previous violation shall be punishable as a misdemeanor as provided in section 1.01.190 of this Code. Scavenging penalties shall be deposited in the County Solid Waste Enterprise Fund to be used by DWMR to reduce or remediate illegal dumping.

**6.20.782 SB 1383 Non-Compliance – Administrative Penalty.**

A. Penalties imposed pursuant to section 6.20.295 and 6.20.432 may be imposed on or after January 1, 2022.

B. Administrative penalties and / or re-inspection fees described in section 6.20.700 shall be established by Board resolution, but at minimum shall be those amounts set forth established in section 18997.2 of title 14 of the CCR.

**6.20.785 Administrative Penalties Modification and Settlement.**

The Director or Hearing Officer may modify an administrative penalty imposed pursuant to this chapter by issuing a written notice stating the justifications therefor and that the proposed modification includes a deadline to appeal the penalty, and serving same together with a copy of the provisions of this chapter, upon the responsible person. The modification shall become effective upon the execution by the responsible person of a settlement agreement with the Director. If settlement is not agreed to in writing between the Director and the responsible person within thirty (30) days of service of the proposed settlement, the responsible person may pursue an appeal as described in sections 6.20.755 through 6.20.760.

**6.20.790 Criminal Penalties.**

A. The following criminal penalties apply to violations of this chapter.

1. Violation as Misdemeanor. Unless otherwise specified by this chapter, violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of terms and conditions established in connection with franchises issued pursuant to this chapter, shall constitute a misdemeanor.

2. The Sacramento County Sheriff's Department and/or any other law enforcement agencies located within the County may issue a Notice to Appear Citation for any misdemeanor pursuant to Penal Code section 853.6 for any violation of this chapter.

**These amendments will be effective on May 6, 2021.**

3. Penalty for Misdemeanor. Unless otherwise specified in this chapter, any person found to be in violation of any provision of this chapter or fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day that such violation continues shall be considered a separate offense. Such penalties shall be in addition to any late fees, civil penalties, or other charges payable to the County by any responsible person, including a Franchisee, for the same period of time or for the same violations.

4. Each civil, criminal, or administrative penalty imposed pursuant to this chapter for any separate violation shall be separate, and in addition to, any other provision of law and does not supersede or limit any and all other legal remedies and penalties, civil, administrative or criminal which may be applicable under other laws.

**6.20.792 Actions Not Prohibited.**

This chapter does not do any of the following:

A. Otherwise affect the authority of the Director to take any other action authorized by any other provision of law.

B. Restrict the power of a city attorney, district attorney, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

C. Prevent the Director from cooperating with, or participating in, any proceeding specified in this article.

**6.20.795 Assessment.**

If any assessment, fine, or penalty is not paid in full within thirty (30) days after receipt of a notice, order, or decision by the Hearing Officer, the Director, or designee, may record in the office of the County Recorder a statement of the total balance due and a legal description of the property. From the date of such recording, the balance due shall be a special assessment against the described property.

**6.20.796 Collection of Assessment.**

The assessment, fine, or penalty shall be collected at the same time and in the same manner as ordinary ad valorem County taxes are collected, and shall be subject to the penalties and the same procedure and sale in case of delinquency as provided for County ad valorem taxes. All laws applicable to the levy, collection, enforcement and penalties of County ad valorem taxes shall be applicable to such assessment, fine, or penalty.

**6.20.797 Abatement Proceedings.**

Any activity or operation contrary to the provisions of this chapter, or of a franchise or the terms or conditions imposed therein, or of a rule promulgated pursuant to section 6.20.035 of this chapter, is unlawful and a public nuisance. The Director or his designee is authorized to commence, in the name of the County, actions or proceedings for the abatement and removal and enjoining thereof in the manner provided by law, and shall take such other steps, and shall apply to such court or courts as may have

**These amendments will be effective on May 6, 2021.**

jurisdiction to grant such relief, to abate and remove such operation and restrain and/or enjoin any person, firm, or corporation from so operating.

SECTION 8. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on \_\_\_\_\_, and on \_\_\_\_\_, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

**These amendments will be effective on May 6, 2021.**

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,  
(PER POLITICAL REFORM ACT (§ 18702.5.))

\_\_\_\_\_  
Chair of the Board of Supervisors  
of Sacramento County, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors

2056426