

PUBLIC NOTICE

BILL NO. 2365

ORDINANCE NO. 902

A BILL FOR AN ORDINANCE AMENDING SECTION 21-1.3, SECTION 21-2.1, SECTION 21-2.2, SECTION 21-3.2, SECTION 21-3.3, SECTION 21-7.3, AND SECTION 21-9.1 OF THE KAUAI COUNTY CODE 1987, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that Bill No. 2365 was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on July 28, 2010, by the following vote:

FOR ADOPTION: Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, Asing	TOTAL – 7,
AGAINST ADOPTION: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,

approved by the Mayor on August 3, 2010, and now has the effect of law as Ordinance No. 902.

Lihu'e, Hawai'i
August 9, 2010

(One Publication – The Garden Island – August 13, 2010)

/s/ Peter A. Nakamura
County Clerk, County of Kaua'i

A BILL FOR AN ORDINANCE AMENDING
SECTION 21-1.3, SECTION 21-2.1, SECTION 21-2.2,
SECTION 21-3.2, SECTION 21-3.3, SECTION 21-7.3, AND SECTION 21-9.1
OF THE KAUAI COUNTY CODE 1987,
RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Section 21-1.3 Kauai County Code 1987, as amended, is hereby amended by amending and adding the following definitions to be inserted appropriately as follows:

“Business” means any individual proprietorship, partnership, corporation, association, joint venture or project which carries on commercial or industrial activity for gain or profit, including any timeshare unit, hotel or hotel-apartment.

“Homestay” shall be as defined in Section 8-1.5 of the Kauai County Code 1987 as amended, for purposes of this Chapter.

“Pet Animal” means a dog, cat, domesticated rabbit, guinea pig, domesticated pig, or caged birds (passeriformes, piciformes, and psittaciformes only) so long as not bred for consumption.

“Pet Animal Waste” means pet animal feces or sorbent materials including kitty litter, newspaper, and other like materials that become mixed with feces and urine during the care of one or more “pet animal(s)”.

“Transient Vacation Rental” shall be as defined in Section 8-1.5 of the Kauai County Code 1987, as amended, for purposes of this Chapter.

“Timeshare Unit” shall be as defined in Section 8-1.5 of the Kauai County Code 1987, as amended, for purposes of this Chapter.”

SECTION 2. Section 21-2.1 of the Kauai County Code 1987, as amended, is hereby amended as follows:

“Sec. 21-2.1 Receptacles.

[(a) Requirements. Any person using or occupying any building, house or structure within the County shall provide and maintain in good order and repair refuse receptacles of sufficient number to contain the refuse that will accumulate on the premises for the duration between regularly scheduled collections.

(b) Removal of contents. It shall be the duty of every owner of a refuse receptacle to remove or to have removed the contents of the same in accordance with this Chapter at least once a week.

(c) Unauthorized removal of refuse from containers. It shall be unlawful for any person other than a duly authorized representative of the County to collect or remove any refuse from refuse receptacles used in the regular County collection service.

(d) Specifications. Receptacles used for storage of refuse materials shall be watertight and meet the following specifications:

(1) Trash cans of a durable grade of galvanized metal, plastic, or other suitable material approved by the County Engineer, from twenty to thirty-two gallons capacity. The receptacle shall have a top diameter not less than two inches (2") greater than the bottom diameter. They shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The receptacle shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted. The maximum weight of any container, including trash, shall not exceed seventy-five (75) pounds.

(e) Damaged or deteriorated receptacles. No person shall use any receptacle which has deteriorated or has been damaged to the extent that the covers do not fit securely, or that has jagged or sharp edges capable of causing injury to refuse collectors or any other person whose duty is to handle said receptacle.]

(a) General Requirements.

(1) Removal of contents. It shall be the duty of every owner of a refuse receptacle to remove or to have removed the contents of the refuse receptacles or carts in accordance with this Chapter at least once a week.

(2) Unauthorized removal of refuse from containers. It shall be unlawful for any person other than a duly authorized representative of the Department to collect or remove any refuse from refuse receptacles or carts used in the regular County collection service.

(b) Automated Refuse Collection/Curbside Recycling Projects.

