

**ORDINANCE NO. 745**  
**(AS AMENDED THROUGH 745.4)**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**PROVIDING FOR THE COMPULSORY COLLECTION AND DISPOSAL OF SOLID**  
**WASTE AND RECYCLABLE MATERIAL WITHIN SPECIFIED UNINCORPORATED**  
**AREAS OF RIVERSIDE COUNTY**

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

**SECTION 1. PURPOSE**

The Board of Supervisors of the County of Riverside hereby makes the following findings:

- A.** A considerable volume and variety of Solid Waste and Recyclable Material is generated in Riverside County;
- B.** These items can create conditions which threaten the public health, safety, and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment;
- C.** It is necessary for the protection of the health, safety and welfare of the residents in the unincorporated areas of Riverside County that Solid Waste and Recyclable Materials generated in such areas be promptly and safely collected and processed in an orderly and efficient manner; and
- D.** The States goal to reduce greenhouse gas effects related to landfill decomposition requires a compulsory recycling program in the unincorporated areas of Riverside County.
- E.** California Government Code, Sections 25827 and 25828 authorize the compulsory collection of Solid Waste in unincorporated areas and requires payment therefore by those persons and properties benefitted thereby.

In light of the findings above, it is the intent and desire of the Board of Supervisors of this County to establish a Program of Compulsory Collection in such areas as may be hereafter identified by a Resolution duly adopted by the Board.

**SECTION 2. DEFINITIONS**

Unless otherwise stated, the terms defined in this Section shall, for all purposes of this Ordinance, have the meanings herein specified. The definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined:

- A.** “**Blue Container**” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of source separated Recyclable Materials such as glass, metal, plastics, cardboard and other similar items.
- B.** “**Commercial Business**” or “**Commercial**” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not

- a Commercial Business for purposes of implementing this ordinance.
- C. **“Compulsory Collection”** means the standard trash and recycling service required for all residential and commercial sites within the unincorporated portions of Riverside County.
  - D. **“County”** means the County of Riverside.
  - E. **“Department”** means the County of Riverside Department of Environmental Health.
  - F. **“Director”** means the Director of the Department of Environmental Health of the County of Riverside or their designee.
  - G. **“Gray Container”** has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of non-recyclable waste.
  - H. **“Green Container”** has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of source separated Organic Waste such as food, lawn trimmings, green material and other similar items.
  - I. **“Hauler”** means a Solid Waste Hauler duly franchised by the County of Riverside.
  - J. **“Multi-Family Residential Dwelling”** or **“Multi-Family”** means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
  - K. **“Organic Waste”** means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
  - L. **“Owner”** means any person, firm or business that owns, or otherwise controls real property.
  - M. **“Recyclable Materials”** means material which has been segregated from other Solid Waste material for the purpose of reuse or recycling, including, but not limited to, discarded paper, glass, cardboard, plastic, ferrous materials, Organic Waste or aluminum. Recyclable Materials also include mixed recyclables consisting of two or more of the above-referenced material types separated from non-Recyclable Materials at the point of Collection and offered for Collection in a mixture including not more than five (5) percent Solid Waste by weight.
  - N. **“Residential Unit”** means a dwelling within the unincorporated area of the County occupied by a person or group of persons. A residential unit to which service must be rendered under the provisions of this ordinance shall be either a single-family residential unit or a duplex residential unit that requires waste collection service. A residential unit shall be deemed occupied when either water or power services are being supplied thereto. A duplex is considered to be two (2) attached residential units. This definition shall apply also to mobile home subdivisions where the mobile home lot is individually owned.

- O. **"Self-Hauler"** means a person, who hauls Solid Waste, Organic Waste or Recyclable Material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- P. **"Solid Waste"** shall have the same definition as is set forth in California Public Resources Code Title 30 Section 40191.

**SECTION 3. AREA OF COMPULSORY COLLECTION**

Any Program of Compulsory Collection and payment therefore shall be established and operated only in those areas of the County as specified in a Resolution or Resolutions adopted by the Board of Supervisors following a duly noticed public hearing.

**SECTION 4. SOLID WASTE AND RECYCLABLE MATERIALS REMOVAL RESPONSIBILITY**

- A. Every tenant, occupier, operator, or owner of a residential or commercial unit site shall have service as noted in Section 5 unless exempted from some or all services by the Director according to Section 8.
- B. Not less than once a week all Solid Waste created, produced or brought upon the property shall be moved to an approved disposal facility. Should conditions warrant, the Director may require increased frequency of collection or removal so as to prevent the creation of a nuisance.
- C. No container shall be placed adjacent to a street for collection more than twelve (12) hours prior to collection day. All containers shall be removed from the street location onto the owner's property within twelve (12) hours after collection.
- D. No person shall tamper with, remove from or deposit, any Solid Waste or Recyclable Materials in any container without the permission of the owner of the container.
- E. All residential Solid Waste and Recyclable Materials must be placed out at the curb pickup site by 6:00 A.M. on the designated pickup day.

