

ORDINANCE NO. 2024-22

(Commercial Nonfranchise Solid Waste Hauler Temporary Pilot Program)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. Summary. This ordinance establishes a three-year pilot program, beginning 30 days after the ordinance is adopted, to regulate commercial nonfranchise solid waste haulers' transportation of solid waste on public roads in unincorporated areas of Contra Costa County, pursuant to Vehicle Code section 21100.6.

SECTION II. Chapter 418-3 (Commercial Nonfranchise Solid Waste Haulers) is added to the Ordinance Code, to read:

Chapter 418-3 Commercial Nonfranchise Solid Waste Haulers

418-3.002. Definitions. For purposes of this chapter, the following terms have the following meanings. Any term used but not defined in this chapter has the same meaning as that term has in chapter 418-2 of the Ordinance Code.

- (a) "Commercial nonfranchise solid waste hauler" means an entity that charges a fee to haul and dispose of solid waste that is not part of any exclusive or nonexclusive franchise contract or agreement.
- (b) "Solid waste" has the same meaning as defined in Public Resources Code section 40191. (Ord. 2024-22, § II.)

418-3.004. Permit required; exemptions. Effective January 1, 2025, a person may not transport solid waste over public streets or highways in the unincorporated area of the county unless:

- (a) The person maintains a valid permit issued under this chapter;
- (b) The person maintains a valid permit issued under chapter 418-2; or
- (c) Any of the exemptions in section 418-2.008 apply. (Ord. 2024-22, § II.)

418-3.006. Territorial limits. Notwithstanding anything to the contrary under chapter 418-2, a permit issued under this chapter authorizes commercial nonfranchise solid waste haulers to transport solid waste over the public streets and highways of the unincorporated area of the

county, in accordance with the terms and conditions of the permit. A permit issued under this chapter does not authorize the transportation of solid waste within any incorporated area of the county, or the collection of solid waste within any incorporated or unincorporated area of the county.

(Ord. 2024-22, § II.)

418-3.008. Application. A commercial nonfranchise solid waste hauler may apply for a permit under this chapter by submitting an application to the Contra Costa County Health Services Department, Environmental Health Division, and paying an application fee established by the board by resolution. The application must be made using a form approved by the health officer and include all of the information required by section 418-2.010(a), except to the extent that any requirements of section 418-2.010(a) refer to collection.

(Ord. 2024-22, § II.)

418-3.010. Vehicle Inspections. Before a permit is issued, reissued, or renewed under this chapter, the requirements of section 418-2.012 must be satisfied.

(Ord. 2024-22, § II.)

418-3.012. Permit issuance; grounds for denial. After receipt of an application, payment of a permit fee established by the board by resolution, and a valid certificate of liability insurance issued to the applicant that conforms to the coverage requirement set forth in section 418-3.016, the health officer will issue a solid waste transportation permit to the applicant unless any of the grounds for denial in section 418-2.014(a)(2)-(5) is found to exist. If the health officer denies issuing a permit under this chapter, the health officer will provide written notice to the applicant of that denial and the reason for that decision. A permit issued under this chapter will have a term commencing on or after January 1, 2025.

(Ord. 2024-22, § II.)

418-3.014. Terms and conditions. A permit issued under this chapter will include all terms and conditions of a permit issued under chapter 418-2, including the permit display requirement, except to the extent that any terms and conditions in chapter 418-2 relate to collection.

(Ord. 2024-22, § II.)

418-3.016. Bond and insurance requirements. A person that obtains a permit issued under this chapter shall satisfy the bond and insurance requirements in section 418-2.018 for the duration of the permit and any reissuances or renewals of the permit.

(Ord. 2024-22, § II.)

418-3.018. Permit expiration and renewal.

- (a) A permit issued under this chapter remains valid until the permit expires or is revoked under section 418-3.020.
- (b) A permit issued under this chapter expires on December 31 of the year in which it is issued, unless the permit is renewed before it expires. A permittee may apply to renew a

permit by submitting an application that conforms to the requirements set forth in section 418-3.008 and payment of a permit fee established by the board by resolution.

- (c) Notwithstanding anything to the contrary in this chapter, no permits under this chapter will be issued or reissued after December 31, 2027, and no permit under this chapter will be renewed for a term beyond December 31, 2027.

(Ord. 2024-22, § II.)

418-3.020. Permit revocation. A permit issued under this chapter may be revoked by the health officer in accordance with the procedures set forth in section 418-2.022(b)-(d) if the health officer determines that any of the grounds in section 418-2.022(a)(1)-(2) exist.

(Ord. 2024-22, § II.)

418-3.022. Prohibitions. A person that is subject to the permit requirement in this chapter may not transport solid waste to any location other than:

- (a) A solid waste facility that is lawfully operated under all required state and local permits, registrations, and enforcement agency notifications; or
- (b) A recycling facility that, as its principal function, receives wastes that have already been separated for recycling and are not intended for disposal, and is lawfully operated in accordance with all applicable laws and regulations.

(Ord. 2024-22, § II.)

418-3.024. Investigations. Whenever it is necessary to inspect a vehicle or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50, et seq., as may be amended from time to time, and any and all other remedies provided by law to secure entry.

(Ord. 2024-22, § II.)

418-3.026. Construction. Nothing in this chapter shall be construed in any manner that conflicts with Vehicle Code section 21100.6, as may be amended from time to time.

(Ord. 2024-22, § II.)

418-3.028. Operative date and expiration date. This chapter becomes operative on January 1, 2025. This chapter expires on January 1, 2028.

(Ord. 2024-22, § II.)

SECTION III. Section 14-8.008 (Infraction arrest and citation) of the Ordinance Code is amended to read:

14-8.008 - Infraction arrest and citation.

(a) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this Code and other codes as indicated, punishable as infractions:

(1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-3, 418-6, 418-12, 418-16, 420-2, 420-6, 450-6, 450-8, and Labor Code Section 6404.5;

(2) Director of building inspection: Title 7;

(3) Director of community development: Title 8;

(4) Director of public works: Divisions 1002, 1010, 1014, 1106 and 1110;

(5) Sheriff: Division 54, Chapter 54-2, Divisions 410 and 1110, and Chapter 418-3.

(b) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.

(c) The county administrator may by written order issue regulations to provide for administration, procedures, and policy direction for this section.

(Ord. 2024-22, § III; Ord. 2024-14, § V; Ord. No. 2021-19, § III, 6-8-21; Ord. No. 2016-24, § V, 12-20-16; Ord. No. 2012-05, § III, 2-28-12; Ords. 2006-66 § 8, 2004-30 § 2, 2003-01 § 5, 2002-48 § 2, 2001-03 § 1, 98-31 § 1, 98-22 § 2, 96-21 § 2, 95-36 § 1, 90-122 § 2, 86-80 § 2; Penal Code §§ 19.7, 836.5, and 853.6; Labor Code § 6404.5).

SECTION IV. Effective Date and Expiration Date. This ordinance becomes effective 30 days after passage, and within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for or against it in the East Bay Times, a newspaper published in this County. This ordinance expires January 1, 2028, unless Vehicle Code section 21100.6 is extended beyond January 1, 2028, and the Board adopts an ordinance extending Chapter 418-3 beyond January 1, 2028.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

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