(1) Responsibility for Receptacle. One (1) refuse cart will be provided by the Department per premises. At the discretion of the County Engineer, additional refuse carts may be provided if the occupant of a premises requests and requires an additional refuse cart.

(2) Specifications. The County-provided refuse cart shall be used exclusively in areas designated by the County Engineer to receive collection services.

(3) Damaged or deteriorated receptacles. The owner of the premises served shall report damaged refuse carts to the County Engineer.

(c) Manual Refuse Collection.

(1) Responsibility for Receptacle. Any person using or occupying any building, house or structure within the County shall provide and maintain in good order and repair refuse receptacles of sufficient number to contain the refuse that accumulates on the premises for the duration between regularly scheduled collections.

(2) Specifications. Refuse receptacles shall be constructed of a durable grade of galvanized metal, plastic, or other suitable material approved by the County Engineer, from twenty (20) gallons to a maximum thirty-two (32) gallons capacity. The receptacle shall have a

top diameter not less than two inches (2") greater than the bottom diameter. Refuse receptacles shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The receptacle shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted. The maximum weight of any container, including trash, shall not exceed seventy-five (75) pounds.

(3) Damaged or deteriorated receptacles. No person shall use any receptacle which has deteriorated or has been damaged to the extent that the covers do not fit securely, or that has jagged or sharp edges capable of causing injury to refuse collectors or any other person whose duty is to handle said receptacle."

SECTION 3. Section 21-2.2 of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 21-2.2 Placement of Receptacles For Collection.

(a) All receptacles containing refuse and all refuse prepared for collection shall be placed for collection on or within the premises to be served, not more than twenty (20) feet from the public highway or public street, provided, that in business districts not having a yard, containers may be placed, during the hours of collection only, on the sidewalk or shoulder area of the public highway or public street closest to the premises. However, the County Engineer may waive this requirement of twenty (20) feet from a public highway or public street in order to alleviate severe hardship to individual homeowners, taking into consideration the width, distance and availability of turnaround area on private roads.

When the public right-of-way becomes impassable because of inclement weather or other unusual conditions, the County Engineer may notify residents to place refuse receptacles at the nearest collection point which is accessible to refuse removal vehicles.

(b) Placing refuse in receptacles. Refuse that is mixed with water or other liquids shall be drained before being placed in a refuse receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other biodegradable material before being placed in a refuse receptacle. Grease in a free-flowing state shall be reduced to a solid. Hypodermic needles shall be sealed in a sturdy plastic or other container resistant to breakage (such as a liquid laundry detergent bottle), along with a strong solution of household bleach to provide sterilizing action.

(c) Placing refuse, brush, cuttings for collection. If refuse is of such a nature that it cannot be placed in the required refuse receptacles, it shall be placed beside the refuse receptacle in bundles weighing less than fifty (50) pounds. Refuse such as paper cartons or wood boxes that cannot be placed in a receptacle shall be prepared for collection by placing the smaller cartons and boxes in the larger cartons and boxes until the larger cartons and boxes are completely filled. After the large cartons and boxes are completely filled, they shall be securely tied. Cartons and boxes shall not be larger than thirty-six (36) inches so they can be placed in regular collection trucks. Plastic refuse bags may be utilized for refuse collection.

Brush, long stems of bushes, tree limbs and cuttings shall be cut into three foot (3') lengths and tied securely into bundles weighing not more than

fifty (50) pounds. All brush shall be collected from the regular collection point, brush adjacent to the public right-of-way shall be placed so it does not in any way block or hinder passage of, or cause damage to, vehicles. No more than a combined total of one (1) cubic yard in volume of hedge cuttings, stumps, branches and other similar substances shall be placed for collection at one time.

(d) **RESTRICTED ITEMS FOR COLLECTION** Certain matter not to be placed in collection receptacles are as follows: dead animals, animal feces, materials impregnated with animal urine, poisons, explosives, dangerous or corrosive chemicals, or other toxic or hazardous materials, clothing taken from persons with infectious diseases or other medical waste, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks, tires, crates and other refuse from construction or remodeling, used motor oil or automobile batteries, shall not be placed in receptacles used for regular collection service.