**SECTION 5. SERVICE REQUIREMENTS**

- A. Residential  
All residential properties in the unincorporated portions of the County shall participate in the County's three-container system for source separated Organic Materials, source separated Recyclable Materials, and waste collection services, except those residents that meet the Self-Hauler requirements in Section 8 of this ordinance. Participation in the collection programs requires that residents place Organic Waste, including food waste, in the Green Container; source separated Recyclable Materials in the Blue Container; and all other waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- B. Commercial  
All commercial properties in the unincorporated portion of the County shall

participate in the County's three-container collection services and comply with requirements for using the Gray, Blue and Green Containers, except Commercial Businesses that meet the Self-Hauler requirements in Section 8 of this ordinance. The Director shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the Director.

**C. Contamination**

Each account holder shall be responsible for ensuring:

1. That all material is source separated and placed into the appropriate container.
2. That contamination in containers is minimized or eliminated.

**SECTION 6. SOLID WASTE REMOVAL PROHIBITIONS**

- A. No person shall collect, transfer or remove Solid Waste in the unincorporated area of the County of Riverside without a franchise issued by the County of Riverside.
- B. A franchisee shall not collect, transfer or remove Solid Waste in any area for which it does not hold a current and valid franchise.
- C. Exempted from the foregoing prohibitions are the following:
1. A person may haul Solid Waste generated from his own residence. However, in a Compulsory Collection Area, the resident is not excused from having to pay any compulsory collection fee which may be applicable.
  2. A business may remove commercial or industrial Solid Waste produced in the course of its own business and utilizing only its own employees and equipment. However, in a Compulsory Collection area, the business is not excused from having to pay any compulsory collection fee which may be applicable.
  3. Construction contractors or their subcontractors, building remodeling contractors and demolition contractors, may haul their own construction debris and waste provided they utilize only their own employees and equipment.
  4. The County of Riverside.
- D. No person shall accept Solid Waste at any place, location, tract of land, area or premises that is not a Solid Waste facility as defined in Public Resources Code 40194, which facility is duly licensed, permitted, properly zoned and approved by all governmental bodies and agencies having jurisdiction.

**SECTION 7. OWNER RESPONSIBLE FOR PAYMENT FOR COMPULSORY COLLECTION SERVICE**

- A. The Owner of any Dwelling or Commercial unit shall subscribe to and pay for compulsory refuse collection service to such Dwelling or Commercial unit.
- B. Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant or tenants, or any agent, on behalf of

the Owner. However, any such arrangement shall not legally excuse the Owner's obligation to the Hauler or to the County under this Ordinance.

- C. Tax Lien Guaranteed Compulsory Collection Areas shall be subject to the remedies established in this Ordinance.
- D. When an Owner or tenant fails to initiate adequate refuse collection service within fifteen (15) calendar days of occupancy of a dwelling, the Director shall give the Owner written notification that such service is required. If service is not initiated within fifteen (15) calendar days from the date of mailing of the notice, then the Director may require the Hauler to initiate and continue Solid Waste collection service for said dwelling or dwellings.

#### **SECTION 8. WAIVER FROM COMPULSORY COLLECTION SERVICE.**

- A. Self Haul Waiver - Only the owner of a residential unit or commercial unit may request a waiver from compulsory collection service by applying to the Director for a self haul waiver. Requests for a waiver from service shall be submitted to the Department of Environmental Health on an application provided by the Department and shall comply with the following:
  - 1. For a waiver from service to be considered the owner must provide the following information with an application provided by the Department:
    - a) Proof of ownership for the property requesting waiver.
    - b) Site to which the Solid Waste will be taken by the owner.
    - c) Certification that the owner will provide receipts of proper disposal of all Solid Waste.
    - d) The fees for a waiver from service shall be as noted in the Ordinance 640.
  - 2. Self-Haulers shall source separate all Recyclable Materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
  - 3. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
  - 4. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the Department on request. The records shall include the following information:
    - a) Delivery receipts and weight tickets from the entity accepting the waste.
    - b) The amount of material in cubic yards or tons transported by the generator to each entity.
    - c) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle

in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

**B.** De Minimis Waivers - A Commercial Business may request a waiver to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in part (B)(2) below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application provided by the Department specifying the services that they are requesting a waiver from and provide documentation as noted in part (B)(2) below.
2. Provide documentation that either:
  - a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
  - b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - c) Notify the Department if circumstances change such that Commercial Business' Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
  - d) Provide written verification of eligibility for de minimis waiver every 5 years, if the Director has approved de minimis waiver.

