

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ
ADDING CHAPTER 7.23 TO THE
SANTA CRUZ COUNTY CODE
ESTABLISHING MINIMUM STANDARDS FOR THE
RECYCLING OF ELECTRONIC WASTE

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The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.23 of the Santa Cruz County Code is enacted to read as follows:

Sections:

- 7.23.010 Findings**
- 7.23.020 Purpose and intent**
- 7.23.030 Definitions**
- 7.23.040 Certification Required**
- 7.23.050 Notification**
- 7.23.060 Exemption**
- 7.23.070 Enforcement**
- 7.23.080 Violations**
- 7.23.090 Preemption and Exclusion**
- 7.23.100 Severability**
- 7.23.110 Effective Date**

7.23.010 Findings

- A. The recycling of electronic devices is a valuable service and benefits the community by improving the health and safety of the community and environment.
- B. Electronic devices contain materials that pose a risk to the health and safety of residents, the environment and recycling workers if not recycled by environmentally responsible means.
- C. Some electronic device recycling methods utilize inadequate environmental standards that pose a risk to the health and safety of residents, the environment and recycling workers – such as disposal in landfills, the export of electronic devices to developing countries with inadequate environmental standards, and the use of prison, child or elderly labor.
- D. It is the intent of the Board of Supervisors to use its regulatory powers to require the use of certain electronic device recycling standards for recycling of electronic devices collected within the unincorporated area of the County of Santa Cruz to protect the health and safety of residents, the environment, and recycling workers to the greatest extent possible.
- E. Recycling standards required for a recycler to qualify as a certified recycler under the certification program designated by the County of Santa Cruz shall be designed to protect the health and safety of residents, the environment and recycling workers to the greatest extent possible.

- F. This ordinance will protect the health and safety of residents, the environment and recycling workers by establishing minimum electronic device recycling standards for recycling of electronic devices collected or processed within the unincorporated area of the County of Santa Cruz.

7.23.020 Purpose and Intent

In enacting this ordinance, the Board of Supervisors recognizes that the collection of electronic devices for recycling is a service of great value to the health and safety of the public and of the environment. The Board of Supervisors further recognizes that unless properly regulated, the recycling of electronic devices collected in the unincorporated areas of the County can be performed in a manner that is harmful to the health and safety of the public and environment and which poses a threat to the quality of life in the community. Therefore, it is the purpose and intent of this ordinance to regulate the recycling of electronic devices collected or processed in the unincorporated area of the County of Santa Cruz.

7.23.030 Definitions

The definitions in this section apply to this chapter, unless apparent from the context that a different meaning is intended.

- A. *Electronic device*: Any device powered by electricity (including batteries) that contains circuitry and is identified by the State of California as hazardous waste, whether whole or in fragments, including parts, components, or assemblies thereof: Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens. Electronic device does not include motor vehicles or large appliances.
- B. *Electronic device collector*: Any person, partnership, corporation or other entity who collects or gathers electronic devices for processing or delivery to a recycler.

- C. *E-waste collection event*: Any one-time or ongoing event or activity organized by individuals, groups, electronic device collectors or other entities with the intended purpose of collecting or gathering items that include electronic devices for recycling or delivery to a recycler. Examples include curbside pickups, door-to-door pickups, parking lot drop-offs, permanent collection sites, or an organization's in-house electronic device management.
- D. *Electronic device processor or recycler*: An entity that includes as part of its operations the recycling of electronic devices.
- E. *Certified recycler*: An electronic device recycler that has been certified by a third-party organization as designated by the County of Santa Cruz.
- F. *Electronic waste or e-waste*: Any electronic device as defined in this ordinance which is being collected for recycling, reuse or disposal.