(e) Removal and disposal of restricted items; it shall be the obligation of the owner or occupant to remove and dispose, at his own expense, any and all items which are prohibited in regular collection. It shall be the obligation of the owner or occupant to contact the County Department of Public Works for instructions on the proper removal and disposal of such items.

(f) Unauthorized use of receptacles; it shall be unlawful for any person to place or permit another to place any refuse in a receptacle unless the refuse is from the premises served by the receptacle. It shall be unlawful for any person to place or permit another to place any refuse or receptacle at a collection point unless such refuse or receptacle are from the premises designated to the collection point.

The owner or occupant of any building, house, structure or land shall cause to be removed, at his own expense, all refuse items which due to the use of improper containers or the actions of dogs or other animals have become scattered and which are located, stored or deposited on the property or on the public right-of-way adjacent to the property. The existence of refuse or item(s) on the property or the adjacent public right-of-way shall be prima facie evidence that such owner or occupant failed to remove, as provided by this Chapter, the refuse or item(s) so stored or located thereon. Removal shall be within three (3) days of the County Engineer's notice. In the event that such items are prohibited from regular collection services, removal and disposal shall be as provided in paragraph "(e)" of this section.

(g) Supervision of receptacles; notice to Department of Public Works of failure to empty receptacles. In the event that refuse receptacles are not emptied or serviced, or refuse not removed by the County or another duly authorized person on the regularly scheduled collection day, the owner, manager, occupant, tenant or lessee of the subject house or building shall notify the Department of Public Works of that fact within three (3) days.]

(a) Placement of Refuse Receptacles for Collection.

(1) Automated Refuse Collection Service. Refuse Cart(s) provided by the County shall be used exclusively for premises that are designated by the County Engineer to receive automated refuse collection service. Refuse carts containing refuse shall be placed at the curbside for collection in a manner designated by the County Engineer. Appropriate placement of the cart is the responsibility of the resident, business, transient vacation rental, timeshare or homestay. Should an automated collection operator encounter a cart along his route either placed in a location making collection infeasible or is obstructed by a

parked vehicle, the operator may bypass the cart and refuse service.

(2) Manual Refuse Collection Service. All receptacles containing refuse and all refuse prepared for collection shall be placed for collection at the boundary of the premises to be served and the nearest public highway or public street, or when conditions warrant within the premises to be served not more than twenty (20) feet from the public highway or public street. Provided, that in business districts not having a yard, containers may be placed, during the hours of collection only, on the sidewalk or shoulder area of the public highway or public street closest to the premises. However, the County Engineer may waive this requirement of twenty (20) feet from a public highway or public street in order to alleviate severe hardship to individual homeowners, taking into consideration the width, distance and availability of turnaround area on private roads.

(3) Any Curbside Recycling Projects. Premises designated for these projects will be provided a cart with a blue lid, at no additional charge, for recyclable materials. Recyclable materials permitted for acceptance by the County in the blue-lid-cart, and placement at the curbside shall be as prescribed by the County Engineer.

When the public right-of-way becomes impassable because of inclement weather or other unusual conditions, the County Engineer may notify residents to place refuse and recycling receptacles at the nearest collection point which is accessible to refuse removal vehicles.

(b) Placing refuse in receptacles. Refuse that is mixed with water or other liquids shall be drained before being placed in a refuse receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other biodegradable material before being placed in a refuse receptacle. Grease in a free-flowing state shall be reduced to a solid. Hypodermic needles shall be sealed in a sturdy plastic or other container resistant to breakage (such as a liquid laundry detergent bottle), along with a strong solution of household bleach to provide sterilizing action.

(c) Placing refuse, brush, cuttings for collection.

(1) Automated Refuse Collection Service. All refuse shall be contained within the refuse cart provided by the County. Refuse shall be placed in the cart in such a manner that allows the cart's lid to sit in the fully closed position and allows refuse to discharge freely when the cart is inverted. Collection service will not be provided if refuse items are placed on or around the refuse cart.

(2) Manual Refuse Collection Service. If refuse is of such a nature that it cannot be placed in the required refuse receptacles, it shall be placed beside the refuse receptacle in bundles weighing less than fifty (50) pounds. Refuse such as paper cartons or wood boxes that cannot be placed in a receptacle shall be prepared for collection by placing the smaller cartons and boxes in the larger cartons and boxes until the larger cartons and boxes are completely filled. After the large cartons and boxes are completely filled, they shall be securely tied. Cartons and boxes shall not be larger than thirty-six (36) inches so they can be placed in regular collection trucks. Plastic refuse bags may be utilized for refuse collection.

