

GARDEN GROVE SANITARY DISTRICT



CODE OF REGULATIONS

2004

A Codification of the Ordinances
and Regulations of the
Garden Grove Sanitary District,
11222 Acacia Parkway, PO Box 3070
Garden Grove, California, 92842

TITLE 1
GENERAL PROVISIONS

Chapters:

1.10 Code Adoption

1.20 Definitions and Rules of Construction

**CHAPTER 1.10
CODE ADOPTION**

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1.10.010 Short Title, Reference to Code. This Code shall be known as the "Garden Grove Sanitary District Code of Regulations" and it shall be sufficient to refer to said Code as the "Garden Grove Sanitary District Code" in any prosecution for the violation of any provisions thereof. It shall also be sufficient to designate any ordinance or resolution adding to, amending, or repealing, said Code, or portions thereof, as an addition or amendment to, or a repeal of, the "Garden Grove Sanitary District Code," or a portion thereof.

1.10.020 Codification Authority. This Code consists of the General Regulations of the Garden Grove Sanitary District as described under Section 6490 *et. seq.* of the Health and Safety Code of the State of California.

1.10.030 Effective Date. This Code takes effect upon the effective date of the Ordinance of the Board of Directors of the Garden Grove Sanitary District whereby this Code is adopted.

1.10.040 Severability and Validity of Code. If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

1.10.050 Distribution of Code. At least one (1) copy of this Code shall be filed for use and examination by the public in the office of the District Secretary or his or her designee. At least one (1) copy duly certified to by the District Secretary shall be maintained on file in the District Secretary's office. Additional copies shall be prepared in loose-leaf form and mounted to withstand heavy usage in such binders as the District Secretary may prescribe. Copies thereof shall be distributed as determined by the District Secretary.

1.10.060 Notation of Amendments. Upon the adoption of any amendment or addition to this Code, or upon the repeal of any of its provisions, the District Secretary shall certify thereto and shall make an appropriate notation in the volumes of said Code of the taking of such

action, noting thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such Code shall be filed in the office of the District Secretary in books for such purpose, duly indexed for ready reference.

1.10.070 Amendments. The District Secretary or his or her designee shall prepare copies of such changes in the Code for insertion in the loose-leaf copies thereof. Every section of the code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted. All amendments shall be published in the Orange County Evening News, a newspaper published in this District and shall take effect upon the expiration of the week of publication pursuant to California Health and Safety Code § 6490.

1.10.080 Prior Ordinances and Regulations. This Code of Regulations is intended to be a comprehensive and complete statement of the District's ordinances and regulations. This Code therefore supersedes all ordinances, resolutions, and regulations of the District in effect on the effective date of this Code of Regulations and all such prior ordinances, resolutions, and regulations shall be deemed amended to read as provided in this Code of Regulations, with the exception of the following Ordinances and Resolutions that shall remain in full force and effect until amended as provided in this Code or under Law.

1.10.090 District Fee Resolution. Except as expressly provided in this Code, all fees, penalties, refunds, reimbursements, and charges of any kind levied, assessed, or collected by the District shall be designated in the District Fee Resolution, as amended by the District Board from time to time. Whenever applicable throughout the Code, reference may be made to the District Fee Resolution in lieu of any reference to specific fee amounts.

CHAPTER 1.20
DEFINITIONS AND RULES OF CONSTRUCTION

Sections:

1.20.010	Construction.
1.20.020	Effect of Headings.
1.20.030	Reference to Acts or Omissions Within The District.
1.20.040	Prohibited Acts, Including Causing, Permitting or Suffering.
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1.20.060	Service of Notices.
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1.20.080	Tenses.
1.20.090	Gender.
1.20.100	Number.
1.20.110	Shall and May.
1.20.120	Acts by Deputy.
1.20.130	Definitions.

1.20.010 Construction. Unless the provisions or the context otherwise require, these general provisions, rules of construction and definitions shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

1.20.020 Effect of Headings. Title, chapter, section, and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, section or subsection hereof.

1.20.030 Reference to Acts or Omissions Within The District. This Code shall refer only to the omission or commission of acts within the territorial limits of the District and to that territory over which the District has jurisdiction or control by virtue of any law, or by reason of ownership or control of property.

1.20.040 Prohibited Acts, Including Causing, Permitting or Suffering. Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

1.20.050 Reference Applies to Amendments. Whenever a reference is made to any portion of this Code, or to any ordinance or resolution of the District, the reference applies to all amendments and additions now or hereafter made.

1.20.060 Service of Notices. Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of the County or other

records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

1.20.070 Proof of Notice. Proof of giving any notice may be made by the certificate of any officer or employee of the District or of the City of Garden Grove, or by affidavit or declaration under penalty of perjury as provided by the California Code of Civil Procedure § 2015.5 of any person over the age of eighteen years, which shows service in conformity with this Code, or other provisions of law applicable to the subject matter concerned.

1.20.080 Tenses. The present tense includes the past and future tenses, and the future, the present.

1.20.090 Gender. The masculine gender includes the feminine and neuter.

1.20.100 Number. The singular number includes the plural, and the plural, the singular.

1.20.110 Shall and May. "Shall" is mandatory and "may" is permissive unless the context requires otherwise.

1.20.120 Acts by Deputy. Whenever a power is granted to or is duly imposed upon a public officer, or employee, the power may be exercised or the duty may be performed by a deputy of such officer, or employee, or by a person otherwise duly authorized, pursuant to law or ordinance or regulation or by an officer of the county or city, or by a deputy or employee of such officer when by contract with the District such officer is obligated and has agreed to perform certain duties on behalf of the District, unless this Code expressly provides otherwise.

