

ORDINANCE NO. G-9319

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA ESTABLISHING THE SCHEDULE OF THE SOLID WASTE MANAGEMENT PROGRAM SERVICE CHARGE FOR NON-RESIDENTIAL PROPERTY (GATE FEE AND BIN FEE) FOR FISCAL YEAR 2025-2026 AND GOVERNING DISPOSAL OF SOLID WASTE AT COUNTY WASTE FACILITIES

The following Ordinance, consisting of five (5) Sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting held on the 7<sup>th</sup> day of January, 2025, by the following vote, to wit:

AYES: Peters, Parlier, Flores, Couch, Perez

NOES: None

ABSENT: None



Chairman, Board of Supervisors  
County of Kern, State of California

(SEAL)

ATTEST:

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors

By , Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAIN AS FOLLOWS:

Section 1. This Ordinance, which shall take effect and be in full force on and after the 7<sup>th</sup> day of February, 2025, shall have a summary published in accordance with the provisions of Government Code Section 25124(b)(1).

Section 2. The following is enacted as an Ordinance of the County of Kern:

ESTABLISHMENT OF A GATE FEE PROGRAM

1. Application of Ordinance

This Ordinance shall apply to all the area currently within the County of Kern and to such area as may hereinafter be added to the County of Kern.

2. Definitions

The following definitions apply to this Ordinance:

(a) "Bin" means any container, including cans, that may contain up to six cubic yards of material, used by any non-residential establishment to hold solid waste until it is collected by a hauler;

(b) "City" means any incorporated city located in the County of Kern;

(c) "County" means the County of Kern;

(d) "Demolition Waste" or "Construction Waste" means the non-hazardous waste building materials, packaging, rubble and other materials resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures;

(e) "Department" means the Kern County Public Works Department;

(f) "Director" means the Director of the Public Works Department, or a designee authorized by the Director;

(g) "Franchise Hauler" means those persons granted a garbage collection franchise by the County in accordance with Chapter 5.36 of the Kern County Ordinance Code;

(h) "Gate Attendant" means a County employee that is assigned to staff a gate house at a County waste facility and to collect Gate Fees;

(i) "Gate Fee" means a Kern County Solid Waste Management Program Service Charge, charged for all non-residential waste brought to a County waste facility and which shall include Bin Fees;

(j) "Hazardous Waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

- (1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;
- (2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste as defined in Health and Safety Code Section 25115 and acutely hazardous waste as defined in the Health and Safety Code Section 25110.2;

(k) "Municipal Solid Waste" means a mixture of solid waste that includes general refuse, garbage, paper, glass, cardboard, plastic, metal and green waste from residential and commercial sources;

(l) "Non-residential Waste" means any solid waste that was not directly generated on residential property within Kern County. Non-residential waste includes all tires, vehicles or parts thereof, commercial, industrial, institutional, residual from a construction and demolition waste recycling facility, when the facility has been designated by the Director, and agricultural waste;

(m) "Person" means an individual, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, firm, organization, partnership, joint venture or any other entity whatsoever;

(n) "Residential Waste" is solid waste that is generated on residential property within Kern County as identified in the schedule of Solid Waste Management Program Service Charges established by the Board of Supervisors for each fiscal year pursuant to the procedures in Ordinance G-5584, as amended from time to time, and collected at the time and manner as general taxes for the County of Kern. Notwithstanding the foregoing, the Special Fees set forth in Paragraph 18 of this Ordinance will be charged for the waste regardless of its source of origin within the County. Out of County tonnage fees will apply to any Construction and Demolition waste that was generated outside of the County. Residential Waste that was generated on a residential parcel in Kern County, that is hauled by a resident that does not own that same parcel, is non-chargeable, provided that the resident hauling the waste can provide sufficient evidence to prove they are authorized to haul the waste by the residential parcel owner and are not paid by the parcel owner to haul the waste. Residential Waste hauled by any commercial entity other than a Franchise Hauler is chargeable;

(o) "Solid Waste" means all non-hazardous putrescible and non-putrescible solid and semi-solid waste such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles, and parts thereof, discarded home and industrial wastes, demolition and construction wastes, abandoned vehicles, and parts thereof, discarded home and industrial appliances, vegetable or animal solid and semi-solid wastes;

(p) "Untarped/Unsecured loads" means waste, whether from residential or non-residential sources, that is being transported upon any vehicle and is not completely covered or is not secured in a manner to prevent it from falling or blowing away from the transporting vehicle;

(q) "Waste Facility" means:

- (1) Facilities used to receive, temporarily store, separate, convert or otherwise process the materials in solid waste or transfer solid waste directly from smaller to larger vehicles for transport; and
- (2) Solid waste disposal sites which are "Class III Disposal Sites" in accordance with the meaning prescribed by Article 2, Subchapter 15, Chapter 3, Title 23 of the California Code of Regulations (commencing with Section 2510) as amended from time to time.

