

## **CHAPTER IX. GARBAGE AND REFUSE**

### **Sec. B11-160. Definitions.**

In addition to the definitions in chapter I, the following terms are defined for the purposes of this chapter:

- (a) Accumulation means refuse of any kind, as defined in this chapter, that is not properly contained or stored, or is not removed from the premises as required by this chapter, or is not removed at a frequency that precludes the potential for a nuisance or health hazard as determined by the director.
- (b) Adequate garbage collection service means the frequency of collection and size and number of containers that would allow sanitary containment of all waste between and including collection days and precludes the potential for a nuisance or health hazard as determined by the director.
- (c) Apartment complex means a multiple family dwelling of five units or more.
- (d) Ash means the residue from the combustion of any solid or liquid material.
- (e) Collection station means any location, approved by the director, where refuse producers place containers of refuse, including garbage, rubbish, yardwaste or recyclable waste materials, for subsequent collection by an authorized collector.
- (f) Composting area means any compostable materials handling facility or operation as regulated in the California Code of Regulations (CCR), Title 14 (T14), chapter 3.1. In addition to any site as described in the above chapter, including but not limited to: composting facilities and operations, agricultural composting sites, mushroom farms, chipping and grinding facilities and operations, research operations, a composting area also means sites that compost but are excluded from CCR T14 standards.
- (g) Container means any toter, can, commercial roll-off bin or other type of bin, box, bag, barrel, or tied bundle into which refuse of any kind is placed.
- (h) Curbside means adjacent to the curb of a public or private street or, on streets without curbs, adjacent to the shoulder of the street; or in shopping centers, business parks and similar premises adjacent to the garbage enclosures.

- (i) Delinquent means a failure of the recipient of garbage, yardwaste or recyclable waste materials collection service, or of the person responsible for payment, to pay, when due, all charges owed to the collector for collection service rendered or to be rendered.
- (j) Disposal means to deposit refuse into an approved solid waste landfill, transfer station, composting or recycling facility or operation.
- (k) Food processing waste means that solid and semi-solid putrescible waste resulting from vegetable, fruit, or food packaging, winery and other food processing or manufacturing operations.
- (l) Garbage means putrescible wastes including kitchen and table food wastes; animal, fish, food, fowl, fruit or vegetable wastes or matter resulting from the storage, preparation, cooking, decay, consumption, processing, or handling of food or food stuffs; non-putrescible wastes that are mixed in the same container with or are contaminated by putrescible wastes; home generated medical type wastes, such as used tissues, bandages and gauze, which are produced at residential premises and are used in medical treatment or the administration of medicines; small dead animals not exceeding ten pounds in weight; and any putrescible or easily decomposable waste material.

Garbage does not include hazardous waste, medical waste, ash or yardwaste that is free of fruit or that is not highly putrescible. For the purpose of this chapter, source-separated food or food containers that are held or stored for recycling or composting are considered garbage until they are received at the facility using them as raw materials, and hence recycled, or until otherwise determined by the director.

The determination as to whether material is garbage will be made by the director based on the purposes of the chapter.

- (m) Hazardous waste means any and all toxic, corrosive, reactive, flammable, explosive wastes that meet the definition of hazardous wastes as defined in the Hazardous Waste Control Law (Section 25117 of chapter 6.5, division 20, California Health and Safety Code).
- (n) Limited collector means the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of non-putrescible refuse including, but not restricted to paper, cardboard, crockery, rubber tires and other inert materials or food processing waste for use as animal feed, soil amendment or composting throughout the County of Santa Clara except for the incorporated area of the City of San Jose.
- (o) Local Enforcement Agency means the local agency designated pursuant to division 30, part 4, chapter 2 (commencing with Section 43200) of the

- Public Resources Code for the purpose of carrying out division 30 of the Public Resources Code.
- (p) Manure means accumulated moist animal excrement that does not undergo decomposition or drying as would occur on open grazing land or natural habitat. This definition includes feces and urine which may be mixed with bedding material, spilled feed or soil. Manure does not mean dog or cat excrement.
  - (q) Medical waste means waste, including biohazardous waste, non-RCRA pharmaceutical and sharps waste, as defined by California Health and Safety Code, division 104, part 14, or subsequent revision and home-generated sharps and pharmaceuticals accumulated at a consolidation point. Medical waste may originate from, but is not limited to, hospitals, public or private medical clinics, research laboratories, pharmaceutical industries, blood banks, pathology laboratories, clinical laboratories, veterinary facilities, dialysis or other specialty clinics and other medical facilities.  
  
