

ORDINANCE NO. 4785
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

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**ORDINANCE ADDING CHAPTER 5.77 OF TITLE 5 OF THE SAN MATEO COUNTY
ORDINANCE CODE, “RESPONSIBLE RECYCLING OF ELECTRONIC WASTE”**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. Chapter 5.77, “Responsible Recycling of Electronic Waste,” consisting of Sections 5.77.010 through 5.77.120, is hereby added to Title 5 of the San Mateo County Ordinance Code and shall read as follows:

5.77.010 - Findings and Purpose.

The Board of Supervisors finds and determines:

- (a) Responsibly recycling electronic waste benefits the community by improving the health and safety of the County’s residents and protecting the environment.
- (b) Materials in electronic waste pose a risk to the health and safety of County residents, recycling workers, and the environment if not recycled responsibly.
- (c) Responsible recycling methods do not include the disposal of electronic waste in landfills, the export of electronic waste to developing countries with inadequate environmental standards, or the use of forced labor to recycle electronic waste.
- (d) The Board of Supervisors intends to use its regulatory powers to ensure responsible recycling standards for electronic waste collected or recycled within the unincorporated area of the County of San Mateo to protect the health and safety of residents, the environment, and recycling workers.

5.77.020 - Definitions.

For the purpose of this chapter the following definitions shall apply:

- (a) **“Electronic waste” (E-waste)** means any device powered by electricity (including batteries) that contains circuitry or is identified by the State of California as hazardous or Universal waste, whether whole or in fragments, including parts, components, or assemblies. Examples include but are not limited to: televisions, computers, central processing units, electronic display devices, electronic computer accessories, video display devices, digital imaging devices (including printers, copiers, fax machines, image scanners), television electronic 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, networking devices (including routers, network cards, modems, and hubs), audio equipment, portable global positioning system navigation devices, Universal waste such as microwave ovens, small appliances (including hair dryers and curling irons), and electronic games, toys, and greeting cards. Electronic waste does not include motor vehicles or large appliances.

- (b) **“E-waste collection event”** means any one-time event or ongoing service open to the public, with the purpose of collecting E-waste for recycling or delivery to a recycler. Examples of E-waste collection events include: scheduled pickups, parking lot drop-off events, and permanent collection locations.
- (c) **“E-waste collector”** means any person, partnership, corporation, or other entity that collects E-waste for recycling, processing, or delivery to a recycler, including organizations with in-house E-waste management.
- (d) **“E-waste recycler”** means any person, partnership, corporation, or other entity that recycles E-waste as part of its operations.

5.77.030 - E-waste recyclers must be certified.

All E-waste recyclers must be certified by a third-party organization approved by the County.

5.77.040 - E-waste collectors must deliver to certified E-waste recyclers.

All E-waste collectors must deliver E-waste to certified E-waste recyclers.

5.77.050 - E-waste collection event information must be provided to the County.

- (a) At least 10 days before an E-waste collection event, or on an annual basis for ongoing collection services, the E-waste collector must provide the County with the following information:
 - 1. The date and location of the E-waste collection event or site
 - 2. E-waste collector’s name, address, telephone number, and website
 - 3. The certified E-waste recycler(s) that all collected E-waste will be delivered to
- (b) This information may be provided in person, by email to sustainability@smcgov.org, or by mail to the address below:
 - Solid Waste Program
 - Office of Sustainability OS102
 - 455 County Center, 4th Floor
 - Redwood City, CA 94063

5.77.060 - E-waste collection event information must be provided to the public.

- (a) The following information must be prominently posted at all E-waste collection events:
 - 1. The certified E-waste recycler to which all collected E-waste will be delivered
 - 2. E-waste collector’s name, address, telephone number, and website
- (b) The information above must also be included in any public postings or advertisements for an E-waste collection event.

5.77.070 - Exemptions.

