

ORDINANCE NO. 4156

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS REPEALING SECTION 4735 AND ENACTING NEW SECTIONS OF CHAPTER 7 OF DIVISION 4 OF THE VENTURA COUNTY ORDINANCE CODE PERTAINING TO WASTE MANAGEMENT PLAN FEES

The Board of Supervisors of the County of Ventura does ordain as follows:

1. Section 4735 and its subsections of Chapter 7 of Division 4 of the Ventura County Ordinance Code are hereby repealed; and
2. Article 4 including Sections 4790, 4791, 4792, 4793, 4794 and their subsections are hereby enacted to be a part of Chapter 7 of Division 4 of the Ventura County Ordinance Code.

ARTICLE 4 - COUNTY INTEGRATED WASTE MANAGEMENT PLAN FEE

Sec. 4790 - **COUNTYWIDE SOLID WASTE FEES GENERALLY** -This Article establishes a fee to defray costs associated with preparation, adoption and implementation of regional integrated waste management plans for the incorporated and unincorporated areas of Ventura County and related regional solid waste and hazardous waste programs. The fee established by this Article shall be known as the County Integrated Waste Management Plan Fee. This fee shall be in addition to any other fee required by law or regulation.

Sec. 4790-1 - **Authorization** - This Article and the fee established thereby is authorized by the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, and specifically Sections 41900 through 41902 thereof.

Sec. 4790-2 - **Administration** - The Public Works Agency of the County of Ventura is hereby designated as the agency to enforce and administer this Article.

Sec. 4790-3 - **Applicability of Article** - This Article shall be applicable within all of the incorporated and unincorporated areas of Ventura County.

Sec. 4791 - **DEFINITION OF TERMS** - Except as specifically provided in Sections 4791-1 through 4791-10 of this Article, the terms used in this Article shall be construed in accordance with the definition of terms provided in Sections 4741 through 4741-33, inclusive, of Article 3 of Chapter 7 of Division 4 of the Ventura County Ordinance Code.

Sec. 4791-1 - **Collector** - "Collector" shall mean any person who engages in the business of collection of solid waste generated at or from any property, whether commercial or residential, located in the incorporated or unincorporated area of Ventura County. "Collector" shall include only persons under contract with, or acting pursuant to a franchise issued by, or owned by the County or any city located within Ventura County. "Collector" shall include any owner or person in the control of such collector.

Sec. 4791-2 - **Green Waste** - "Green Waste" shall mean all solid waste that constitutes vegetative or organic discards such as, without limitation, grass clippings, leaves, twigs, weeds, brush, bushes, shrub and tree prunings, Christmas trees and garden trimmings and that has been separated for recycling from other solid waste and recyclables by the generator prior to collection or by a collector prior to delivery to any other person. "Green waste" does not include food scraps or refuse.

Sec. 4791-3 - **In-County Waste** - "In-County Waste" shall mean all solid waste, including green waste and recyclables, that was generated at or from any property located in the incorporated and unincorporated areas of Ventura County.

Sec. 4791-4 - **Out-of-County Waste** - "Out-of-County Waste" shall mean any solid waste, including green waste and recyclables, that was generated at or from any property located outside of Ventura County.

Sec. 4791-5 - **Records** - "Records" shall mean accounting and such other data required to be maintained by this Article or by the Agency for the evaluation of compliance with this Article.

Sec. 4791-6 - **Recyclables** - "Recyclables" shall mean solid waste that is identified for recycling except green waste and that is separated from other solid waste and green waste by the generator prior to collection or by a collector prior to delivery to any other person, whether or not such recyclables are commingled with one another.

Sec. 4791-7 - **Residual Waste** - "Residual Waste" shall mean all solid waste that remains for disposal following the processing of solid waste by a transfer and processing station or following similar processing by a solid waste disposal facility.

Sec. 4791-8 - **Self-Hauler** - "Self-hauler" shall mean any person who is not a collector and who delivers to a solid waste disposal facility or a transfer and processing station any solid waste generated at or from any property, whether commercial or residential, located in the incorporated or unincorporated area of Ventura County.