1.20.130 Definitions. The following terms and phrases as used in this Code or in any ordinance, resolution, or code adopted hereby shall have the following meanings:

<u>TERM</u>	<u>DEFINITION</u>
Board	Garden Grove Sanitary District Board.
Change in Operations	Any modification in the operational procedures of a commercial kitchen which has the potential to significantly increase the amount of grease generated by food preparation, including, without limitation, any substantial increase in the net public area, any substantial increase in the hours of operation, any significant increase in the size of the kitchen or the number of food service or food preparation employees, or any significant change in the size or type of food preparation equipment.
City	City of Garden Grove.
Commercial Kitchen	Any business operating in the District as a full service or take-out restaurant, catering kitchen, employee cafeteria, or any other facility engaged in preparing and heat-processing food for consumption by the public or employees and which uses any equipment that produces grease vapors, steam fumes, smoke or odors that are

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DEFINITION

required to be removed by a Type I or Type II hood. Establishments engaged only in assembling or serving food that is prepared entirely off site, and whose kitchen equipment consists only of beverage warmers and microwaves are not considered commercial kitchens.

Commercial Premises

Includes any building or site in any zone within the District, other than residential premises, from which any business, service, non-profit, governmental, institutional, commercial or industrial activity is conducted including, without limitation, motels, hotels, recreational vehicle parks, restaurants, professional offices, clubhouses, places of entertainment, manufacturing plants, and private schools.

Commercial Waste

Solid waste generated, produced or discarded by or at commercial premises. Includes any and all liquid or solid waste substance not sewage from any producing, manufacturing or processing operation of whatever nature. It shall include sewage mixed with “industrial waste;” however, it shall not include domestic sewage from residences, business buildings and institutions containing only waste from waterclosets, wash water, baths and kitchens.

Compost

The product resulting from the controlled biological decomposition of organic wastes that are source-separated from the municipal solid waste stream. Compost waste consists of leaves, cuttings, trimmings, shrubs and grass.

Construction and Demolition Waste

Solid waste generated, produced or discarded in connection with construction, demolition, landscaping, or general clean-up activities including, without limitation, concrete, plaster, drywall, wood scraps, metals, dirt, rock and rubble.

Container

A bin, drop-off box, or other receptacle of any kind. The term “container” shall also include “solid waste container” as defined herein.

County

County of Orange.

District

Garden Grove Sanitary District.

District Solid Waste

Any solid waste which was originally discarded by the first generator thereof, prior to any processing, within the geographical limits of the District.

Drop-Off Box

Containers having a capacity of approximately three cubic yards and furnished or supplied by the District or its Franchisee. Includes containers brought into the District for the collection of solid waste.

Engage in

Includes carry on, keep, conduct, maintain, or cause to be kept or maintained.

Ex-officio

Means by virtue of office.

<u>TERM</u>	<u>DEFINITION</u>
Franchisee	Any person, persons, firm or corporation to whom a franchise has been granted by the District for the collection, processing, recycling and disposal of solid waste.
Garbage	Is all animal and vegetable refuse resulting from the preparation, handling or dispensing of food, including every accumulation of animal and vegetable matter that attends the preparation, consumption, decay, dealings in or storage of meats, fish, fruits, vegetables, tallow, bones or meat trimmings that are rejected as useless by the owner or producer thereof.
General Manager	The City Manager of the City of Garden Grove, or his or her designee.
Generator	Any person who generates, produces or discards solid waste.
Grease	Any oil, fat, or oily, fatty substance such as vegetable or animal fat that runs or may turn viscous or solidifies with a change in temperature or other conditions.
Green Waste	Vegetative cuttings, shrubs, stumps, brush, tree trimmings, grasses and related materials which have been separated from other solid waste. Green Waste does not include stumps or branches with a diameter exceeding eighteen (18) inches or a length exceeding four (4) feet.
Hazardous Waste	<p>(a) Any waste which, by reason of its quality, concentration, composition, physical, chemical, or infectious characteristics may do either of the following: Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged, or any waste which is defined or regulated as a hazardous waste, toxic substance, hazardous chemical substance or mixture, or asbestos under applicable law, as amended from time to time including, but not limited to: (1) the Resource Conservation and Recovery Act and the regulations contained in 40 CFR Parts 260—281, inclusive; (2) the Toxic Substances Control Act (15 U.S.C. Sections 2601 et seq.) and the regulations contained in 40 CFR Parts 761—766, inclusive; (3) Section 25117 of the California Health and Safety Code; (4) Section 40141 of the California Public Resources Code; and (5) future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage or disposal of toxic substance or hazardous waste; and</p> <p>(b) Radioactive materials which are source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954 (42 U.S.C. Sections 2011, et seq.) and the regulations contained in 10 CFR Part 40.</p>
Law	Denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the City of Garden Grove, California, and any and all rules and regulations which may be promulgated hereunder.

<u>TERM</u>	<u>DEFINITION</u>
Medical Waste	Is waste capable of producing an infection or pertaining to or characterized by the presence of pathogens including, without limitation, certain wastes generated by medical practitioners, hospitals, nursing homes, medical testing laboratories, mortuaries, taxidermists, veterinarians, veterinary hospitals and any waste which includes animal wastes or parts from slaughterhouses or rendering plants.
Nuisance	Is anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or other condition specified in Section 3479 of the Civil Code of the State of California.
Occupant	As used in reference to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.
Office	The use of the title of any officer, employee, or official shall mean such officer, employee, or official of the Garden Grove Sanitary District, or his/her duly authorized representative.
Operate	Includes carry on, keep, conduct, maintain, or cause to be kept or maintained.
Parcel	Is a parcel as designated by the County Assessor.
Person	Includes any person, firm, association, organization, partnership, business trust, company or corporation, and any municipal, political or governmental corporation, district, body or agency, other than the Garden Grove Sanitary District and City of Garden Grove.
Public sewer	Means the main sewer or trunk sewer, constructed in a street, highway, alley, place or right-of-way dedicated to public use.
Qualified Household Hazardous Waste	<p>Waste materials determined by the California Integrated Waste Management Board, or such governmental body as may succeed to its duties and powers under applicable law, or by the Department of Health Services, the Water Resources Control Board, or the Air Resources Board of the State of California to be:</p> <ul style="list-style-type: none"> (1) Of a nature that they must be listed as hazardous in State statutes and regulations; or (2) Toxic/ignitable/corrosive/reactive; or (3) Carcinogenic/mutagenic/teratogenic; <p>and which are discarded from households, as opposed to commercial premises or commercial kitchens. Qualified household hazardous waste shall not include hazardous waste.</p>