3. Gate Fees Applicable to Disposal of All Non-residential Waste

(a) All persons delivering non-residential waste for further handling at County waste facilities shall pay the Gate Fees required by this Ordinance, unless specifically exempted by this Ordinance. Gate Fees may be paid as designated by the Director and approved by the Board of Supervisors;

(b) The Special Fees set forth in Paragraph 18 of this Ordinance will be charged for the waste regardless of its source of origin within the County. Out of County tonnage fees will apply to any Construction and Demolition waste that was generated outside of the County.

4. Basis for Computing Gate Fees

Gate fees shall be based on either the actual weight of the solid waste being delivered for further handling as measured by a scale, the estimated weight of the solid waste being delivered for further handling based on the type of material and its volume in cubic yards, the type of vehicle hauling the solid waste being delivered for further handling, the number of units being delivered for further handling and/or the special nature of the load. The Department shall determine the most appropriate method for determining the calculation of the Gate Fee.

5. Bin Fees

(a) A Bin Fee shall be charged for all non-residential waste bins that are collected by any Franchise Hauler and delivered for further handling at a County waste facility;

(b) The Bin Fee shall be based on the basic per ton Gate Fee for non-residential waste and shall be calculated using the following formula:

The basic per ton Gate Fee for non-residential waste, divided by two thousand pounds equals the fee per pound. The fee per pound, multiplied by the average weight in pounds of a cubic yard of municipal solid waste found in bins, equals the Bin Fee per cubic yard. The Bin Fee per cubic yard multiplied by the capacity of a bin, equals the total Bin Fee per time the bin is collected by a hauler.

(c) The average weight of a cubic yard of municipal solid waste from non-residential waste bins shall be confirmed by the Department by performing waste volume/weight studies periodically. The Department shall report the results of the waste volume/weight studies to the County's Board of Supervisors as needed and shall recommend modifications to the Bin Fee as may be appropriate;

(d) Each Franchise Hauler shall maintain adequate and accurate records of the number of non-residential waste bins, the cubic yard capacity of each non-residential waste bin and the number of times each non-residential waste bin has been collected for each non-residential customer served by the Franchise Hauler;

(e) Each Franchise Hauler shall prepare a Non-Residential Bin Report and forward a copy of said report to the Director within thirty (30) days of the last day of the prior month. The Director may approve extensions granting Franchise Haulers additional time to prepare or forward their Non-Residential Bin Reports. The information in the Non-

Residential Bin Reports shall match the information that appears on the Franchise Haulers' invoices or statements and any information required in the bin reports may be audited by the Department. The Non-Residential Bin Reports should list, at a minimum, the number of non-residential bins billed to each non-residential account, the bin volume (in cubic yards), the number of times each bin was collected in the billing period, and such information as may be required by the Director. Non-Residential Bin Reports shall be reviewed by the Department to confirm that the rates charged by each Franchise Hauler are in compliance with this Ordinance and all other applicable County ordinances, resolutions, regulations and rules. The number of reported cubic yards shall be used by the Department to calculate the amount of the Bin Fee the County will receive from each Franchise Hauler;

(f) Each Franchise Hauler shall calculate the amount owed by each non-residential customer for the Bin Fee for the Franchise Hauler's current billing period and shall include that Bin Fee, in a separate line, or column, on the invoice or statement sent to each non-residential customer for that billing period;

(g) Unless otherwise provided in a Franchise Agreement, each Franchise Hauler shall forward all monies received from the billing of the Bin Fees to the Director within thirty (30) days from the last day of the prior month;