Medical waste does not include any waste which is determined by evidence reasonably satisfactory to the director to have been rendered non-biohazardous. In any dispute regarding whether a specific type of waste is to be considered medical waste, the decision of the director is final.
  - (r) Multiple dwelling unit means any dwelling, excluding a hotel, motel, or lodging house, used for temporary or permanent residential purposes containing more than one dwelling unit.
  - (s) Nonresidential premises means all premises, except residential premises, whether improved or unimproved, including but not restricted to premises used for industrial, commercial, administrative and professional offices or businesses and public and quasi-public buildings.
  - (t) Occupant means the person or persons that hold possession of premises for permanent or temporary use.
  - (u) Occupancy, occupied means premises that are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premise is occupied during periods when garbage collection service is made available to such premises, occupancy is presumed, unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.
  - (v) Owner means the holder or holders of legal title to the real property constituting the premises to which refuse collection service is provided.
  - (w) Premises means any land, building or structure, or portion thereof, where any refuse may be produced, kept, deposited, placed or accumulated.

- (x) Private street means a street that is not publicly maintained. Private street does not mean a driveway.
- (y) Recyclable waste materials means materials removed or separated from other residential, commercial or industrial garbage or refuse for purposes of reuse or reprocessing.
- (z) Refuse means all putrescible and non-putrescible solid or liquid waste materials, greater than 50% solids by weight substances or objects, including but not restricted to materials, substances or objects commonly referred to as trash, garbage, rubbish, yardwaste, manure, animal droppings, food processing waste, and recyclable waste materials. Refuse does not include:
  - (1) Recyclable waste materials or yardwaste once these are contained within a collection vehicle;
  - (2) Mulch, compost or compost piles which are produced or kept at a residence, providing they are properly maintained and stored and not creating a potential health hazard or nuisance as determined by the director;
  - (3) Hazardous waste;
  - (4) Radioactive waste;
  - (5) Medical waste;
  - (6) Non-residential ash; and
  - (7) Sewage and other highly diluted water carried materials or substances, less than 50% solids content by weight.
- (aa) Refuse collection service means the collection, transportation and disposal of refuse by a collector authorized by the director to collect refuse.
- (bb) Refuse collector means any person who is authorized by the director to operate collection or refuse transfer vehicles and to collect, store, receive, carry, transport, and dispose of any refuse.
- (cc) Refuse container means a container of sufficient capacity and construction for storing refuse accumulated during intervals between collections or disposal.
- (dd) Rubbish means non-putrescible solid wastes including, but not restricted to, paper, cardboard, crockery, rubber tires and other inert materials. Rubbish contaminated by garbage is considered as garbage. Rubbish does not include hazardous wastes, medical waste, or ash.
- (ee) Sanitary containment of refuse means the use of a container that precludes the potential for a nuisance or health hazard as determined by the director.