<u>TERM</u>	<u>DEFINITION</u>
Recoverable Materials	<p>Is any item of solid waste which:</p> <ul style="list-style-type: none"> (1) Is at least four (4) inches on one dimension and no larger than forty-eight (48) inches square; (2) Has a weight no greater than thirty (30) pounds; (3) Is uncontaminated in accordance with the specifications contained in the franchise granted to the Franchisee; (4) Is separate from other recyclable or non-recyclable materials, in accordance with the standards contained in the franchise granted to the Franchisee; and (5) Is unbagged or is bagged with less than twenty percent (20%) non-recyclable materials.
Recyclable Materials	<p>Is any of the following materials, as described in the franchise granted to a Franchisee, contained within a load of source-separated single-family recyclable materials or commercial waste which are in such a state as to constitute recoverable materials: corrugated paper, newspaper, mixed paper, super mix paper, sorted office paper, sorted color ledger, sorted white ledger, computer print-out paper, aseptic packaging, aluminum cans, tin cans, HDPE natural, HDPE color, PET, other plastics, glass, green waste, wood waste, mixed metals, inerts, and any other type of recyclable waste so designated in the franchise granted to any Franchisee.</p>
Recycle Or Recycling	<p>Is the process of collecting, sorting, cleansing, treating, and reconstituting or otherwise processing materials that are or would otherwise become solid waste and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.</p>
Refuse	<p>Is all non-recyclable solid waste, trash, garbage, rubbish, offal, animal waste, and any other non-recyclable matter rejected as useless by the owner or producer thereof, whether combustible or non-combustible, except said term shall not include hazardous waste, qualified household hazardous waste or medical waste as defined herein.</p>
Remodeling	<p>Shall mean any physical change to a building that requires a building permit.</p>
Residential Premises	<p>Are single-family dwellings and multiple-unit dwellings.</p>
Residential Waste	<p>Is solid waste, including recyclable materials, originating from residential premises, except that residential waste shall not include qualified household hazardous waste.</p>
Self-Hauler	<p>Is any person not engaged commercially in waste haulage who collects and hauls residential waste or commercial waste generated from residential, agricultural, commercial or industrial activities conducted solely by such person in quantities of less than five (5) tons per month.</p>

<u>TERM</u>	<u>DEFINITION</u>
Sewage	Means the water borne wastes from dwellings, kitchens, restaurants, institutions, stables, dairies, business buildings and other similar structures, but excluding any stormwater, rainwater, surface water, ground water, roof or yard drainage.
Solid Waste	Is all garbage, refuse, rubbish and other materials and substances discarded or rejected (or with respect to which the generator pays for the disposal or removal thereof) as being spent, useless, worthless or in excess to the generator thereof at the time of such discard or rejection and which are normally disposed of by or collected from residential, commercial, industrial, governmental and institutional establishments (including non-source-separated qualified household hazardous waste), which are acceptable at Class III landfills under applicable law, and which are originally discarded by the first generator thereof and have not been previously processed. Solid waste includes construction and demolition debris, yard waste and source-separated recyclable materials, but excludes dead animals.
Solid Waste Container	A container having a capacity of either approximately one hundred ten (110) gallons or sixty (60) gallons and furnished or supplied by the District or its Franchisee. Residential waste containers shall be colored black for refuse material, brown for green waste and green for recyclable material, and such other combinations of containers and colors as deemed necessary by the General Manager.
Solid Waste Handling Services	The collection, transportation, storage, transfer, or processing of solid waste for residential, commercial, institutional, or industrial users or customers, including without limitation recycling services in exchange for which a fee in any form or amount is either directly or indirectly charged or imposed.
State	Is the State of California.
Street	Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in the District and City in which it resides which have been or may hereafter be dedicated and open to public use and accepted by the City, or such other public property as designated in any law of this State.
Tenant	As used in reference to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.
User	Means any person (including a corporate entity), other than an owner, who places, or causes to be placed, a drop-off box on any public or private property within the District.

TITLE 2

ADMINISTRATION

Chapters:

- 2.10 District Board**
- 2.20 Officers and Employees**
- 2.30 Conflict of Interest Code**

**CHAPTER 2.10
DISTRICT BOARD**

Sections:

- | | |
|-----------------|-----------------------------|
| 2.10.010 | Subsidiary District. |
| 2.10.020 | Officers. |
| 2.10.030 | Meetings. |
| 2.10.040 | Compensation. |
| 2.10.050 | Appeals. |

2.10.010 Subsidiary District. The District is a subsidiary district of the City of Garden Grove, California, formed in 1997 upon the filing of a certificate of completion, dated May 29, 1997, by the Local Agency Formation Commission. The District is a result of the approval of a change of organization by the Local Agency Formation Commission pursuant to LAFCO Resolution No. 96-14 (Garden Grove Reorganization No. 141) and Government Code Sections 56833 et seq. Pursuant to the change of reorganization approval, the City Council of the City of Garden Grove, California, shall be the governing Board of Directors of the District.

