

ORDINANCE NO. 2010-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 23 TO THE SOLANO COUNTY CODE,  
RELATING TO REFUSE AND GARBAGE.

The Solano County Board of Supervisors ordains as follows:

**Section 1. Section 23-38 of Chapter 23 is amended as follows:**

**Sec. 23-38. Exemption from residential collection service**

(a) Any owner of a dwelling in a mandatory service area may apply to the Department of Resource Management, Environmental Health Services Division to be exempt from the collection service on a form supplied by the Department. The application shall be accompanied by the required, non-refundable application fee. The exemption may be granted provided the owner can demonstrate one of the following:

(1) The method of storage, transportation and disposal or recycling, as applicable, of all solid waste, recyclables and green waste will be conducted in a manner consistent with the intent of this code and procedures approved by the Department of Resource Management and in such a manner that will not create unsanitary conditions, potential public health threat, environmental contamination or nuisance; or

(2) Every residential unit on the property is vacant for a period in excess of two months such that no solid waste or recyclables will be produced and a plan for proper removal and recycling or disposal of green waste is provided.

(3) The Department of Resource Management, Environmental Health Services Division may for good cause permit additional exemptions provided that such an exemption will not create an unsanitary condition, potential public health threat, environmental contamination or nuisance.

(b) Any owner issued an exemption where disposal or recycling of solid waste, recyclables or green waste is required shall provide proof to the Department of Resource Management of the property disposal or recycling of such solid waste, recyclables or green waste at an approved facility. The Department of Resource Management shall specify the intervals at which such documentation is required to be submitted.

(c) An exemption may be revoked by the Department of Resource Management, Environmental Health Services Division upon a finding that there is an unsanitary condition, potential public health threat, environmental contamination or nuisance condition being created

(d) Any exemption issued ~~shall be valid for a period of one year and is non-transferable- and shall remain valid~~ ~~The exemption may be renewed at the end of one year upon reapplication,~~ submission of ~~a any required exemption fee,~~ and demonstration that the terms and condition of the exemption(s) still exists *at a frequency of not more than once per year or less than once every three years as established in procedures approved by the Department of Resource Management.*

**Section 2. Effective Date**

This ordinance shall take effect thirty (30) days after its adoption.

**Section 3. Publication**

A summary of this ordinance shall be published within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

\_\_\_\_\_

**PASSED AND ADOPTED** by the Solano County Board of Supervisors on November 23, 2010 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
John M. Vasquez, Chair  
Solano County Board of Supervisors

ATTEST:  
Michael D. Johnson, Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Patricia J. Crittenden, Chief Deputy Clerk

**Introduced:** November 9, 2010  
**Adopted:** November 23, 2010  
**Effective:** December 24, 2010

Additions indicated by *italics*; deletions by strikeouts

## Solano County Code, Section 23-38 with Proposed Amendments

The amended subsection (section 23-38(d)) is in bold. This is the only subsection proposed for amendment.

### **Sec. 23-38. Exemption from residential collection service**

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(1) The method of storage, transportation and disposal or recycling, as applicable, of all solid waste, recyclables and green waste will be conducted in a manner consistent with the intent of this code and procedures approved by the Department of Resource Management and in such a manner that will not create unsanitary conditions, potential public health threat, environmental contamination or nuisance; or

(2) Every residential unit on the property is vacant for a period in excess of two months such that no solid waste or recyclables will be produced and a plan for proper removal and recycling or disposal of green waste is provided.

(3) The Department of Resource Management, Environmental Health Services Division may for good cause permit additional exemptions provided that such an exemption will not create an unsanitary condition, potential public health threat, environmental contamination or nuisance.

(b) Any owner issued an exemption where disposal or recycling of solid waste, recyclables or green waste is required shall provide proof to the Department of Resource Management of the property disposal or recycling of such solid waste, recyclables or green waste at an approved facility. The Department of Resource Management shall specify the intervals at which such documentation is required to be submitted.

(c) An exemption may be revoked by the Department of Resource Management, Environmental Health Services Division upon a finding that there is an unsanitary condition, potential public health threat, environmental contamination or nuisance condition being created.

**(d) Any exemption issued is non-transferable and shall remain valid upon submission of any required exemption fee, and demonstration that the terms and condition of the exemption(s) still exists at a frequency of not more than once per year or less than once every three years as established in procedures approved by the Department of Resource Management.**

**Comparison of Current Solano County Code, Section 23-38 to Recommended Amendment**

	<b>Current Code</b>	<b>Amended Code Section</b>
<b>Initial Application</b>	Required	Required
<b>Initial Application Fee</b>	May be required	May be required
<b>Method of Storage, Transportation and Disposal</b>	Consistent with intent of code and procedures adopted by Dept. of Resource Management	Consistent with intent of code and procedures adopted by Dept. of Resource Management
<b>Revocation</b>	May be revoked for cause	May be revoked for cause
<b>Time Period of Exemption</b>	Expires after one year without action by homeowner	Remains valid until verification inspection is due, then must meet <b>criteria for renewal of exemption</b> listed below
<b>Criteria for renewal of exemption</b>	<ul style="list-style-type: none"> <li>• Submission of application for renewal;</li> <li>• Submission of a fee;</li> <li>• Demonstration each year that the terms and condition of the exemption(s) still exist</li> </ul>	<ul style="list-style-type: none"> <li>• No submission of application for renewal is required;</li> <li>• Submission of any required exemption fee;</li> <li>• Demonstration that the terms and condition of the exemption still exist at a frequency of once per year to once every three years as established in procedures approved by the Dept. of Resource Management.</li> </ul>