(h) Each Franchise Hauler shall maintain a fidelity bond or other security instrument as agreed to in writing covering each of that Franchise Hauler's employees who has the responsibility or power to handle any Bin Fees which are to be paid by that Franchise Hauler to the County pursuant to this Ordinance. Any such fidelity bond must be approved by the Director as to form and content. In addition, any such fidelity bond shall be executed by an admitted surety with a Best's rating of no less than B+. The limit of each such fidelity bond shall be in an amount to be approved by the Director and this amount shall not be less than the average monthly amount of Bin Fees collected by the Franchise Hauler maintaining this fidelity bond. Each such fidelity bond shall name the County as an additional named insured. Each such fidelity bond shall also contain an endorsement providing that the coverage of the fidelity bond shall not be reduced, nor shall the fidelity bond be canceled until thirty (30) days after County has received notice of any such cancellation or reduction. Each Franchise Hauler shall file a copy of the required fidelity bond with the Department prior to initiating any collection of Bin Fees;

(i) The franchise haulers' actual and reasonable administrative costs to comply with the foregoing provisions of this paragraph, including, but not limited to, the costs of obtaining the required fidelity bond, shall be considered by the Board of Supervisors in the process of any setting of the Franchise Haulers' rates.

## 6. Use of Unattended Waste Facilities for Non-residential Waste

It is unlawful for any person to dispose of non-residential waste at a County waste facility where there is no gate attendant to collect the Gate Fee, unless that person has obtained the prior written permission to do so from the Department. The Department may grant permission to dispose of non-residential waste at a County waste facility where there is no gate attendant upon showing of good cause therefore and the payment of the Gate Fee for the type and amount of non-residential waste intended to be disposed.

7. Green Waste Facility Fee

(a) If a County waste facility also is equipped with a County operated green waste recycling facility, or if any green waste recycling facility is in the area, all loads containing clean green waste which is not mixed with other types of waste shall be directed to the green waste recycling facility. At County operated or approved green waste recycling facilities, there shall be no charge for the delivery of loads of clean residential green waste brought to the facility by the residential parcel owner. Residential green waste delivered to a County facility by a commercial entity is chargeable. Loads of non-residential green waste are also chargeable.

(b) Loads of green waste mixed with other material shall be considered to be municipal solid waste, may not be disposed at County green waste recycling facilities and shall be subject to the same Gate Fees applied to solid waste being delivered for further handling at County waste facilities.

8. Hourly Rate

The Director may charge an hourly fee, in the amount set forth in Paragraph 18 below, for services performed by the personnel of the Department that are necessary to investigate unlawful dumping, to oversee disposal operations at County waste facilities for health, safety or operational reasons, at the discretion of the Director, or to give consultation services as requested. This hourly fee shall be charged in addition to any other applicable County fee including, but not limited to, Solid Waste Management Program Service Charges, Gate Fees, Bin Fees, or permit fees. All fees for services billed at the hourly rate shall be billed within ninety (90) days of the services rendered and are due as of the billing date. Any County invoice for hourly fees for services shall become delinquent thirty (30) days after it is due. Persons with delinquent hourly fees shall be charged a penalty in the amount of one and one-half percent (1.5%) of the delinquent amount per month.

9. Disposal Without Payment

(a) The Department may, upon written request made at least one (1) week in advance, authorize the disposal of municipal solid waste at County waste facilities without the payment of the Gate Fees required by this Ordinance, provided that the municipal solid waste was collected by community groups or cities as part of an anti-litter or cleanup activity.

(b) The Department may, upon written request from a Kern County resident, authorize the disposal of any illegal dumping collected in Kern County at County waste facilities without the payment of the Gate Fees required by this Ordinance, provided that sufficient evidence including pictures and location descriptions, has been presented that clearly indicate that the waste was illegally dumped within the County.

(c) In cases involving an emergency, accident or threat to public health, the Department may authorize disposal without the immediate payment of the Gate Fees required by this Ordinance, although the required Gate Fee for such disposal shall be billed to the person whose waste was disposed.

10. Misidentified Waste

(a) It shall be unlawful for any person to misidentify deliberately, make misrepresentations or to conceal from a gate attendant the type of wastes contained in a load or the source of origin of the waste in a load brought to any County waste facility for disposal. Any act or violation of the provisions of this paragraph shall be an infraction and shall be punishable as provided in Section 1.12.020 of the Kern County Ordinance Code. The Director is responsible for enforcing the provisions of this paragraph and may issue a citation to a person committing an act of omission which is in violation of this paragraph;

(b) In the event that misidentified wastes have been disposed at a County waste facility, the responsible party shall pay the full cost of any required cleanup, remediation or relocation of the waste, in addition to the full Gate Fee for the misidentified waste.