2.10.020 Officers. The Board shall appoint a President and Vice-President from among its members. The President shall preside over all meetings unless absent in which case the Vice-President shall preside.

2.10.030 Meetings. The place and time of regular meetings shall coincide with the regular meetings of the City's City Council. Special meetings shall be held at a place and time noticed according to the Ralph M. Brown Act, which shall be observed for all Board business.

2.10.040 Compensation. Subject to the limitations of Health and safety Code Section 6489, Board Members shall receive compensation of \$100 per day for each day's attendance at meetings, or for each day's service rendered as a Director, but not exceeding six (6) days in any calendar month, plus his/her reasonable expenses incurred incident thereto.

2.10.050 Appeals. Any action, determination, or decision of the General Manager may be appealed to the District Board pursuant to the provisions of this Section by any property owner affected by such action, determination, or decision, in writing, specifically stating the grounds for the appeal, and filed with the Secretary within five business days of the action, determination, or decision. The fee for such appeal shall be as established by the District Board in the District Fee Resolution and no appeal shall be deemed filed unless such payment is made. Upon the Secretary's receipt of a timely and otherwise proper appeal of an action, determination, or decision of the General Manager, the appeal shall be set for a public hearing before the District Board no less than ten business days nor more than forty-five business days after receipt of the appeal. Notice of the hearing shall be mailed to the appellant. Upon the hearing of the appeal, the District Board shall review the matter and may uphold, reverse, wholly or partly, or may modify any appealed action, determination, or decision of the General Manager. A reversal or modification shall only be approved by the District Board upon the adoption of a resolution which sets forth in writing the findings relied on to conclude that the appealed action, determination, or

decision was in error. A majority vote of the District Board shall be required to adopt a resolution reversing an action, determination, or decision of the General Manager.

**CHAPTER 2.20
OFFICERS AND EMPLOYEES**

Sections:

- 2.20.010 General Manager.**
- 2.20.020 District Counsel.**
- 2.20.030 Secretary.**
- 2.20.040 Treasurer.**
- 2.20.050 Employees.**

2.20.010 General Manager. The General Manager of the District shall be the City Manager of the City of Garden Grove, California. The duties of the General Manager shall be to implement the policy decisions of the Board and to perform those other duties as required by the Board and to adopt such rules and procedures appropriate for and consistent with the provisions of this Code.

2.20.020 District Counsel. The District Counsel of the District shall be the City Attorney of the City of Garden Grove, California. The District Counsel shall provide all legal advice to the Board and perform all litigation services as needed.

2.20.030 Secretary. The Secretary of the District shall be the City Clerk of the City of Garden Grove, California. The Secretary shall perform all duties as prescribed by the General Manager.

2.20.040 Treasurer. The Treasurer of the District shall be the Treasurer of the City of Garden Grove, California. The Treasurer is responsible for the safekeeping, investment and payment of District monies, and shall perform such further duties as prescribed by the General Manager.

2.20.050 Employees. The General Manager is authorized to employ such employees as the District may need from time to time.

CHAPTER 2.30
CONFLICT OF INTEREST CODE

Sections:

2.30.010 City's Conflict of Interest Code Adopted by Reference.

2.30.010 City's Conflict of Interest Code Adopted by Reference. The District hereby adopts the City of Garden Grove's Conflict of Interest Code and any amendments thereto, pursuant to Health and Safety Code § 6491.2.

TITLE 3

REVENUE AND FINANCE

Chapters:

- 3.10 Annexation Charges**
- 3.20 Sewer Connection Charges**
- 3.30 Solid Waste Charges**

**CHAPTER 3.10
ANNEXATION CHARGES**

Sections:

3.10.010	Standard Charge.
3.10.020	Joint Tenancies.
3.10.030	Additional Charges.
3.10.040	Laterals and Wyes.
3.10.050	Separate Property.
3.10.060	Exclusion of Public Street.
3.10.070	Benefit Adjustments.
3.10.080	Existing Charges.
3.10.090	Property in Assessment Districts.
3.10.100	Mitigation of Development Impacts.

3.10.010 Standard Charge. Property owners who wish to annex to the District shall pay charges in the amount specified by the Board in the District Fee Resolution.

3.10.020 Joint Tenancies. Each petitioner (or petitioners where title is held under joint tenancy, or as tenants in common or as community property) shall pay a minimum annexation charge in the amount specified by the Board in the District Fee Resolution for each separate lot or parcel of land up to one-half acre owned by him or them. In the event more than one petitioner (except where title is held in joint tenancy or as tenants in common or as community property) wishes to join in the same petition for annexation of the property which is contiguous to each other, they shall be considered as separate petitioners for the purpose of arriving at the cost of annexation under this Chapter.

3.10.030 Additional Charges. In addition to all other charges set forth above, each petitioner shall pay to the District any additional cost and expense incurred by the District which is of an unusual nature not normally incurred in the course of annexation; or any additional cost or expense incurred by the District to correct any error or misrepresentation, made by any petitioner to the District regarding any proposed annexation.

3.10.040 Laterals and Wyes. In addition to all other charges set forth above, each petitioner shall pay the cost of any laterals and wyes installed by the District for use by petitioners' property. The charges paid shall be the actual cost paid for the laterals or wyes by the District.

3.10.050 Separate Property. The annexation charge shall be for each separate parcel of property which the petitioner wishes to annex. Any parcel or group of parcels of property, which are contiguous to each other and which are included in one request or petition for annexation to the District, shall be considered as separate parcels. A separate piece of property for the purpose of this chapter is a piece of property which carries a separate and distinct legal description.

3.10.060 Exclusion of Public Street. For the purpose of determining acreage to establish the costs referred to herein, it is further provided that no existing public street or area

required by a City or County to be dedicated for widening any such street shall be included in the acreage computation for the purpose of arriving at the amount to be paid by such petitioner.