Brush, long stems of bushes, tree limbs and cuttings shall be cut into three foot (3') lengths and tied securely into bundles weighing not more than fifty (50) pounds. All brush shall be collected from the regular collection point, brush adjacent to the public right-of-way shall be placed so it does not in any way block or hinder passage of, or cause damage to, vehicles.

No more than a combined total of three (3) receptacles, trash bags, or bundles of refuse, hedge cuttings, stumps, branches and other similar substances shall be placed for collection at one time.

(3) Pilot Curbside Recycling Project.

(A) The purpose of the pilot project will be to test the feasibility and cost-effectiveness of curbside recycling, rather than disposing, certain materials introduced into the disposal system.

(B) Under the pilot project, the Department:

i. Shall select areas of the County within which the voluntary pilot project shall be implemented;

ii. Shall require the participating owners or occupants of residences and businesses to separate and place in recycling carts only the types of targeted recyclable materials specified by the County Engineer;

iii. Shall collect the recyclable materials under procedures separate from the procedures for collection of other refuse. Recyclable materials may be collected at lesser intervals than the intervals for collection of other refuse;

iv. Shall not impose a charge for collecting the recyclable materials;

v. May transport the recyclable materials to a designated disposal facility or other County facility for storage prior to sale or cause the recyclable materials to be transported directly to the facility of a person engaged in the business of recycling or in the conversion of recyclable materials to new products;

vi. Shall not dispose of the recyclable materials by placement in a landfill except in an emergency situation or when no viable markets are available;

vii. May impose the fine under Section 21-1.6, after at least two warnings, upon an owner or occupant who refuses or neglects to separate recyclable materials in the manner established by the Department; and

(C) The Department may contract with a private person to receive, process, sell or transport the recyclable materials as appropriate.

(d) **RESTRICTED ITEMS FOR COLLECTION.** Certain matter not to be placed in collection receptacles are as follows: dead animals, animal feces not considered pet animal waste, poisons, explosives, dangerous or corrosive chemicals, or other toxic or hazardous materials, clothing taken from persons with infectious diseases or other medical waste, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks, tires, crates and other refuse

from construction or remodeling, corrugated cardboard from businesses, commercial and other nonresidential entities, used motor oil or automobile batteries shall not be placed in receptacles used for regular collection service.

Pet animal waste may be placed in collection receptacles under the following conditions:

(1) The owner or occupant of the benefitted property receiving the collection service is not a business, and

(2) The animal waste shall be fully contained and sealed in a double layer of air-tight plastic film; excess air shall be removed prior to sealing the plastic film, and

(3) The total weight of pet animal waste shall not exceed ten (10) pounds per 32 gallon refuse collection receptacle or trash bag, and

(4) The total weight of pet animal waste shall not exceed thirty (30) pounds per 96 gallon refuse collection cart.

(e) Removal and disposal of restricted items; it shall be the obligation of the owner or occupant to remove and dispose, at his own expense, any and all items which are prohibited in regular collection. It shall be the obligation of the owner or occupant to contact the County Department of Public Works for instructions on the proper removal and disposal of such items.

(f) Unauthorized use of receptacles; it shall be unlawful for any person to place or permit another to place any refuse in a receptacle unless the refuse is from the premises served by the receptacle. It shall be unlawful for any person to place or permit another to place any refuse or receptacle at a collection point unless such refuse or receptacle are from the premises designated to the collection point.

The owner or occupant of any building, house, structure or land shall cause to be removed, at his own expense, all refuse items which due to the use of improper containers or the actions of dogs or other animals have become scattered and which are located, stored or deposited on the property or on the public right-of-way adjacent to the property. The existence of refuse or item(s) on the property or the adjacent public right-of-way shall be prima facie evidence that such owner or occupant failed to remove, as provided by this Chapter, the refuse or item(s) so stored or located thereon. Removal shall be within three (3) days of the County Engineer's notice. In the event that such items are prohibited from regular collection services, removal and disposal shall be as provided in paragraph (e) of this section.