11. Out of County Waste

In order to preserve the limited landfill capacity in the County which has been reserved for in-County uses, solid waste originating outside the County shall not be accepted at County waste facilities and no hauler shall transport refuse from outside the County to County waste facilities unless by written agreement approved by the Board of Supervisors. However, the Director is authorized to accept, in his discretion, loads of out of county residential waste upon payment of the Gate Fees applicable to out of county non-residential waste when acceptance will help prevent illegal dumping or other unauthorized disposal of the waste.

Dead animals and tires of any kind or size from outside of Kern County will not be accepted at any County waste facility.

12. Board Shall Establish Rules and Regulations

The Board of Supervisors shall establish rules and regulations relating to solid waste handling and related revenue collection. A copy of these rules and regulations shall be available for inspection by the public at each County waste facility and at the Department.

13. Scale Violations

It shall be unlawful for any person to carry out any action which causes damage to a scale located at a County waste facility, including, but not limited to, driving a vehicle with excessive speed onto or over a scale, making sudden starts or stops while on a scale, and pumping the brakes of a vehicle while on a scale. Any act or violation of the provisions of this paragraph is an infraction and shall be punished as provided in Section 1.12.020 of the Kern County Ordinance Code. The Director is responsible for enforcing the provisions of this paragraph and may issue a citation to a person committing an act which is in violation of this paragraph.

14. Notice

Written notice required by this Ordinance shall be sufficient if it is served as follows:

(a) By personal delivery. Service in this manner shall be deemed complete at the time of such delivery; or

(b) By posting a copy of the notice in a conspicuous place on the door or near the doorway of the main entryway of the premises of the person receiving the notice, or by mailing a copy of the notice by first class United States mail to the last known address of the person to be served. Service in this manner shall be deemed complete seventy-two (72) hours after such posting or mailing has been accomplished;

(c) Actual notice shall be deemed sufficient service of any notice required by this Ordinance.

15. Compliance with Laws

No provision of this Ordinance shall be interpreted to exempt any person from complying with any applicable Federal, State, and local laws, statutes, ordinances, regulations, rules, and orders.

16. Authorization to Administer Fees

The Department is authorized to make such arrangements and institute such administrative procedures as may be necessary to facilitate the collection of the fees and penalties described in this Ordinance. Cities within the County shall be required to pay to the County all Gate Fees for non-residential waste collected by them or by franchise or contract haulers operating within their jurisdiction. Where waste collection fees are collected by a franchise or contract hauler, the County may collect Gate Fees directly from the hauler. Cities may elect to follow the Bin Fee procedures of Paragraph 5 of this Ordinance or may negotiate for an alternate mechanism for payment of fees. The Department's authorization pursuant to this paragraph shall include negotiation, subject to approval by the Board of Supervisors, of agreements with local public agencies, and franchise or contract haulers operating within their jurisdictions, using the County landfills for disposal, providing for the payment of Gate Fees for non-residential waste and for the collection of such charges. Where appropriate, the Department is authorized to provide direct billing of non-residential property located in incorporated areas of the County as may be necessary to effectuate the purpose of this Ordinance.

17. Schedule of Gate Fees

The schedule of Gate Fees established by this Ordinance shall be as follows:

Basic Per Ton Gate Fee for Non-residential Waste:

The basic per ton Gate Fee for non-residential solid waste, excluding wastes for which a special rate or charge is included in Paragraph 18, is sixty-seven and 25/100 dollars (\$67.25) per ton.

Since Transfer Stations require additional handling and transportation of the waste, the per ton Gate Fee for non-residential solid waste at any Transfer Station will include an extra eleven and 60/100 dollars (\$11.60) Transfer Fee per ton for a total fee of seventy-eight and 85/100 dollars (\$78.85) per ton.

The basic per ton Gate Fee for solid waste brought to a Kern County waste facility from outside of Kern County, excluding wastes for which a special rate or charge is included in Paragraph 18 (except Construction and Demolition waste), is one hundred-four and 36/100 dollars (\$104.36) per ton. Construction and Demolition waste will be charged the Out of County Fee of \$104.36 per ton. The Transfer Fee will also apply if the out of County waste is brought to a Transfer Station.