3.10.070 Benefit Adjustments.

- A. In addition to the charges for annexation and other charges provided in this Code, any person desiring to have property annexed to the District shall be charged such additional amount as the Board finds equitable, fair and just in cases where:
 - 1. The land proposed to be annexed would receive a direct benefit from lines or facilities which are being or have been installed by the District or others in the immediate area of the property proposed to be annexed whether by virtue of a special assessment district or otherwise; or
 - 2. In any area within the District where the lines are being or have been installed by a person having a reimbursement program or agreement with the District and where the property of the person desiring to annex would receive a benefit by using the lines of said person who has a reimbursement program or agreement with the District.
- B. The provisions of this section shall not take effect in any instance unless and until the Board shall, after considering the situation, make a finding that facts exist which bring said situation within the provisions of this section.

3.10.080 Existing Charges. Nothing in this chapter shall affect the obligation of any person to the District for annexation charges which are due or unpaid to the District upon the effective date of this chapter or thereafter resulting from the provisions of the general regulation ordinances and minute orders that are otherwise incorporated in this Code. All of said obligations shall remain in full force and effect and shall be due to the District in accordance with the provisions of said prior regulations and orders.

3.10.090 Property in Assessment Districts. The District hereby incorporates the provisions of Sections 5464 and 5474, as amended from time to time, of the State Health and Safety Code pertaining to connection of property to the District sewer lines for owners participating in special assessment districts.

3.10.100 Mitigation of Development Impacts. In addition to the fees set forth in this Chapter 3.10 and in Chapter 3.20 below, when a new sewer line or relief sewer line has to be constructed in any drainage basin because of new development or redevelopment or impending new development or redevelopment, the Board may spread the cost of such construction over such new developments or redevelopments. New developments or redevelopments may be permitted to connect to existing sewer lines having limited capacity provided such new developments or redevelopments contribute their pro rata share as determined by the District, or the estimated costs of a new line or relief line which would be built at a later time.

**CHAPTER 3.20
SEWER SERVICE CHARGES**

Sections:

3.20.010	Sewer Service Charge Established, Credit.
3.20.020	Additions to Existing Structures.
3.20.030	Use Changes.
3.20.040	Larger Sewer Lines.
3.20.050	Sewer Service Charge Rates.
3.20.060	Collection of Sewer Service Charges Within City.
3.20.070	Collection of Sewer Service Charges Outside City.
3.20.080	Inspection Charges.
3.20.090	Additional Inspection Charges for Off Hours.
3.20.100	Additional Connection Charges.
3.20.110	Variances, Credits.
3.20.120	Agreements.

3.20.010 Sewer Service Charge Established, Credit. Each lot, piece, parcel, dwelling, building or structure within the District, for which application is made for a permit to connect to the existing sewer lines of the District shall be required to pay a sewer service charge as set forth herein.

3.20.020 Additions to Existing Structures. Where additional living or commercial units are added to existing buildings or structures already connected to the sewer lines of the District and such additional units will be making use of said sewer line, then in such event there shall be paid a sewer service charge.

3.20.030 Use Changes. Where existing buildings and structures are now or hereafter connected to the sewer lines of the District and the use of such buildings and/or structures is changed to a use having a higher charge under this Chapter, then in such event there shall be paid a sewer service charge as set forth by the Board in the District Fee Resolution conforming to such new use. Said charge shall be the difference between what the prior use charge would be under this chapter and what the new use charge is under this chapter.

3.20.040 Larger Sewer Lines. Such sewer service charge shall be one charge for the connection and use of the sewage facilities of the District. Such charge shall be over and above all other fees or charges made by the District for inspection of all sewer lines larger than four (4) inches inside diameter.

3.20.050 Sewer Service Charge Rates. The charges and rates therefor shall be established by the District Board in the District Fee Resolution.

3.20.060 Collection of Sewer Service Charges Within City. Pursuant to the provisions of Health and Safety Code section 5471, as may be amended from time to time, the Board of Directors hereby elects to have the sewer service charge for parcels within the corporate boundaries of the City of Garden Grove collected with the charges of the City of Garden Grove's

water utility, and that these charges may be collected on the same bills as the water charges, or on separate bills, as may be determined by the City of Garden Grove.

3.20.070 Collection of Sewer Service Charges Outside City. Pursuant to the provisions of Health and Safety Code section 5471, as may be amended from time to time, the Board of Directors hereby elects to have the sewer service charges for those areas outside of the corporate boundaries of the City of Garden Grove collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the District.

3.20.080 Inspection Charges. In addition to the sewer service charges herein, the additional amounts as the Board may establish in the District Fee Resolution shall be charged and received by the District for inspection of all sewer lines.

3.20.090 Additional Inspection Charges for Off Hours. In addition to the charges under Section 3.20.080 above, there shall be paid a sum in an amount established by the Board in the District Fee Resolution, for the time spent for inspection, including travel, for any inspection requested on a holiday, or at a time other than between 8:00 a.m. and 5:00 p.m. on regular working days.

3.20.100 Additional Connection Charges. The Board may establish in the District Fee Resolution such additional charges and fees as the Board may determine are reasonable and appropriate for connection to the District's facilities and for services the owner of the property may receive or request from the District.