- (ff) Single-unit dwelling means one or more rooms and a single kitchen, designed for occupancy by one family or person for residential purposes. Each dwelling unit within a condominium project, duplex, townhouse project or apartment, and each additional unit up through four located within a single structure, constitutes a separate single-unit dwelling to which refuse collection service is provided, unless the owner or occupants thereof arrange for refuse collection service to be provided to all dwelling units upon the premises using commercial containers and at commercial rates.
- (gg) Solid waste facility means any solid waste disposal, transfer, processing or composting facility or operation required to obtain a permit pursuant to state statute or this chapter.
- (hh) Source separated recyclable refuse means recyclable refuse that is separated from the non-recyclable refuse stream at the producing premises and is contained and stored or offered for collection in a manner different from non-recyclable refuse.
- (ii) Transportation service means the transportation of refuse from one solid waste facility to another, usually by means of a refuse transfer vehicle.
- (jj) Vehicle yard means the premises under control of a permitted refuse collector or limited collector for the purposes of parking, maintaining, cleaning, or storing vehicles, refuse containers, debris boxes or other equipment.
- (kk) Yardwaste, residential means recyclable plant materials, resulting from the maintenance of any plants growing on a residential property that is to be collected at the premises where produced.
- (ll) Yardwaste, commercial means any plant material produced at non-residential premises, or yardwaste resulting from the maintenance of residential premises, that is removed, by a landscaper, gardener, tree trimmer or property maintenance company, from the premises where waste is produced to another location for collection or disposal.

**Sec. B11-161. Refuse collection and transportation service permit required.**

No person may collect or transport any refuse or provide curbside collection services, with the exception of source separated, properly contained recyclable waste materials or yardwaste, unless possessing a permit to do so from the director to operate as a refuse collector. A permit is required for each collection or transport vehicle. This section is intended to regulate collectors and transporters that are in the business of collecting and transporting refuse for a fee or other remuneration and to prohibit the self-hauling of garbage. This section is not meant to preclude the self-hauling of commercial or residential rubbish or source separated, properly contained recyclable waste materials.

**B11-162. Franchise granting authority.**

The board of supervisors may award an exclusive or non-exclusive franchise or contract to any person the board believes is qualified to perform garbage collection service, rubbish collection service or collection of yardwaste or recyclable waste materials. Such franchise agreements or contracts must require the collector to render service in accordance with the provisions of this chapter and in conformity with such regulations as may be adopted by the director. The issuance of an exclusive franchise or contract does not relieve the collector of the requirement of obtaining and maintaining a permit to operate as a collector. Terms of such franchise agreement must not conflict with any of the provisions of this chapter. Requirements of this chapter control.

**B11-163. Self-hauling of garbage.**

Self-hauling of garbage in the county is prohibited unless possessing a permit to do so. Self-hauling of garbage is only allowed where garbage is created, produced, processed or accumulated at:

- (a) Equipment yards of refuse collectors or limited collectors permitted pursuant to this chapter;
- (b) Solid waste operations and facilities as defined in California Code of Regulations (CCR) Title 14 or Title 27;
- (c) Recycling operations or facilities as defined in division 30, California Public Resources Code or CCR Title 14.

**B11-164. Permit required for limited collector.**

Except as otherwise provided in this chapter, no person may collect or transport any rubbish or food processing waste generated in the county unless possessing a limited collector permit. A permit is required for each collection vehicle. This section is intended to regulate collectors and transporters that are in the business of collection and transporting rubbish or food processing waste for a fee or other remuneration. This section is not meant to preclude the self hauling of commercial or residential produced rubbish or source separated, properly contained recyclable refuse.

**Sec. B11-165. Application for collection permit, or transportation, or limited collector vehicle permit.**

The application for a permit to operate vehicles to collect and/or transport refuse in the county must be made in writing to the director on forms provided by the department.

**Sec. B11-166. Issuance of collection permits; terms; transferability.**

If the director determines that the collection vehicles or vehicle fleet yards to be used by the applicant will be operated in a manner acceptable to the department,

and if the director determines that the applicant can comply with the provisions of this chapter and the rules and regulations of the department, the director may issue a revocable permit to conduct refuse collection or transportation services. The permit is issued annually for the calendar year and is not transferable to another person. If, during the permit year, a vehicle must be replaced and is taken entirely out of service and a new vehicle is to be used as a replacement vehicle, then the director may transfer the permit to the new vehicle for a fee as established by resolution of the board of supervisors.

**B11-167. Collection times and noise limits for collector.**

Collectors must conform to the requirements of chapter VIII of this division.