**C.** Physical Space Waivers – A Commercial Business or property owner may request a waiver to complying with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the Department has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 5.

A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application provided by the Department specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to the Department that it is still eligible for physical space waiver every five years, if the Department has approved application for a physical space waiver.

**D.** Collection Frequency Waiver – The Director, at their discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the unincorporated county's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray

Container, or both once every fourteen days, rather than once per week.

#### **SECTION 9. TEMPORARY DISCONTINUANCE OF SERVICE**

- A.** An Owner may discontinue Solid Waste collection service up to two (2) times during a given fiscal year (i.e., July 1-June 30), providing the dwelling(s) will be unoccupied throughout the entire period of discontinuance.
- B.** The Owner shall give written notification to the Hauler at least fifteen (15) working days prior to the date that discontinuance of service is requested.
- C.** Fees for discontinuance of service shall be as noted in the current fee schedule for compulsory collection approved by the Board of Supervisors.

#### **SECTION 10. BILLS AND STATEMENTS OF NONPAYMENT**

- A.** The Hauler shall be entitled to payment from the Owner for services and in the amounts as specified in a Resolution or Resolutions adopted by the Board of Supervisors, which may include advance billing for such services; provided, however, that any advance billed services not subsequently rendered by Hauler shall be refunded to Owner.
- B.** Failure to make timely payment for any service by the Hauler shall constitute a violation of this ordinance and be subject to the penalty provisions herein included.
- C.** Upon the expiration of not less than thirty (30) calendar days from the date that the Hauler first presented a bill to the occupants of the premises, if the bill has not been paid in full, the Hauler shall send the Owner a second, written request for payment.
- D.** The second, written request shall include a Warning Notice that if the fees due are not paid within sixty (60) calendar days, waste collection services shall be terminated and the county advised of a Failure to Maintain a waste Collection service by the occupants of the premises. The Warning Notice shall also be sent to the most recent address of the Owner as shown on the records of the Riverside County Assessor's Office and shall include information with respect to penalties that may become due.
- E.** Unless otherwise provided by the Director, the Hauler shall not be required to continue to provide such Solid Waste collection service if the account remains unpaid past the sixty (60) days specified in the second notice.
- F.** The Hauler may submit a report to the Director each year of properties with unpaid trash charges that would be considered for property tax assessment.

#### **SECTION 11. NONPAYMENT OF REFUSE COLLECTION SERVICES GIVES RISE TO PROPERTY TAX ASSESSMENT**

- A.** At least once a year, the Director shall prepare a report of delinquent charges for the Board of Supervisors. Upon receipt of the report, the Board shall fix a time, date, and place for hearing the report and any protests or objections to the report.
- B.** The Board shall cause notice of the hearing to be mailed to the owners of property listed on the report not less than 10 days prior to the date of the hearing.
- C.** At the hearing, the Board shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The board may make

revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

- D. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the delinquent charges.
- E. The report shall be filed with the Riverside County Auditor Controller's Office (ACO) in a manner and timeframe dictated by the ACO. The ACO shall assess the delinquent charges to each property identified in the final report and the delinquent charges will be handled in the same manner as other Riverside County ad valorem taxes.
- F. Any dispute related to delinquent charges assessed to a property shall be addressed by the Department of Environmental Health.

## **SECTION 12. DISBURSEMENT OF ASSESSMENT FUNDS**

All monies collected as part of the special assessments as set forth in Section 9 shall be collected in a distinct fund account for each distinct hauler. When one tax year's delinquent charges for a specific property has been paid in full to the ACO, those funds, minus the County's Administrative fee, shall be paid to the hauler.

## **SECTION 13. VIOLATIONS**

Any violation of this ordinance shall be subject to legal remedy up to and including administrative citations, as noted in Ordinance 725, and /or criminal citations. Those remedies may also include recovery of abatement costs, as defined in Ordinance 725, at the sole discretion of the Director.

## **SECTION 14. PUBLIC NUISANCE DECLARATION**

In addition, any violation of this ordinance is hereby deemed to be a public nuisance and may be abated by the Director or his designee, irrespective of any other remedy hereinabove provided.

## **SECTION 15. SEVERABILITY**

If any part or provision of this Ordinance, or application thereof, to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

This Ordinance shall take effect 30 days after adoption

- Adopted:** 745 Item 3.5 of 11/29/1994 (Eff: 12/29/1994)
- Amended:** 745.1 Item 12.6 of 05/20/1997 (Eff: 06/19/1997)
- 745.2 Item 16.1 of 03/30/2004 (Eff: 04/29/2004)
- 745.3 Item 3.32 of 12/04/2018 (Eff: 01/03/2019)
- 745.4 Item 19.1 of 12/08/2020 (Eff: 01/07/2021)