3.20.110 Variances, Credits.

- A. Variances. The Board may upon good cause being shown grant variances from any of the provisions of this Chapter and may reduce or eliminate any of the charges and/or fees referred to herein upon the finding that unusual circumstances exist which would result in undue hardship or unfairness to the person or where the Board finds that it would be in the best interests of the District to waive any part or all of such charges and/or fees.
- B. Connection Credits. The Board, in order to encourage the use of the District sewer system instead of septic tanks and in order to facilitate connections to the District facilities as fairly as possible for all users, may allow a credit towards the Sewer Service Charge up to the amount of such fee in those instances where the future user is faced with abnormal or excessive additional costs either in construction of the local collector line or for payment of reimbursement for such lines.
- C. Rehabilitation Credits. For construction replacing former dwellings, commercial or industrial buildings, the connection charge shall be calculated on the same basis as provided in this chapter for new construction unless such replacement construction is commenced within two (2) years after the completion of demolition of the former building. In that case, a credit against such charge shall be allowed and shall be the equivalent of the pro-rata connection charge for the building being demolished, calculated on the basis of current

charges for new construction, provided, however, that in no case shall such credit exceed the current connection charge.

3.20.120 Agreements.

- A. This chapter does not alter any previous agreement between the District and any person concerning the subject matter herein discussed, if said agreement was made prior to the date of the applicable provision in this chapter or any applicable implementing Ordinance or Resolution.
- B. Except where a person and the District have entered into a valid lease agreement, all costs set forth herein must be paid for before any property may be connected to the District's facilities.
- C. Notwithstanding anything in this section to the contrary, if the Board makes a finding on evidence presented to it that any person in good faith entered into a contract in reliance on quotations given to him or her by the District based upon the charges and fees in effect prior to the effective date of this chapter, then the Board may reduce the charges and fees for that person to the amounts which were in effect prior to the effective date of this chapter.

**CHAPTER 3.30
SOLID WASTE CHARGES**

Sections:

3.30.010	Authority.
3.30.020	Monthly Service Rates.
3.30.030	Franchise Fee.
3.30.040	Increased Service.
3.30.050	Exemptions.
3.30.060	Discount for Low Income Residents.

3.30.010 Authority. The District will, from time to time, establish the amounts to be billed to and collected from property owners which receive solid waste pickup. Such fees shall be paid by the property owner to the District or to any other agent authorized to collect solid waste for the District.

3.30.020 Monthly Service Rates. Monthly service rates for refuse collection service shall be established, and their collection method shall be prescribed, by resolution of the Board, within the District Fee Resolution, or established by contract with the contractor, as the Board may so elect.

3.30.030 Franchise Fees. Each contractor having an exclusive agreement with the District to collect and dispose solid waste pursuant to Chapter 5.20 of this Code shall pay the District a monthly franchise fee in the amount established by the Board by Ordinance or Resolution or as may be established in the District Fee Resolution based on each ton for all commercial tonnage collected in the District. The fee shall be paid in the form of a credit to be deducted from gate fees owed by the District. The fee amount shall be added to the approved commercial rates charged by the Contractor. The annual CPI adjustment shall not apply to the per ton surcharge.

3.30.040 Increased Service. If the Board makes a determination that any commercial or residential premises is not subscribing to an adequate level of service, the Board shall notify the property owner by certified mail to increase service frequency within ten (10) days or the District shall order said services for public health and safety reasons. Should the property owner fail to pay for the increased service level, the District shall compensate the franchisee a pre-established amount agreed upon by the District and the franchisee for service over and above the frequency subscribed to by the property owner. All provisions for collection of delinquent amounts owed to the District set forth in Chapter 6.30 shall be applicable for costs incurred by the District to provide adequate trash service levels.

3.30.050 Exemptions. There are no exemptions from solid waste charges on the basis that solid waste is being disposed of elsewhere or in another manner, except where proof is shown that the person has a drop-off box supplied by the franchisee. Every owner, tenant, occupant or person in charge of every commercial or residential premise where solid waste accumulates shall maintain collection and disposal service with the District or its franchisee and shall keep at such premises a container or containers furnished by the District or its franchisee, in which shall be placed all such solid waste. Requests for exemption from solid waste charges on the

basis that a single family residence is vacant will be considered for not less than one month and not more than three months, renewable in three month increments. If for any reason, a field inspection reveals solid waste is being picked up at the exempted property, the owner will be liable for charges for the entire cycle exempted.

3.30.060 Discount for Low Income Residents. Those residents who qualify under any of the following three categories shall receive a discount of two dollars (\$2.00) per month from their regular solid waste charges statement.

A. S.S.I. - SUPPLEMENTAL SECURITY INCOME:

1. Awarded by the Federal Government, through the Health and Human Services Dept., Social Security Administration.
2. Phone: 1-800-772-1213; 8:00 a.m. - 4:30 p.m. - Monday through Friday.
3. Qualifications:
 1. Must be over 65 and/or disabled.
 2. Income from all sources not to exceed \$650 (individual) or \$1260 (couple)—these figures may change annually.
 3. Assets limited to \$2000 (individual) or \$3000 (couple) (excludes primary residence and one (1) vehicle whose value is \$4500 or less.)—these figures may change annually.
 4. Award is in cash, in the form of a monthly check.
 5. Proof:
 1. Copy of award letter with applicant's name, or
 2. Copy of check sent to applicant.
 6. NOTE: S.S.I. is NOT Social Security Income. This is the biggest problem in this category on the part of the individual citizen (many wealthy people receive Social Security, but are not needy). Another problem area concerns supplemental support to minor children. While this is a legitimate category for the governmental program, it has nothing to do with the District's reduced fee program. The check is sent to an adult, but the child's name appears on the check and also on the award letter. For the District program, the category's qualifications must be met by the adult applicant, not a dependent, or other family member.