Sec. 4791-9 - **Solid Waste Disposal Facility** - "Solid Waste Disposal Facility" shall mean any facility or site located in the incorporated or unincorporated areas of Ventura County where the disposal of solid waste occurs. "Solid Waste Disposal Facility" shall include any owner or person in the control of such facility or site.

Sec. 4791-10 - **Transfer and Processing Station** - "Transfer and Processing Station" shall mean any facility located in the incorporated or unincorporated areas of Ventura County that is utilized to receive solid waste, temporarily store, separate, convert, or otherwise process materials in the solid waste or to transfer the solid waste directly from smaller to larger vehicles for transport, and those facilities utilized for transformation. "Transfer and Processing Station" shall include any owner or person in the control of such facility. "Transfer and Processing Station" shall not encompass operations related to composting, chipping or grinding of solid waste.

Sec. 4792 - **COUNTY INTEGRATED WASTE MANAGEMENT PLAN FEE** -

Each collector, solid waste disposal facility and transfer and processing station shall pay to the County a fee required by this Article in an amount established in a schedule of fees adopted by resolution of the Board. Such fee shall be paid in accordance with Sections 4792-1 through 4792-6, inclusive hereof. The Board shall periodically establish by resolution the amount of the fee for each ton of solid waste, where applicable. The amount of the fee shall be the same per ton for in-county waste and out-of-county waste.

Sec. 4792-1 - **Fee To Be Paid by Collectors** - Except as provided in Section 4792-4 and except with respect to any residual waste that a collector transports, each collector shall pay such fee for each ton of in-county waste that is collected by it and is delivered to a solid waste disposal facility or to a transfer and processing station or is delivered to any comparable facility located outside of Ventura County for any purpose.

Sec. 4792-2 - **Fee To Be Paid by Solid Waste Disposal Facilities** - Except as provided in Section 4792-4, each solid waste disposal facility shall pay such fee for each ton of out-of-county waste that is received by it directly from outside of the incorporated or unincorporated areas of Ventura County and each ton of in-county waste that is received by it from a self-hauler.

Sec. 4792-3 - **Fee To Be Paid by Transfer and Processing Stations** - Except as provided in Section 4792-4, each transfer and processing station shall pay such fee for each ton of out- of-county waste that is received by it directly from outside of the incorporated or unincorporated areas of Ventura County and each ton of in-county waste that is received by it from a self-hauler.

Sec. 4792-4 - **Exemption for Green Waste and Recyclables** - The fee provided in this Article shall not apply to in-county or out-of-county waste that comprises solely green waste or recyclables in the following circumstances: a) A collector shall not pay such fee as to such material it delivers or causes to be delivered to any other person for recycling; b) A solid waste disposal facility shall not pay such fee as to such material it receives that is then recycled or is delivered to any other person for recycling; and, c) A transfer and processing station shall not pay such fee as to such material it receives that is then recycled or is delivered to any other person for recycling. For purposes of this Section, "recycled" or "for recycling" as it pertains to green waste includes the composting, chipping, or grinding of such material or the delivery to any person for such purpose.

Sec. 4792-5 - **Payment Schedule** - Each collector, solid waste disposal facility and transfer and processing station shall pay to the County the fee required by this Article quarterly for the solid waste collected or received during the applicable quarter. Payment for each quarter shall be due 30 days after the end of such quarter or on April 30, July 30, October 30 and January 30 for each quarter respectively.

Sec. 4792-6 - **Quarterly Report** - Each collector, solid waste disposal facility and transfer and processing station shall prepare a written quarterly report and shall deliver it to the Agency at the same time any payment that is or would be due under Section 4792-5. The Director may designate the format of such reports. Each such report shall include a statement of the total tonnage of solid waste collected or received during the applicable quarter. Each quarterly report shall separately state the total tonnage of solid waste upon which its fee for the applicable quarter is calculated and the total tonnage of green waste and the total tonnage of recyclables that are exempt from the fee under Section 4792-4. In each collector's quarterly report, the collector shall also separately state the total tonnage of solid waste collected by it for each city located within Ventura County and for the unincorporated area of Ventura County and shall provide such total tonnage separately with respect to tonnage of solid waste that is exempt or nonexempt with respect to the fee. If the collector used any method or formula for allocating the amount of solid waste collected among any of the cities located in Ventura County or the unincorporated area of Ventura County, the report shall describe such method or formula including each element thereof. In each quarterly report, each collector, solid waste disposal facility and transfer and processing station shall also identify by name and date

all records that it relied upon to prepare the quarterly report, including without limitation all records it contends, upon audit, would verify its quarterly report and each statement of tonnage provided therein. Each quarterly report shall be verified by declaration under penalty of perjury or by oath of a person who is the owner, manager or person in the control of the collector, solid waste disposal facility and transfer and processing station.