**B11-168. Requirements for operating as a collector.**

All collectors must operate in a manner to protect the public and environmental health as determined by the director. Collectors are responsible for picking up any spillage that may occur during collection and transport.

**Sec. B11-169. Bond requirements.**

The director may require, in connection with the issuance of any refuse collection permit, or of any limited collection permit, that the refuse collector or the limited collector file a surety bond in an amount to be determined by the director to guarantee the faithful compliance with this chapter and with all rules and regulations of the director.

**Sec. B11-170. Renewal of collection or transportation permits.**

Renewal of permits for the succeeding calendar year must be applied for not later than the fifteenth day of December preceding, and acted upon in the same manner as described in Sec. B11-21. Unless a collector has lost the right to collect because a contract or franchise with the board of supervisors has terminated, permits will be renewed provided that the permit holder has during the preceding year operated, and it is evident to the director that the operator will continue to operate in conformance with the provisions of this chapter, state statute, the requirements of any contract or franchise agreement with the County and the rules and regulations of the department.

**Sec. B11-171. Territorial limitation on refuse collectors; boundary changes; reporting.**

- (a) The director, subject to approval by resolution of the board of supervisors, establishes and defines the territory wherein any refuse collector may collect garbage. No refuse collector may at any time collect garbage outside the territorial limits specified in the permit. If the permitted refuse collector does not provide service to all areas of a collection territory, the director, with the approval of the board of supervisors, may issue refuse collection permits for the excluded territory.

- (b) The boundaries of these territories established by the director and approved by the board of supervisors may be re-established and redefined as may be necessary to promote the public health and the proper and orderly administration of this chapter. Subsequent changes of these territory boundaries do not affect the validity of any existing permit. Upon request of the director, each permitted refuse collector must submit to the director a list or data disc of the accounts within the boundary of their permitted territory and the list must be in a format approved by the director and updated quarterly or as requested by the director. Collectors that enter into collection agreements to collect refuse at county owned or operated premises may collect only at these premises unless they hold a permit to collect refuse for a collection territory.

**Sec. B11-172. Establishment of collection rates.**

The board of supervisors reserves the authority and right to establish, by resolution or contract, a schedule of maximum rates to be charged any person for the collecting and hauling of garbage, rubbish, and other refuse within the county, and such schedule, when adopted, becomes a part of this chapter. A copy of the schedule will be kept on file in the office of the clerk of the board of supervisors and in the department.

**Sec. B11-173. Exemptions from collection permits:**

- (a) A collector of dead animals, bones, and meat scraps for tallow plants, and a collector that collects residential curbside recyclable waste materials exclusively is exempt from the refuse or limited collector permit requirement, but must comply with all sanitary requirements for the collection, transportation and disposal of refuse.
- (b) The owner of a farming business collecting refuse entirely from the premises so farmed and disposing of such refuse at a properly permitted solid waste disposal, composting, transfer or recycling facility may be exempted from the refuse collector permit requirement, but must comply with all sanitary requirements for collection and or transportation of such refuse. The owner of the farming business must provide proof of proper disposal as requested by the director.
- (c) A person that hauls wastes generated while conducting the primary business, which is a business other than collecting or hauling refuse may be exempted from the refuse collector permit requirement. This exemption is intended to allow the hauling of wastes from businesses including, but not limited to, landscapers, building and roofing contractors, construction, demolition, janitorial or other site cleaning services. This exemption must be approved by the director on an individual basis.

**Sec. B11-174. Collection permittee must furnish service; collection station.**

- (a) A refuse collector under permit, other than a limited collector, must provide garbage pick-up service where possible, as determined by the director, to all refuse producers within the area served as specified in the permit. Refuse collectors under permit other than limited collectors must make rubbish collection service available in areas served as specified in the permit.
- (b) Refuse producers residing on private streets, within areas served, must be provided reasonable curbside garbage pick-up service by the permitted collector unless the garbage collector is denied access by the owner(s) of the street or the street is not constructed to accommodate a collection vehicle. Where access is denied, or in areas where streets, both public or private, are not constructed to accommodate a collection vehicle, service may be provided at a collection station approved by the director if, in the judgment of the director, use of a collection station is practical without creating a nuisance or hazard.