B. MEDI-CAL:

1. Awarded by the State of California and administrated by the County Social Services Agency, and is for health care provider expense billing/reimbursement purposes.
2. Phone: (714) 939-4000; 8:00 a.m. - 4:00 p.m. Monday through Friday.
3. Qualifications:
 - a. Must be over 65 or disabled.
 - b. Income from all sources not to exceed \$1000 (individual), or \$1500 (couple)—These figures may change annually.
 - c. Assets limited to \$2000 (individual) and \$3000 (couple) (Excludes primary residence and one (1) vehicle with a value of \$4500 or less)—these figures may change annually.
4. Award is by "stickers" provided monthly to the recipient. The "stickers" are given to health care providers for service costs reimbursement billing to Medi-Cal. **FOR THIS RATE--DO NOT SEND STICKERS--ONLY SEND A COPY OF THE FULL MONTHLY STICKER FORM.**
5. Proof: A copy of the full current month's sheet of stickers. This will show recipient's name, social security number and the month and year valid. Individual stickers only have Medi-Cal number, month and year--no other identification.
6. **NOTE: THIS STATUS CAN CHANGE FROM ONE MONTH TO ANOTHER, ALTHOUGH IT GENERALLY DOES NOT. THE MOST FREQUENT MISTAKE IN THIS CATEGORY IS THAT IT IS PERCEIVED TO BE THE SAME AS MEDICARE, which is not tied to a need's program, but instead indicates only employment contributions to the Social Security program.**

C. PERMANENT DISABILITY:

1. Awarded by the Federal Government, Health and Human Services, Social Security Administration. (The District does not accept disabilities from private insurance companies for this reduced rate, due to the verification and approval process required).
2. Phone: 1-800-772-1213; 9:00 a.m. - 4:30 p.m., Monday through Friday.
3. Qualifications:
 - a. Individual claim is filed by recipient with the Federal Government. Must have been disabled and unable to work for at least one year to file.

- b. Age is not a factor.
- 4. Award is by monthly check.
- 5. Proof:
 - a. A copy of the Third Party Query - T.P.Q. FORM.
 - b. Procedure to obtain:
 - (1) Recipient calls 1-800-772-1213 and requests form.
 - (2) Social Security Administration sends form to recipient.
 - (3) Recipient provides copy of form to the Sanitary District.
 - c. **THE GARDEN GROVE SANITARY DISTRICT DOES NOT ALLOW REDUCED FEES FOR RESIDENTS WHO ARE RECEIVING CHECKS FOR DISABLED MINORS, DEPENDENTS, OR OTHER FAMILY MEMBERS OR FRIENDS.**
- 6. Note: Usually, recipients of Disability are also on S.S.I., but younger applicants who are financially stressed and are receiving this award, may not get S.S.I. Permanent Disability is not awarded unless monthly incomes are not adequate to meet all expenses, including any allowable medical needs.
- 7. **THE AWARD MUST BE FOR APPLICANT.**

TITLE 4
SEWERS REGULATIONS

Chapters:

- 4.10 Sewers**
- 4.20 California Plumbing Code**

**CHAPTER 4.10
SEWERS**

Sections:

4.10.010	Connections to Sewer Lines, Permit Required.
4.10.020	Connection through adjoining property.
4.10.030	Residential sewer in undedicated street.
4.10.040	Septic Tank or Cesspool Discharges Prohibited.
4.10.050	Discharge of objectionable materials—Regulations.
4.10.060	Discharge of corrosive harmful wastes.
4.10.070	Rain and surface water prohibited.
4.10.080	Automobile washing areas regulated.
4.10.090	Opening manhole prohibited.
4.10.100	Discharge into sewer manholes regulated.
4.10.110	Cleaning manholes.
4.10.120	Maintenance of residential connections.
4.10.130	Commercial Waste Disposal—Permit required.
4.10.140	Commercial Waste Disposal—Permit application.
4.10.150	Commercial Waste Disposal—Limitations.
4.10.160	Commercial Waste Disposal—Acts prohibited.
4.10.170	Commercial Waste Disposal—Permit term.
4.10.180	Commercial Waste Disposal—Permit Transfer.
4.10.190	Commercial Waste Disposal—Compliance tests and inspections.
4.10.200	Sewer closing procedure.
4.10.210	Connection Approvals.

4.10.010 Connections to Sewer Lines, Permit Required. No connection to any of the District sewer lines shall be made unless a permit shall first have been issued by the District for connection. No connection pursuant to any such permit shall be made at any other place than that designated therein. Where additional fixtures in excess of the original fixture units are added to existing buildings or structures or reconnected to the sewer lines of the District and such additional fixtures will be making a use of said sewer lines, then in such event said additional fixtures shall not make use of said District sewer lines unless a permit shall first have been issued by the District for such additional fixtures.

4.10.020 Connection through adjoining property.

- A. No connection from any building or other structure shall be made to any public sewer, if such connection or any portion thereof is in, under, across or upon any lot other than the lot on which said building or structure is located.
- B. If a lot requiring a sewer connection is so situated that access to the public sewer is not possible except across some other lot, a sewer connection may be placed in a recorded easement which includes the right-of-way and maintains such connection and is appurtenant to the lot to be served by such sewer connection.

4.10.030 Residential sewer in undedicated street. No person shall connect any sewer which has been or may hereafter be, constructed in any street, highway, alley, right-of-way or other public place prior to the dedication and acceptance of such street, highway, alley, right-of-way or other public place by the City or County on behalf of the public, unless such sewer first mentioned shall have been laid under the supervision and/or to the satisfaction of the General Manager and in accordance with all City or County regulations applicable thereto.

4.10.040 Septic Tank or Cesspool Discharges Prohibited. No person shall connect or discharge into the District sewer lines any sewage, affluent or other matter from any septic tank or cesspool or to any building thereto.

