



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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JOHN J. PRESLEIGH
DIRECTOR OF PUBLIC WORKS

AGENDA: OCTOBER 20, 2015

October 6, 2015

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street

Santa Cruz, California 95060

SUBJECT: UNIVERSAL SERVICE ORDINANCE FOR RECYCLING AND SOLID WASTE SERVICES

Members of the Board:

On May 12, 2015, your Board accepted a report on long-range planning for recycling and solid waste services including potential measures for reducing illegal dumping in unincorporated areas of the County.

As you know, in most California jurisdictions, Universal Service is the standard. Businesses and residents are required to subscribe to recycling and waste service just as they are to water, sewer and power service. This is the case in all of our local cities as well as for nearby Counties. By moving in this direction, the County of Santa Cruz would strengthen the value of the County's recycling and solid waste franchise in preparation for the granting of a new contract and help to provide long-term financial stability to the County's recycling and solid waste programs.

Upon your Board's direction, Public Works has conducted extensive outreach across the County to receive real data from the public about implementing Universal Service. Efforts have included seven community meetings in various locations, articles in newsletters which are distributed to all County residents and businesses, and interviews with the local media. While some concerns have been expressed about details of the proposal, overall we have found strong support for adopting a form of Universal Service in the urbanized areas of the County. Residents and businesses see this as a useful tool in addressing the problem of those without service taking advantage of their neighbors or public refuse containers.

While it may not be practical at this time to require service in more remote areas of the County, Public Works does believe it would make sense to do so in more urbanized areas where homes and businesses are clustered closely enough together to allow for efficient service. The proposed Ordinance would require most residents and business owners within the Urban Services Line or the Urban Rural Services Boundary to subscribe to service and to allow the Board to establish additional service areas in the future. The proposed Ordinance also provides for responsible self-hauling and exemptions for properties that are undeveloped or unoccupied, or where a hardship exists.

To allow time for the required public hearing and for outreach to affected residents and businesses, Public Works recommends that the proposed Ordinance become effective as of January 1, 2016, if approved by your Board.

It is therefore recommended that the Board of Supervisors take the following actions:

1. Accept and file this report.
2. Open a Public Hearing and take testimony regarding the proposed ordinance.
3. Close the public hearing, and adopt in concept the attached ordinance adding Chapter 7.21 to the Santa Cruz County Code relating to Recycling and Solid Waste Universal Service.
4. Direct the Clerk of the Board to return the ordinance to your Board for final adoption at its next regular meeting.

Yours truly,


JOHN J. PRESLEIGH
Director of Public Works

JJP:TAG:yv

Attachments

RECOMMENDED FOR APPROVAL:

SUSAN A. MAURIELLO
County Administrative Officer

Copy to: Public Works
Planning
Integrated Waste Management Local Task Force

ORDINANCE NO. _____

**ORDINANCE ADDING CHAPTER 7.21 TO SANTA CRUZ COUNTY CODE
RELATING TO RECYCLING AND SOLID WASTE UNIVERSAL SERVICE**

The Board of Supervisors of the County of Santa Cruz hereby finds and declares the following:

WHEREAS, the California Integrated Waste Management Act of 1989 requires that local agencies make adequate provisions for waste handling within their jurisdiction;

WHEREAS, pursuant to state law (CA PRC 40059), the County of Santa Cruz is authorized to exercise its authority for the collection and disposal of solid waste;

WHEREAS, in 1999, the Board of Supervisors of the County of Santa Cruz adopted an official policy of "Zero Waste";

WHEREAS, residents and businesses subscribing to recycling and solid waste service increasingly report unauthorized use of their service by others;

WHEREAS, public refuse containers in the County are frequently overfilled with garbage from homes and businesses without solid waste service;

WHEREAS, subscribing to recycling and solid waste service is inexpensive in Santa Cruz County, and subscribing should not pose a hardship to any business or resident in the affected areas;

WHEREAS, Universal Service has become the standard in California, and is the law in all local cities as well as neighboring Counties;

WHEREAS, illegal dumping presents a growing threat to the health, safety and welfare of the people and environment of the County of Santa Cruz, and a growing expense for the County; and

WHEREAS, to protect the health, safety and welfare of the people and environment of the County of Santa Cruz, it is in the public's best interest to make recycling and solid waste service a requirement for homes and businesses within the urban areas of the County,

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION ONE

The Santa Cruz County Code is hereby amended to add new Chapter 7.21 to read as follows:

Chapter 7.21 Recycling and Solid Waste Universal Service

Sections:

7.21.01 Purpose and Findings

7.21.02 Definitions

7.21.03 Mandatory Recycling and Garbage Service

7.21.04 Changes to Service Areas

7.21.05 Exception for Self-Haulers

7.21.06 Exemptions

7.21.07 Deposit in Unauthorized Receptacles Prohibited

7.21.08 Effective Date

7.21.01 Purpose and Intent

The purpose of this chapter is to protect the health, safety and welfare of the public by providing for the safe, and orderly collection and disposal of solid waste; and requiring a level of service for private property, with regard to solid waste accumulation, collection and disposal, which will protect the public from the health and safety hazards resulting from the accumulation of solid wastes on such private property or of improper disposal of such waste.