(g) Supervision of receptacles; notice to Department of Public Works of failure to empty receptacles. In the event that refuse receptacles are not emptied or serviced, or refuse not removed by the County or another duly authorized person on the regularly scheduled collection day, the owner, manager, occupant, tenant or lessee of the subject house or building shall notify the Department of Public Works of that fact within three (3) days."

SECTION 4. Section 21-3.2 of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 21-3.2 Materials Accepted.

[Refuse transfer stations shall accept garbage and refuse for transfer to disposal facilities. Upon determination by the County Engineer that sufficient space and personnel are available, that other conditions such as proximity of residences and topography are suitable, that funds are available to pay for

processing and removal, and that the facility permit from the Department of Health allows, the Department of Public Works may also accept the following source-separated materials at refuse transfer stations, for disposition by such means as will maximize reuse, recycling, and bioconversion, and minimize waste disposal:

(a) Consumer recyclables, provided that the County Engineer shall determine which materials are to be accepted;

(b) Ferrous metal objects, non-ferrous metal objects, and white goods from residential self-haulers only;

(c) Greenwaste;

(d) Junk motor vehicles not registered to a business, industrial, governmental agency, educational institution, or other nonresidential entity, provided gasoline, oil, and batteries are removed prior to delivery to the refuse transfer station;

(e) Used motor oil, only from residents with used motor oil from their own private non-commercial motor vehicles; and

(f) Used passenger car and light truck tires from residential self-haulers only.]

Refuse transfer stations shall accept garbage and refuse for transfer to disposal facilities. Upon determination by the County Engineer that sufficient space and personnel are available, that other conditions such as proximity of residences and topography are suitable, that funds are available to pay for processing and removal, and that the facility permit from the Department of Health allows, the Department of Public Works may also accept the following source-separated materials at refuse transfer stations, for disposition by such means as will maximize reuse, recycling, and bioconversion, and minimize waste disposal:

(a) Consumer recyclables, provided that the County Engineer shall determine which materials are to be accepted;

(b) Ferrous metal objects, non-ferrous metal objects, and white goods from residential self-haulers only and provided that the County Engineer shall determine which materials are to be accepted;

(c) Greenwaste;

(d) Pressurized or depressurized propane tanks from residential self-haulers only;

(e) Used motor oil, only from residents with used motor oil from their own private non-commercial motor vehicles; and

(f) Used passenger car and light truck tires from residential self-haulers only.

(g) Pet animal waste may be accepted under the following conditions:

(1) The pet animal waste shall be fully contained and sealed in a double layer of air-tight plastic film with the outer layer of film having a minimum thickness of one and seven-tenths millimeters (1.7 mil.), and

(2) The total weight of pet animal waste shall not exceed ten (10) pounds per 32 gallon refuse receptacle or trash bag.

The limits provided in subsection (g) of this section shall not apply to County refuse collection vehicles.”

SECTION 5. Section 21-3.3 of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 21-3.3 Prohibited Materials.

[The following materials shall not be accepted or temporarily stored at refuse transfer stations:

- (a) Ashes;
- (b) Bulky items and construction and demolition debris greater than three (3) feet in any dimension;
- (c) Animal carcasses, parts or innards; animal feces; liquid waste; medical waste which has not been rendered non-infectious through sterilization; and used large truck and heavy equipment tires;
- (d) Explosives;
- (e) Pressurized containers; and
- (f) Toxic and hazardous wastes.]

The following materials shall not be accepted or temporarily stored at refuse transfer stations:

- (a) Ashes;
- (b) Bulky items and construction and demolition debris greater than three (3) feet in any dimension. Notwithstanding any provision to the contrary, the Lihu'e Refuse Transfer Station may accept, from residential self-haulers only, bulky items such as bed mattresses & box springs and other whole furniture items made of wood;
- (c) Used motor vehicle and heavy equipment tires whether whole, cut, sliced, chipped, or shredded, except for whole automobile and passenger truck tires from residential self-haulers for recycling;
- (d) White goods, except for white goods from residential self-haulers, for recycling;
- (e) Animal carcasses, parts or innards; animal feces not considered pet animal waste, liquid waste; medical waste which has not been rendered non-infectious through sterilization;
- (f) Explosives;
- (g) Toxic and hazardous wastes;
- (h) Pressurized containers, except for propane cylinders of 10 gallon capacity or less from residential self-haulers for recycling;
- (i) Corrugated Cardboard from businesses, industrial, governmental, institutional, and other non-residential sources that exceed ten percent (10%) of the load, by volume;
- (i) Ferrous and non-ferrous metal items from businesses, industrial, governmental, institutional, and other non-residential sources that exceed ten percent (10%) of the load, by volume; and
- (k) Monitors (Cathode Ray Tubes and Liquid Crystal Displays) from businesses, industrial, governmental, institutional and other nonresidential sources.

