

SANITARY DISTRICT NO. 1 OF MARIN COUNTY

ORDINANCE NO. 44

AN ORDINANCE AMENDING ORDINANCE NO. 40

The Board of Directors of Sanitary District No. 1 of Marin County ("District") does ordain as follows:

I. Ordinance No. 40, adopted by the District on January 4, 1994, is hereby amended as follows:

1. Add the following definitions:

a. "Authorized Hazardous Waste Collection Facility" shall mean either a hazardous waste collection facility designated as such by another governmental entity, or a responsible person, firm or corporation with which the District has entered into a contract for the operation of a collection facility for Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste which is generated within the boundaries of the District.

c. "Conditionally Exempt Small Quantity Generator Waste" shall mean that hazardous waste generated by those local small quantity commercial sources which generate 100 kilograms or less of hazardous waste each calendar month.

d. "Hazardous Waste" shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

i) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

ii) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

e. "Household Hazardous Waste" shall mean hazardous waste generated by households.

f. Unless expressly provided otherwise, "Hazardous Waste" does not include the following:

- i. Radioactive wastes, except ionization type smoke detectors.
- ii. Infectious wastes.
- iii. Biohazard waste.
- iv. Explosives.

2. Revise Section 201 to read:

Section 201. General: It shall be unlawful for any person to keep, deposit, bury, burn or dispose of any solid waste, Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste, except as provided in this Ordinance, in or upon any private property, public street, alley, sidewalk, gutter, park or upon the banks of or within any stream or creek in the District, or in and upon the waters thereof. Therefore, it is the intent of the District that every person residing or conducting business in this District shall dispose of such waste except as otherwise provided in this ordinance, through the Authorized Refuse and Recycling Agent or the Authorized Hazardous Waste Collection Facility of this District. Nothing in this Ordinance shall prevent an owner and/or occupant of a residential or commercial premises from making occasional disposals of solid waste at an authorized disposal site in addition to their regular weekly service, or from utilizing a temporary debris box service, consistent with Article III, Section 305.

3. Revise Section 202 to read:

Section 202. Dumping or Burying. No person shall dump, place or bury in any lot, land or street, or any alley within the District, any solid waste, Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste, without first having obtained a Solid Waste Facilities Permit or exemption from that permit issued by the Local Enforcement Agency ("LEA") of Marin County and concurred with by the California Integrated Waste Management Board ("CIWMB"). Under no circumstances whatsoever shall recyclable materials be dumped, placed, or buried, as above. This Ordinance shall not preclude or prohibit the District from siting and permitting a recycling facility consistent with the provision of the General Plan provided that necessary variances are obtained from the California Department of Toxic Substances Control.

4. Revise Section 203 to read:

Section 203. Accumulation. No person owning or occupying any building, lot, or premises within the District shall allow any solid waste, Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste to accumulate or remain in or upon said building, lot, or premises, in a manner that creates a public nuisance. The owner of any premises, business establishment, industry or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste, Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste accumulated on the property. Containers shall be filled in a manner that prevents the contents from overflowing and allows the cover to fit securely. Containers for garbage and rubbish shall be of an adequate size and of sufficient numbers to contain, without overflowing, all of the refuse that a household or other establishment generates within the designated removal period. Overflowing refuse is a public health violation. It shall be the responsibility of the owner of any building, lot, or premises, to notify the Authorized Refuse and Recycling Agent promptly when necessary to upgrade collection services to prevent refuse from overflowing existing containers. If the District or Authorized Health Officer (LEA) determines that inadequate services cause a public nuisance or health problem, they may order the owner to upgrade service and lien property for any cost of cleanup and/or upgraded service. The Authorized Refuse Recycling Agent shall upgrade collection service immediately upon notice.

5. Revise Section 204 to read:

Section 204. Burning. No solid waste, Household Hazardous Waste, or Conditionally Exempt Small Quantity Generator Waste shall be deliberately burned within the District without having first obtained a permit to do so from the governmental body or agency responsible for fire protection and having jurisdiction to issue the same. Any such burning pursuant to permit shall be done in accordance with any and all applicable federal, state, county, city, District or other local laws, ordinance, rules and/or regulations including, but not limited to, requirements of any city, district, public entity or agency having jurisdiction over air pollution or public health and safety.

6. Revise Section 206 to read:

Section 206. Obligation of Disposal. Every property owner, occupant or tenant of any premises within the District shall have the obligation for disposal of solid waste, Household Hazardous Waste, and Conditionally Exempt Small Quantity Generator Waste as provided in this Ordinance through the designated Authorized Refuse and Recycling Agent or the Authorized Hazardous Waste Collection Facility and shall pay said

Authorized Refuse and Recycling Agent or Authorized Hazardous Waste Collection Facility for said services at the rates provided therefore. Failure of the receipt of a bill does not obviate responsibility for payment. In each instance, the property owner shall be primarily responsible for the payment of the charges provided for herein. The District, Authorized Refuse and Recycling Agent, or Authorized Hazardous Waste Collection Facility may cause a lien to be placed upon the real property for failure to compensate the Authorized Refuse and Collection Agent or Authorized Hazardous Waste Collection Facility for services rendered.