7.21.02 Definitions

(A) "Urban Services Line (USL)" shall have the meaning set forth in County Code 17.02.030.

(B) "Rural Services Line (RSL)" shall have the meaning set forth in County Code 17.02.030.

(C) "Solid Waste" or "Garbage" shall mean waste, garbage, refuse or trash as defined in County Code Chapter 7.20.

(D) "Recycling" shall mean recyclable materials as defined in County Code Chapter 7.20.

(E) "Exemption Approval" shall mean permission or approval of requested exception for self-haulers or exemption from Section 7.21.03 below, authorized in writing from the Director of Public Works.

7.21.03 Mandatory Recycling and Garbage Service

No person shall reside, habitate in or lease to any other person residential property, and no person shall operate any business or lease to any other person commercial property within the Urban Services Line or the Rural Services Line, at any time during which recycling and solid

waste collection service is not being provided to the premises from a company franchised, licensed, permitted or otherwise authorized by the County of Santa Cruz, unless exempt as provided herein. No real estate broker, service or salesperson shall arrange for such rentals without assuring that the agreement includes requirements that such services exist. The legal owner of property shall be responsible for ensuring compliance with these provisions.

7.21.04 Changes to Service Areas

(A) Any change to the Urban Services Line or Rural Services Line shall require the application of this ordinance to properties within the newly defined boundaries.

(B) The Board of Supervisors may define additional areas within the unincorporated County as falling within the scope of this ordinance by amendment to Section 7.21.03 above.

(C) Decisions of the Board of Supervisors regarding the applicability of this Chapter shall be final and will not be subject to appeal.

7.21.05 Exception for Self-Haulers

(A) Residents or property owners may opt to haul their own recycling and garbage with the express written permission from the Director of Public Works. Permission from the Director to use an alternative facility shall be conditioned on the County receiving satisfactory documentation of the proper management of recycling and garbage from that property. Provision of such information shall not require approval by the Director of an alternate disposal site.

(B) Residents or property owners who opt to haul their own recycling and garbage must establish an account at a County disposal site, or provide alternate arrangements deemed acceptable to the Director of Public Works in the written exemption approval.

(C) Residents or property owners who opt to haul their own recycling and garbage must properly separate all recyclable materials and deposit in appropriate containers at the disposal site, and must follow all other applicable rules and regulations.

(D) Residents or property owners who opt to haul their own recycling and garbage must comply with all relevant provisions of California state law governing solid waste handling and disposal.

(E) Residents or property owners who opt to haul their own recycling and garbage must dispose of refuse other than recyclables and yard waste at intervals determined satisfactory by the Director of Public Works in the written exemption approval.

(F) Residents or property owners who opt to haul their own recycling and garbage who fail to abide by the above guidelines may have their written exemption approval revoked at the discretion of the Director of Public Works.

(G) An administrative fee for self-haulers shall be collected annually to offset the cost of administration of the exemption in the amount specified in the Unified Fee Schedule.

7.21.06 Exemptions

(A) Upon request to the waste hauler, service may be placed on hold for any property currently unoccupied due to vacation or other circumstance for a period of 30 days. Any hold period longer than 30 days must be approved by the Director of Public Works.

(B) Upon presentation of evidence that any property is undeveloped, the Director of Public Works may issue a temporary exemption for as long as the qualifying circumstances exist, but not to exceed one year, unless another application for exemption is made and approved.

(C) Upon demonstration of hardship, the Director of Public Works may issue a temporary exemption for as long as the qualifying circumstances exist, but not to exceed one year, unless another application for exemption is made and approved.

(D) Decisions of the Director of Public Works shall be final and will not be subject to appeal.

7.21.07 Deposit in Unauthorized Trash Receptacles Prohibited

It is unlawful for any person, firm or corporation to place, deposit or dump, or cause to be placed, deposited or dumped in any trash receptacles reserved for the use of any other household, business or other entity, any household garbage as defined in SCCC 7.20.020 without express written permission from such household, business or other entity.

SECTION II

After approval by the Board of Supervisors, this Ordinance shall take effect on January 1, 2016.

PASSED AND ADOPTED this ____ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:


Office of County Counsel