The provisions provided in subsections (i), (i), and (k) of this section shall not apply to County refuse collection vehicles that collect or receive solid waste from residential sources."

SECTION 6. Section 21-7.3 of the Kaua'i County Code 1987, as amended, shall be amended as follows:

"Sec. 21-7.3 Prohibited Materials.

[The following materials shall not be accepted or disposed of at a County Landfill:

- (a) Corrugated cardboard from business, industrial, governmental, institutional, and other nonresidential sources;
- (b) Ferrous and non-ferrous metal objects from business, industrial, governmental, institutional, and other nonresidential;
- (c) Greenwaste from business, industrial, governmental, institutional, and other nonresidential sources;
- (d) Liquid waste, except small quantities of liquids from residential sources in containers of types and sizes typically used in residential environments;
- (e) Medical waste which has not been rendered non-infectious through sterilization;
- (f) Motor vehicles and automotive type batteries;
- (g) Toxic and hazardous wastes;
- (h) Used motor vehicle and heavy equipment tires whether whole, cut, sliced, chipped, or shredded;
- (i) White goods; and
- (j) Frozen, raw or uncooked loads of crustaceans, including but not limited to shrimp and prawns from business, industrial, governmental, institutional, and other nonresidential sources.

Notwithstanding any provision to the contrary, the County Engineer may approve the use of county-owned tires whether chipped, chopped or shredded for daily landfill cover, provided the state Department of Health permits said use.]

The following materials shall not be accepted or disposed of at a County Landfill:

- (a) Corrugated cardboard from business, industrial, governmental, institutional, and other nonresidential sources that exceeds ten percent (10%) of the load, by volume;
- (b) Ferrous and non-ferrous metal objects from business, industrial, governmental, institutional, and other nonresidential sources that exceeds ten percent (10%) of the load, by volume;
- (c) Greenwaste from business, industrial, governmental, institutional, and other nonresidential sources that exceeds ten percent (10%) of the load, by volume;
- (d) Liquid waste, except small quantities of liquids from residential sources in containers of types and sizes typically used in residential environments;
- (e) Medical waste which has not been rendered non-infectious through sterilization;
- (f) Motor vehicles and automotive type batteries;
- (g) Toxic and hazardous wastes;

(h) Used motor vehicle and heavy equipment tires whether whole, cut, sliced, chipped, or shredded, except for automobile and passenger truck tires from residential self-haulers, for recycling:

(i) White goods, except for white goods from residential self-haulers, for recycling:

(j) Frozen, raw or uncooked loads of crustaceans, including but not limited to shrimp and prawns from business, industrial, governmental, institutional, and other nonresidential sources; and

(k) Monitors (Cathode Ray Tubes and Liquid Crystal Displays) from businesses, industrial, governmental, institutional and other nonresidential haulers.

Notwithstanding any provision to the contrary, the County Engineer may approve the use of county-owned tires whether chipped, chopped or shredded for daily landfill cover, provided the state Department of Health permits said use.

The limits provided in subsections (a), (b), (c), (d), (g), (j), and (k) of this section shall not apply to County refuse collection and transfer vehicles that collect or receive solid waste from residential sources.

Loads of contaminated cardboard may be authorized by the County Engineer to be deposited in the landfill at a rate that is triple the applicable landfill tipping fee.

The Division of Solid Waste Management may conduct an examination of any load of refuse or other solid waste delivered or transported to the landfill:

(1) At any time there is cause to believe that materials prohibited by this section are present in a hauler's load; or

(2) Periodically on a random basis to determine compliance with prohibitions under this section."