7.23.040 Certification Required

- A. No person, partnership, corporation or other entity shall collect any electronic device for recycling in the unincorporated area of the County unless the electronic device is delivered to a recycler which meets the certification standards as required by the County, regardless of that recycler's location.
- B. No electronic device recycler located within the unincorporated area of the County shall accept any electronic device for recycling unless that recycler meets the certification standards as required by the County.
- C. Basil Action Network e-Stewards Recycler is designated as the initial acceptable third-party e-waste recycling certification standard. The Board of Supervisors, by resolution, may select different certification programs as standards evolve. The Director of Public Works or designee shall provide information about any change in standards to collectors, recyclers and the community.

7.23.050 Notification

- A. All notices of e-waste collection events, activities or programs open or available to the public, whether mailed, delivered directly, or placed as advertisements in any media, must include the collector's name, address, telephone number, web site address (if any) and the name of a contact person.
- B. All notices of e-waste collection events must indicate that all collected materials will be delivered to a certified e-waste recycler as required in this ordinance, and must specify the recycler or recyclers to which materials will be delivered.
- C. Information required in paragraphs 7.23.050(A) and 7.23.050(B) above must be prominently displayed at any e-waste collection event open or available to the public.

- D. No less than 10 days before the beginning of any e-waste collection event, notification including all information in paragraphs 7.23.050(A) and 7.23.050(B) above must be provided to the County of Santa Cruz by email to dpwwweb@co.santa-cruz.ca.us or in person or by mail to the address below.

County of Santa Cruz
Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, CA 95060

7.23.060 Exemptions

- A. The County recognizes that electronics components are being included in an increasing number of products, some of which may be impractical to process as E-waste due to size or complexity.
- B. The Director of Public Works, or the Director's designee may exempt a product or product category from the requirements set forth in this chapter upon demonstration that this chapter would create an undue hardship or practical difficulty. The Director's or the director's designee's decision to grant or deny an exemption shall be final.
- C. The Director of Public Works or Director's designee may include new products or reinstate previously exempted products to the requirements set forth in this chapter at their discretion with adequate public notice.
- D. An exemption from processing as e-waste does not exempt collectors or recyclers from other requirements for proper recycling or disposal of materials.

7.23.070 Enforcement

Enforcement of this ordinance shall be as follows:

- A. The Director of Public Works, or designee, shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation of this chapter. The Director or designee is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.
- B. A person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.
- C. The County of Santa Cruz may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.
- D. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

- E. Upon request of the Director of Public Works or designee electronic waste collectors must provide invoices, manifests or other documents as requested to verify compliance with this ordinance.
- F. The Director of Public Works or designee may without notice inspect any collector's premises, vehicles, storage or other facilities to verify compliance with this ordinance.

7.23.080 Violations

Violations of this ordinance shall be enforced as follows:

- A. Violation of this chapter is hereby declared to be a public nuisance. Any violation described in the preceding paragraph shall be subject to abatement by the County of Santa Cruz, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by injunction, upon a showing of violation.
- B. Upon a first violation, the Director of Public Works, or designee, shall mail a written warning to the electronic device collector. The warning shall recite the violation, and advise that future violations may result in fines.
- C. Upon a second or subsequent violation by a retail establishment, the following penalties will apply:
 - 1. A fine not exceeding five hundred dollars (\$500) for the first violation that occurs 30 days or more after the first warning.
 - 2. A fine not exceeding one thousand dollars (\$1,000) for every additional 30 day period not in compliance, that occurs 30 days or more after the first warning.
- D. Remedies and fines under this section are cumulative.

7.23.090 Preemption and Exclusion

- A. To the extent this chapter is preempted by an express provision of state or federal law, this chapter does not apply; and
- B. To the extent applicable laws and regulations governing a governmental entity prohibit application of this chapter to electronic device recycling organized in whole or in part by a governmental entity, this chapter does not apply.

7.23.100 Severability

The provisions of this chapter are declared to be severable and if any provision, sentence, clause, section or part of this chapter is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to persons and circumstances.

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7.23.110 Effective Date

This chapter shall take effect six months after final approval by the Board of Supervisors

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2012, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Office of County Counsel

Copy to: Public Works
County Counsel