**Sec. B11-175. Responsibility of permitted collector for refuse collected.**

All refuse upon being removed from the premises where produced, or from an approved collection station, is the responsibility and under the control of the permitted collector until it has been delivered to the disposal, transfer, recycling or composting facility or site.

**Sec. B11-176. Commencement of garbage collection service.**

It is the responsibility of the garbage producer to commence garbage collection service so that the first collection occurs within seven days after occupancy of premises. In the event service is not initiated within such period of time, the director may give written notice to the garbage producer that garbage collection service, as required by this chapter, is mandatory.

**Sec. B11-177. Vehicle inspection and registration.**

All vehicles used for the collection of refuse in the incorporated or unincorporated area of the county, except within the incorporated area of San Jose, must be inspected by and registered with the department. This requirement includes vehicles designated as temporary replacements and vehicles that are operated both in the City of San Jose and other areas of the county. Where a transportation vehicle involves the combination of a tractor and trailer, only the waste carrying trailer vehicle must be registered. Such inspection and registration must occur on an annual basis. The fee for the inspection and registration will be in an amount as established by resolution of the board of supervisors.

**Sec. B11-178. Collector operating and equipment requirements.**

- (a) Operating collectors must provide collection equipment designed to minimize spillage and litter, conduct collection activities in a manner to preclude spillage and litter, must pick up spillage or litter generated during

collection or transportation and must operate vehicles in a safe manner and in conformance with applicable laws and regulations. All collection and transfer vehicles must be kept in good working order to the satisfaction of the director.

- (b) All vehicle yards for collector vehicle fleets and associated equipment for all fleets must have all necessary permits from agencies overseeing the site location and for the storage and generation of solid waste materials, as well as hazardous and medical waste. Yards must be kept in a sanitary condition and free of excessive dust and nuisance odors.

**Sec. B11-179. Operating records and reports.**

All operators of refuse collection, transportation, transfer or disposal services must maintain operating records as the director may require for determining compliance with this chapter, and must, if requested by the director, submit periodic reports that include operating records. The reports may include but need not be limited to:

- (a) Volume and tonnage received;
- (b) Name and address of the premises where refuse is collected;
- (c) The name and address of all refuse or limited collectors using a transfer or disposal facility; and
- (d) The volume and tonnage of refuse collected.

**Sec. B11-180. Frequency of garbage collections.**

All garbage created, produced, deposited, placed or accumulated in or about any dwelling or other premises, of four units or less, where garbage producers reside must be properly disposed and removed from the premises at least once each week. All garbage created, produced or accumulated at any apartment complex or non-residential premises must be properly contained and removed from the premises at least twice each week, or more often if necessary. In areas served by refuse collectors under permit, removal of garbage may be conducted only by the permitted refuse collector.

**Sec. B11-181. Disposal and storage of refuse.**

All refuse collected or generated from the unincorporated area must be delivered to, or disposed at, a properly permitted disposal facility, transfer station, or other facility authorized by the director. No person may produce or store refuse of any kind in a manner that would represent a threat to the public or environmental health as determined by the director.

**Sec B11-182. Interfering with refuse collection service.**

No person may, in any manner, interfere with the performance of refuse, rubbish, recyclable waste material or yardwaste collection services being rendered by an agent or employee of the County or the authorized collector acting within the

course and scope of his or her employment.

**B11-183. Unauthorized use of refuse, rubbish or yardwaste collection service.**

No person may deposit, place or accumulate, or allow the deposit, placement or accumulation for pick up by the authorized collector, any commercial yardwaste, or any refuse, rubbish or residential yardwaste produced from another premises unless such deposit, placement or accumulation is in accordance with the services subscribed for at the premises where the collection will take place or unless permission is granted by the director.