Non-residential Waste at Facilities with Scales:

At County solid waste facilities equipped with scales and weighing devices capable of determining the weight of material deposited at the facility, persons shall be charged the following Gate Fees:

Cars .....	\$13.91/vehicle
Pickup trucks .....	\$31.31/vehicle
Pickup trucks loaded above cab .....	\$39.42/vehicle
Trailers, large vehicles, or roll off boxes .....	\$67.25/ton*

\*Transfer Fee and Out of County Fee apply, as appropriate

Non-residential Waste at Facilities Without Scales:

At County waste facilities not equipped with scales or weighing devices, or at facilities equipped with weighing devices that are not operational, persons shall be charged the following Gate Fees:

Cars .....	\$13.91/vehicle
Pickup trucks .....	\$31.31/vehicle
Pickup trucks loaded above cab .....	\$39.42/vehicle

For trailers, large vehicles, or roll off boxes containing non-residential solid waste, the gate attendant will estimate the cubic yard volume of the material in the vehicle, trailer or roll off box and convert the cubic yard volume to an estimate of the weight of that material, using a material type/weight conversion table. After the volume has been converted to a weight, the basic sixty-seven and 25/100 dollars (\$67.25) per ton fee for non-residential solid waste will be applied. The Transfer Fee and Out of County Fee will also apply, as appropriate.

18. Schedule of Special Rates and Charges

Fees for Recyclable, Reusable, or Divertable Material

Clean fill dirt.....	\$5.80/ton
Clean inerts such as concrete, asphalt, bricks, or similar material .....	\$17.39/ton
Construction and Demolition Waste.....	\$92.76/ton

Tire Program Fees:

All tires, whether from residential or non-residential sources, will be charged the following fees to offset the cost of County's waste tire diversion program:

Tires in bulk loads.....	\$289.88/ton
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Individual Tires:

Light Duty Tires - 18" diameter rim or smaller.....	\$3.48/tire
Heavy Duty Tires -19" to 24" diameter rims .....	\$17.39/tire

Oversize Tires.....	\$23.19/tire
(Racing tires and tires with more than 24" rims, but not mover class)	

Earth Mover Tires .....	\$289.88/ton
(Extremely large tires used on earth moving equipment)	

Non-residential Bin Fee:

Municipal solid waste in a bin.....	\$3.48/cubic yard
Transfer Station Fee - additional fee.....	\$0.60/cubic yard
Out of County waste in a bin.....	\$4.99/cubic yard

Dead Animals

Any dead animals that require special handling at the disposal facility .....	\$115.95/animal
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Multiple dead animals or parts of animals that require special handling at the disposal facility. ....	\$173.93/ton
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Treated Wood Waste (as defined in Health & Safety Code §25150.7):

The following Special Fees shall be charged at any County waste facility which accepts treated wood waste:

Disposal of treated wood waste other than railroad ties .....	\$173.93/ton
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Disposal of treated wood waste that is in the form of railroad ties .....	\$17.39/tie
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Disposal will be limited to a maximum of 2 cubic yards per load at any site other than Bena Landfill, Shafter-Wasco Landfill and Taft Landfill.

Other Special Fees

The following Special Fees shall be charged, in addition to the normal Gate Fee, regardless of whether the source of the waste is residential or non-residential and in addition to any other fees that may apply:

Hourly rate for Department personnel.....\$104.36/hour  
(1/2 hour minimum)

Processing fee for each check returned  
to the County without check payment for  
any reason.....\$25.00/ea.

Travel trailers disposed of at County waste  
facilities authorized to accept them for dismantling  
and disposal (subject to removal of all hazardous  
and unacceptable waste).....\$579.77/ea.

Any other hard to handle items.....\$231.91/ton

Untarped/Unsecured Loads.....Two times the Gate Fee  
..... or \$20.00 Minimum charge

19. Validity

If any portion of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 3. At a properly noticed Public Hearing, the Kern County Board of Supervisors (Board) may approve future rate adjustments in the Gate Fee and Bin Fee based on the fiscal year Consumer Price Index (CPI) for Los Angeles-Long Beach-Anaheim, CA (Series ID CUURS49ASA0) without a protest hearing for an additional two years. If, in any year, the rate adjustment approved by the Board is lower than the amount resulting from the application of the CPI, the difference may be carried over and applied by the Board to future rate adjustments. In the event the cited index is substantively changed or is no longer published, the Board will select a substantially similar index.

Section 4. The schedule of Solid Waste Management Program Service Charges for Non-Residential Property (Gate Fees and Bin Fees) shall become effective July 1, 2025.

Section 5. This Ordinance shall supersede and replace Kern County Ordinance G-9275.

#27P9197-PWH

COPIES FURNISHED:
CPD; DWD;
CO. Counsel
1-10-25 MJS