- (a) The Director of the Office of Sustainability or the Director’s designee may exempt a product or product category from the requirements set forth in this Chapter upon demonstration that those requirements impose an undue hardship or practical difficulty. The decision to grant or deny an exemption shall be final.
- (b) The Director of the Office of Sustainability or the Director’s designee has discretion to include new products or reinstate previously exempted products to the requirements set forth in this chapter with adequate public notice.

- (c) An exemption under this chapter does not exempt E-waste collectors or recyclers from other collection, recycling, or disposal requirements.

5.77.080 - Enforcement.

- (a) Pursuant to Government Code section 25132, violation of this ordinance is hereby designated an infraction, and the Director of Sustainability or the Director's designee may prosecute the violation in the name of the people of the State of California.
- (b) Upon request by the Director of the Office of Sustainability or the Director's designee, E-waste collectors and recyclers must provide documentation to verify compliance with this chapter (such as invoices, receipts, or other records).
- (c) The Director of the Office of Sustainability or the Director's designee may, without notice, inspect any E-waste collector's or recycler's premises, vehicles, storage, or other facilities to verify compliance with this ordinance.
- (d) All remedies are cumulative, and nothing in this chapter shall prevent the County from using one or more other remedies to address violations, whether those remedies are administrative, civil, or criminal.

5.77.090 - Administrative Remedies.

The following administrative remedies are authorized pursuant to San Mateo Ordinance Code Chapter 1.40.

- (a) Warning Notice. Before issuing an administrative citation, the Director of the Office of Sustainability or the Director's designee shall provide a warning notice which shall contain the following information:
 - 1. Date of the violation;
 - 2. Address or a definite description of the location where the violation occurred;
 - 3. Section of code that was violated and a description of the violation;
 - 4. Actions required to correct the violation;
 - 5. Date, at least fourteen (14) days after the notice, by which the violation must be corrected to avoid incurring penalties, abatement proceedings, or other enforcement;
 - 6. Amount of the potential penalty for the violation and the fact that penalties are imposed each day the violation exists; and
 - 7. Name and signature of the authorized individual issuing the citation.
- (b) Administrative Citation. Each administrative citation shall contain the following information:
 - 1. Date of the violation and any previous correspondence from the County regarding the violation, including the warning notice;
 - 2. Address or a definite description of the location where the violation occurred;
 - 3. Section of code that was violated and a description of the violation;
 - 4. Amount of the current and potential future penalties for the violation;
 - 5. Description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid, and the fact that penalties are imposed each day the violation exists;
 - 6. Actions required to correct the violation;
 - 7. Order prohibiting the continuation or repeated occurrence of the violation;

8. Date, at least fourteen (14) days after the citation, by which the violation must be corrected to avoid abatement proceedings or other enforcement;
9. Description of the appeal process, including the time within which the administrative citation may be contested and the department and person from which a Request for Hearing Form to contest the administrative citation may be obtained; and
10. Name and signature of the authorized individual issuing the citation.

5.77.100 - Penalties.

Any and all penalties will be paid to the County of San Mateo Office of Sustainability. The following penalties apply to both administrative citations and infractions:

- (a) a fine not exceeding one hundred dollars (\$100) for a first violation;
- (b) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; and
- (c) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

5.77.110 - 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 E-waste recycling organized in whole or in part by a governmental entity, this chapter does not apply.

5.77.120 - Severability.

If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of the ordinance and that those remaining provisions continue in effect.

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Regularly passed and adopted this 31st day of October, 2017

AYES and in favor of said ordinance:

Supervisors: _____ *DAVE PINE*

_____ *CAROLE GROOM*

_____ *DON HORSLEY*

_____ *WARREN SLOCUM*

_____ *DAVID J. CANEPA*

NOES and against said ordinance:

Supervisors: _____ *NONE*

*President, Board of Supervisors
 County of San Mateo
 State of California*

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Assistant Clerk of the Board of Supervisors