**B11-184. Mandatory garbage collection service; producer responsibility.**

In areas served by a permitted collector, the garbage producer of each residential or nonresidential premises, except farms electing to collect garbage produced by their farm pursuant to Sec. B11-173, must subscribe to and pay for at least the minimum collection frequency and level of adequate garbage collection service made available by the permitted refuse collector. The charges for garbage collection service rendered or made available must be paid, for all periods of time during which the premises are occupied, regardless of whether or not the garbage producer has any garbage to be collected on any particular collection date during such occupancy. In the case of rental properties, nothing in this section is intended to prevent an arrangement under which payments for garbage collection service are made by the owner or any agent or other person on behalf of the garbage producer. Producers may collect and haul their own non-putrescible recyclable materials to a recycling or buy-back center.

**B11-185. Garbage producer exemptions from mandatory garbage collection.**

- (a) In remote areas where curbside or collection station garbage service cannot be provided by the permitted collector, the producer may transport their own garbage to an approved solid waste facility with a frequency and mode of transport to preclude any nuisance conditions.
- (b) Where permitted garbage collection service is provided to the curbside or collection station, an exemption from mandatory garbage collection may be granted when any of the following conditions apply and have been verified to the satisfaction of the director:
  - (1) No garbage producer resides on the property; or
  - (2) Garbage is not produced or consolidated at the premises; or
  - (3) Any other situation where, in the discretion of the director, the requirements of this chapter can and are met.
- (c) Any application for an exemption for (b) above must be submitted by the garbage producer on forms supplied by the director. The director's decision on the exemption is final.

**B11-186. Mandatory garbage collection service; collector responsibility.**

Permitted collectors are required to collect from all garbage producers in the collector's designated territory. The collector must provide collection service to all garbage producers that can be reasonably served, except as otherwise exempted pursuant to Sec. B11-185.

**Sec. B11-187 . Regulations prohibiting burning of refuse.**

Burning of refuse is prohibited without the written approval of any and all public agencies having jurisdiction to regulate the control of air pollution in the county. These agencies include, but are not restricted to the Bay Area Air Quality Management District, the appropriate fire district, and the department.

**Sec. B11-188. Unauthorized refuse disposal prohibited.**

It is unlawful for any person to throw away, deposit or bury, or cause to be thrown away, deposited or buried, any refuse, except at an approved disposal or collection area unless authorized by the director. A refuse producer may not use any refuse container owned by or issued to the occupant of any other premises, unless having written permission from the occupant of the premises. This section may be enforced by any peace officer.

**Sec. B11-189. Refuse container requirements.**

- (a) Prior to placement at the curbside for pickup by the collector, all refuse, including garbage, rubbish, yardwaste and recyclable waste materials produced on any premises must be placed and stored in an adequate container as determined by the director. Adequate container(s) must be adequately sized for receiving and holding all refuse and must be constructed so as to be durable, leak-proof, cleanable and have close-fitting lids. The requirement for garbage producers to contain certain recyclable materials such as yardwaste, inert rubbish and certain recyclable waste materials in a refuse container prior to curbside collection may be waived by the director.
- (b) Refuse containers for dwellings must not exceed thirty-two gallons capacity and may not have a filled weight in excess of sixty pounds gross weight, except those containers furnished by the garbage collector, where the capacity and weight may be in accordance with design specifications or accepted industry practice. Larger capacity containers capable of holding higher gross weights may be approved by the director.
- (c) Refuse containers for nonresidential premises or multiple dwelling units must be approved by the director. All refuse containers must be kept in a sanitary condition and kept closed with a tight fitting cover, except when refuse is being placed into or removed from the container. If in the opinion of the director any bin, or any other container supplied by the collector, is

in the need of cleaning, the permitted collector must clean the bin within the time frame determined by the director.