Sec. 4793 - **RETENTION OF AND STANDARDS FOR RECORDS** - Each collector, solid waste disposal facility and transfer and processing station shall retain for a period of at least five years after each quarterly report to which they pertain all of the records that it identified or should have identified as a basis for such quarterly report and any other records, either financial or otherwise, that is necessary to conduct a thorough audit thereof. All such records of financial information shall be maintained in accordance with GAAP. All records of data for solid waste tonnage shall be maintained in accordance with data information standards, if any, established by the Agency.

Sec. 4794 - **INSPECTION AND AUDIT OF RECORDS** - Upon seven (7) days notice to and during normal hours of operation of any collector, solid waste disposal facility or transfer and processing station, the County may inspect and audit the records that were identified or were required to have been identified in its quarterly report or that are required to be maintained in accordance with Section 4793.

PASSED AND ADOPTED this 9th day of December, 1997, by the

following votes:

AYES:

Supervisors

Lacey, Schillo, Long
and Mikels

NOES:

None

ABSENT:

Supervisor Flynn

Judy Mikels
Chair, Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura,
State of California, and ex officio
Clerk of the Board of Supervisors
thereof,

By

Lacey Skillard
Deputy Clerk



**RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS
REDUCING THE EXISTING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN
FEE FOR FISCAL YEAR 2004-05**

WHEREAS, Public Resources Code Section 41901 provides the Board of Supervisors with the statutory authority to establish a Countywide Integrated Waste Management Plan (CIWMP) Fee; and

WHEREAS, the CIWMP Fee is the statutorily authorized fee mechanism available for the County to recover the cost of preparing, adopting, and implementing the Countywide Integrated Waste Management Plan; and

WHEREAS, the Board of Supervisors adopted Ventura County Ordinance Code Section 4790 on December 12, 1989, establishing a CIWMP Fee to help secure an adequate source of funding for County compliance with applicable provisions of the California Integrated Waste Management Act of 1989, which became effective on January 1, 1990, pursuant to the local fee authorities provided in the Act; and

WHEREAS, the County is responsible for regional integrated waste management plan activities and programs such as CIWMP plan preparation, update and amendments; regional tonnage information gathering, compiling and reporting to the State pursuant to the Disposal Reporting System; regional integrated waste management program development, implementation, performance reporting to the California Integrated Waste Management Board and other relevant State agencies; and related activities; and

WHEREAS, pursuant to Ventura County Ordinance Code Section 4790, the Board of Supervisors adopted a resolution establishing the current \$0.50 per ton CIWMP fee during its June 23, 1998 regular meeting; and

WHEREAS, pursuant to applicable provisions of Public Resources Code Section 41901 and Ventura County Ordinance Code Section 4790, the Board of Supervisors finds that it is in the public interest to adjust the existing CIWMP Fee, effective July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

Effective July 1, 2004, the existing regional CIWMP Fee shall be reduced from the current \$0.50 per ton to \$0.05 per ton, with respect to all solid waste to which the fee is applicable pursuant to Section 4790, et seq. of the Ventura County Ordinance Code by each person required to pay such fee as provided in Section 4790 et seq. of the Ventura County Ordinance Code.

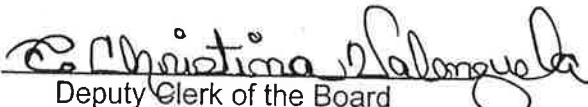
ADOPTED this 6th of April 2004, by the Ventura County Board of Supervisors.

ATTEST:

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California


STEVE BENNETT, Chair
Board of Supervisors



By: 
Deputy Clerk of the Board