7. Revise Section 213 to read:

Section 213. Public Receptacles. It shall be unlawful for any person to place or cause to be placed, in any public receptacle owned or rendered by the District and located upon public streets or in public places, any Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste, or any solid waste originating within or from any private property of more than one-half cubic foot, including casual use.

8. Add Section 219 to read:

Section 219. Disposal of Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste. It shall be the obligation of every property owner, occupant or tenant of any premises within the District, to dispose of Household Hazardous Waste and/or Conditionally Exempt Small Quantity Generator Waste, on the premises, by depositing said waste at the Authorized Hazardous Waste Collection Facility.

9. Amend Section 301 to read:

Section 301. Contract. The District may, after duly noticed public hearing, with or without having invited bids therefore, enter into a contract with any responsible person, firm, or corporation, for the collection, removal, or disposal of solid waste accumulated within the District. The term of said contract, rates of collection, and other provisions of the contract, shall be as provided by Resolution of the Board of Directors of the District. Said contractor shall be known as the Authorized Refuse and Recycling Agent. Any such contract heretofore or hereafter entered into between the District and a contractor for the collection, removal and disposal of solid waste, satisfactorily performed by the contractor, may, after a duly noticed public hearing, without inviting bids or proposals therefore, either prior to or after the expiration of such contract, be extended or renewed by the District for such period and on such terms and conditions as the District may provide by Resolution.

The District may enter into a contract with another governmental entity or with a responsible person, firm or corporation, for the operation of a collection facility for

Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste which is generated within the boundaries of the District. The term of said contract, rates of collection and other provisions of the contract shall be as provided by Resolution of the Board of Directors of the District. This contract shall designate the entity which will perform this function as the Authorized Hazardous Waste Collection Facility.

10. Amend Section 501 to read:

Section 501. Charge for Service. There shall be a charge to be paid to the Authorized Refuse and Recycling Agent and to the Authorized Hazardous Waste Collection Facility at rates to be established between the District and the Authorized Refuse and Recycling Agent and the Authorized Hazardous Waste Collection Facility. Said rates to be subject to change upon approval of an agreement between the District and the Authorized Refuse and Recycling Agent and the Authorized Hazardous Waste Collection Facility. The rates may be revised periodically by the District after a public hearing and adoption of a resolution on the revision. Property owner is responsible for all charges for solid waste removal including recyclable materials and for the collection of Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste. The rates shall provide to the Authorized Refuse and Recycling Agent and to the Authorized Hazardous Waste Collection Facility a fair and reasonable compensation in return. The charge for collection of Household Hazardous Waste shall be included as part of the rates paid by the owner/tenant/occupant to the Authorized Refuse and Recycling Agent. The charge for the collection of Conditionally Exempt Small Quantity Generator Waste, shall be paid directly to the Authorized Hazardous Waste Facility by the party generating the waste.

11. Amend Section 502 to read:

Section 502. Payment of Rates. It shall be unlawful for any person to refuse to pay the rates fixed for the collection of solid waste, Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste. Non-payment may result in cessation of service, a violation punishable by law, and/or a lien against the property. It shall be unlawful for any person to dispose of solid waste, from premises owned, occupied, or leased by him, other than by and through the Authorized Refuse and Recycling Agent, except as provided by Article II, Section 201, 202, 204 and 205 of this Ordinance. It shall be unlawful for any person to dispose of Household Hazardous Waste or Conditionally Exempt Small Quantity Generator Waste from premises owned, occupied, or leased by him other than by and through an Authorized Hazardous Waste Collection Facility.

12. Amend Section 503 to read:

Section 503. Disputed Rates. In any case where a dispute shall arise as to the rate or amount to be paid to the Authorized Refuse and Recycling Agent or the Authorized Hazardous Waste Collection Facility, the District shall have the power of final determination of such dispute and both the Authorized Refuse and Recycling Agent and the Authorized Hazardous Waste Collection Facility and the owner, resident or tenant shall be bound thereby. In no event shall the District be obligated in any way to the Authorized Refuse and Recycling Agent or the Authorized Hazardous Waste Collection Facility or any owner, resident or tenant for the collection of disputed accounts.

The foregoing Ordinance was passed by the Board of Directors of Sanitary District No. 1 of Marin County on the 20th day of August 1996 by the following vote:

AYES: Oliva, Mansell, Buckle, Hill, Mariani

NOES: None

ABSTAIN: None

ABSENT: None

Jean M. Mariani
Jean M. Mariani, President of the Board

Attested:

Don Mansell
Don Mansell, Secretary of the Board