- (d) Refuse producers may not fill a refuse container in any manner which causes the refuse to fall out of or overflow from the container, or to preclude proper closure of the lid.
- (e) Refuse containers may not be placed in such a manner as to create a nuisance or hazard as determined by the director. This requirement for proper curbside location also applies to residential yardwaste and recyclable waste materials that are approved by the director for collection without being in a refuse container.
- (f) Refuse placed for curbside collection may not be located adjacent to the property of another garbage producer unless authorized in writing by the occupant of the other premises for approval as a necessary collection station by the collector.
- (g) Containers must be placed for collection not more than twenty-four hours preceding the scheduled collection time. Placement times and collection locations also apply to uncontained wastes such as yardwaste, cardboard and other recyclable wastes. It is the responsibility of the occupant of the premises producing the refuse to remove all containers from the curb, roadside or collection station within twenty-four hours after collection. Following removal, containers must be stored in a less conspicuous area of the premises so not to create a nuisance to the occupants of neighboring premises.
- (h) Bundle or pile sizes and collection locations of cardboard or yardwaste must conform to the requirements of the authorized collector and director.
- (i) All containers described in this section must be kept in a sanitary condition as determined by the director.

**Sec. B11-190. Yardwaste.**

- (a) Residential yardwaste may not be placed in the road right-of-way, street, or at the curbside sooner than 24 hours in advance of the scheduled collection day.
- (b) Residential yardwaste must be placed for collection only in front of the premises where produced.
- (c) Yardwaste accumulated during intervals between yardwaste collections must be stored in a manner so as to not create a nuisance.
- (d) Residential yardwaste must be placed on the street or curbside to facilitate collection. The yardwaste must be placed in front of the property that

generated the yardwaste in such a manner to prevent a nuisance or disturbance to neighbors.

- (e) This section may be enforced by any peace officer.

**Sec. B11-191. Location of vehicles limiting collection.**

No person may park a motor vehicle, including a trailer, or boat so as to obstruct or preclude the collection of refuse by the authorized collector. This section may be enforced by any peace officer.

**Sec. B11-192. Nuisance accumulation of refuse prohibited.**

No person having occupancy or control of a lot, property, parcel or premises is entitled to allow any accumulation of refuse of any description to remain on such lot, property, parcel or premises.

**Sec. B11-193. Solid waste facility permit required.**

No person may operate a solid waste facility or operation in the county, except within the incorporated area of the City of San Jose, unless possessing a permit to do so from the Local Enforcement Agency.

**Sec. B11-194. Solid waste facility inspection and enforcement fee.**

- (a) Pursuant to state statutes and regulations, the director, as the Local Enforcement Agency, may inspect all solid waste facilities and operations in the unincorporated as well as the incorporated areas of the county, except those solid waste facilities and operation sites within the incorporated area of San Jose.
- (b) The solid waste enforcement fee for facilities and operations is set by resolution of the board of supervisors.

**Sec. B11-195. Solid waste facility bond requirement.**

The director, in connection to the issuance of a solid waste facility permit, may require the applicant to file a surety bond in an amount determined by the director to guarantee the faithful compliance with this chapter and with all rules and regulations of the Local Enforcement Agency.

**Sec B11-196. Restrictions on disposal of explosive or hazardous materials.**

No person may deposit in any refuse or recycling container any explosive, highly flammable or otherwise hazardous material, including medical waste or substance.

**Sec. B11-197. Composting area inspections and fees.**

- (a) Pursuant to state statutes and regulations, the director, acting as the local enforcement agency, may inspect all composting areas in the unincorporated as well as the incorporated areas of the county, except those

composting areas within the incorporated area of San Jose at a frequency as required by state statutes.

- (b) The permit fee for facilities and operations will be in an amount established by resolution of the board of supervisors.

**Sec. B11-198. Reserved.**

**Sec. B11-199. County disposal areas.**

The board of supervisors may acquire land to be used as county-owned composting, wood grinding, refuse transfer or refuse disposal facilities. Operation may be either by county personnel or by a contractor to the county for service. The board of supervisors may lease composting, wood grinding, refuse transfer or refuse disposal facilities to persons for their operation as composting, wood grinding, and transfer or refuse disposal facilities. These facilities must be operated in conformance with the laws and regulations of the state and with the rules and regulations of the Local Enforcement Agency.