SECTION 7. Section 21-9.1 of the Kauai County Code, as amended, shall be amended as follows:

"[Sec. 21-9.1 County Refuse Collection Fees from Businesses, Commercial, and Non-residential Generators

(a) Business, commercial and other nonresidential collection fees. Business, commercial, educational and other nonresidential buildings and other institutions may not receive refuse collection service provided by the County unless an application is received and approved by the County Engineer. Refuse collection fees, for a calendar month, for such classification shall be as follows:

MONTHLY BUSINESS, COMMERCIAL AND OTHER NONRESIDENTIAL COLLECTION FEES

Number of Cans Each Collection	Monthly Fee For Weekly Collection
(minimum charge)**	\$ 11.00
2	17.00
3	23.00
For each can over 3	\$6.00 per month

**Each person or business]

Sec. 21-9.1 County Refuse Collection Fees from Businesses, Commercial, Transient Vacation Rental, Homestay, and other Non-residential Generators

(a) Business, Commercial, Transient Vacation Rentals, Homestay, and other Non-residential Collection Fees. Business, commercial, educational, transient vacation rental, homestay, and other nonresidential establishments may not receive refuse collection service provided by the County unless an application is received and approved by the County Engineer. Refuse collection fees, for a calendar month, for such classification shall be as follows:

MONTHLY BUSINESS, COMMERCIAL, TRANSIENT VACATION RENTAL, HOMESTAY, AND OTHERNON-RESIDENTIAL COLLECTION FEES

Number of Cans Each Collection	Monthly Fee For Weekly Collection
(minimum charge)**	\$ 11.00
2	17.00
3	23.00
For each can over 3	\$6.00 per month

**Each person or business"

SECTION 8. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Kaua'i County Code 1987, as amended, the bracketed provisions and underscoring need not be included.

SECTION 9. This Ordinance shall take effect upon approval.

INTRODUCED BY:


Tim Bynum
(By Request)

DATE OF INTRODUCTION:

June 9, 2010

Lihu'e, Kaua'i, Hawai'i

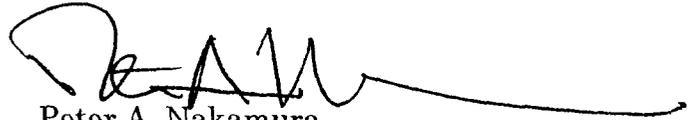
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2365, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on June 9, 2010, by the following vote:

FOR PASSAGE:	Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, Asing	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i
June 10, 2010

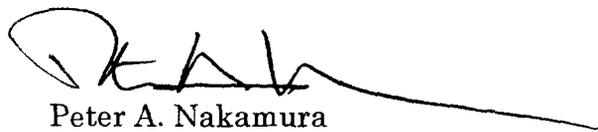

Peter A. Nakamura
County Clerk, County of Kaua'i

CERTIFICATE OF THE COUNTY CLERK

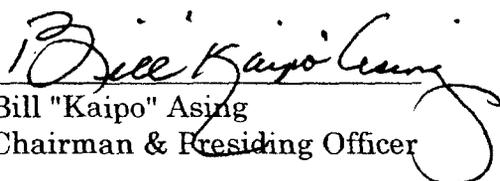
I hereby certify that heretofore attached is a true and correct copy of Bill No. 2365, which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on July 28, 2010, by the following vote:

FOR ADOPTION: Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, Asing	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

Līhu'e, Hawai'i
July 29, 2010

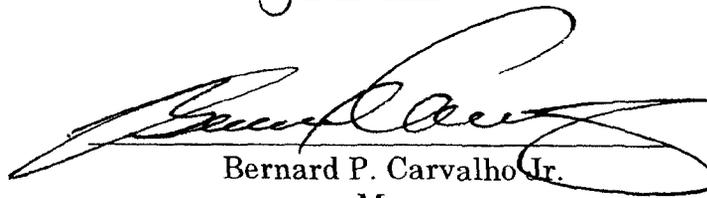

Peter A. Nakamura
County Clerk, County of Kaua'i

ATTEST:


Bill "Kaipo" Asing
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

Approved this 3rd day of
August, 2010.


Bernard P. Carvalho Jr.
Mayor
County of Kaua'i