4.10.050 Discharge of objectionable materials—Regulations. Except as otherwise provided in this Chapter, it is unlawful to place, deposit or discharge, either directly or indirectly, into any District sewer or into any sewer connection or on or upon any street, alley or public place or upon any private property or any other place in such a manner that the same will be permitted to run into any such District sewer, any of the following substances:

- A. Any oil, petroleum, gasoline, naphtha, liquid asphaltum or petroleum product, or any fatty matter, benzene, fuel, or other flammable or explosive liquid, solid or gas;
- B. Dead animals, fish, fruit or vegetable matter in any form.
- C. Any commercial waste other than domestic sewage that will not readily disintegrate in the sewage treatment plant or that will cause or tend to cause obstructions in the sewer system or the sewage treatment plant or interfere with or tend to interfere with the efficient and successful operation of the system or the plant, or cause a potential hazard or objectionable odor;
- D. Any chemicals or wastes destructive to masonry or portland cement concrete;
- E. Grease, except in quantities commonly contained in domestic sewage, or commercial waste which may contain more than two hundred (200) parts per million, by weight, of fat, oil or grease;
- F. Any effluent of a temperature exceeding one hundred forty degrees Fahrenheit (140°), or that would cause the temperature of wastewater entering the headworks of any wastewater treatment plant to exceed one hundred four degrees Fahrenheit (104°);
- G. Any radioactive waste, which exceeds the limits specified in Title 17, Chapter 5, Subchapter 4, Group 3, Article 5, Section 30287 of the California Code of Regulations;
- H. Any commercial waste, including but not limited to mineral salts, molds or wastes resulting from their manufacture and other products which will tend to sterilize activated sludge, trickling filter slimes, or slime growth on artificial or natural slow sand and filters;
- I. Any solids or viscous substances of such size or in such quantity that may cause obstruction to the flow in the sewer or to be detrimental to proper wastewater treatment plant operation;

- J. Any wastes with odors of such strength that the discharge of the wastes to any wastewater treatment plant results in, as determined by the District, an odor violation of the treatment plant's waste discharge requirements, where without the discharge no odor violation would have been anticipated;
- K. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between fifty (50°) degrees and one hundred (100°) degrees Fahrenheit;
- L. Any waste capable of passing through the waste water treatment works and producing discoloration of treatment plant effluent;
- M. Any water added for purposes of diluting wastes which would otherwise exceed applicable maximum concentration limitations;
- N. Any waste which may create a fire or explosion hazard in the wastewater collection or treatment system;
- O. Any waste prohibited by federal standards from being discharged to the sewer system.
- P. Any ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, rags, earth or stone dust or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works;
- Q. Any commercial waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- R. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- S. Any liquid or vapor having a temperature higher than 85 degrees Fahrenheit unless properly treated for scale inhibition;

4.10.060 Discharge of corrosive harmful wastes. Before any person may discharge alkalies, acids or other corrosive or harmful wastes into the public sewer, he or she shall reduce the biochemical oxygen demand (BOD) and control the pH to the extent which the District finds adequate, taking all circumstances into consideration. In all cases the wastewater discharge shall have a pH within the range of 6.0 to 9.5.

4.10.070 Rain and surface water prohibited. No person shall connect, any roof drain, yard drain or other conduit used for carrying off rain or surface water, to any District sewer or sewer leading thereto. No person shall cause or permit any indirect connection to the District sewer or house sewer leading thereto by means of which rain or surface waters are permitted to enter the public sewer.

4.10.080 Automobile washing areas regulated. No person engaged in washing motor vehicles or other equipment exclusive or incidental to any other business, shall permit any

water or effluent from such operations to flow into any District sewer unless the washing area is equipped with an approved sand and grease control device. Such washing areas shall be roofed over and shall be so constructed as to prevent any water from flowing over any street or public property, and to prevent any storm or surface water from entering any District sewer.

4.10.090 Opening manhole prohibited. No person shall open or enter, or cause to be opened or entered, any manhole in any District sewer to dispose of solid waste or other deleterious substances, or storm or surface waters, or for any other like purpose.

4.10.100 Discharge into sewer manholes regulated. The discharge of wastes into sewer manholes without the written permission of the District is prohibited.

4.10.110 Cleaning manholes. When wastewater is discharged into a specified manhole under permission from the District, it shall be discharged through a pipe or hose in such a manner that none of the effluent is left adhering to the sides or shelf of the manhole, and if any such effluent is inadvertently allowed to adhere to the sides or shelf of the manhole, the manhole shall be thoroughly cleaned with clean water.

4.10.120 Maintenance of residential connections. All residential connections and appurtenances thereto now existing or hereafter constructed, shall be maintained by the owner of the property served in a safe and sanitary condition and all devices or safeguards which are required by this title for the operation thereof shall be maintained in good working order.

4.10.130 Commercial Waste Disposal—Permit required. No person shall discharge or deposit any commercial waste into or upon any area in the District, or into any underground or surface waters in the District where such commercial waste is or may be deposited upon or may be carried through or over any area of the District except in conformity with the provisions of this chapter, and unless the person shall have first secured, in the manner hereinafter provided, a permit so to do from the District.

4.10.140 Commercial Waste Disposal—Permit application. Applications for permits required hereunder shall be filed with the General Manager upon printed forms to be prescribed and supplied by him or her. The General Manager may require any additional information, including plans and specifications which he or she may deem necessary for the proper disposition of the application.

4.10.150 Commercial Waste Disposal—Limitations. The General Manager may incorporate in any permit issued pursuant to this chapter, such limitations or conditions as may be reasonably necessary to effectuate the purpose of this chapter and may from time to time, review the limitations or conditions which have been incorporated in any permit theretofore issued, giving consideration to changed conditions, and may, whenever in his or her judgment it is advisable or required in order to maintain the waters of the District free from pollution, alter, revise, modify, delete or add further limitations or conditions applicable to any permit theretofore issued. No such alteration, revision, modification, deletion or addition of limitations or conditions shall be effective, however, until notice in writing thereof shall have been served upon the permittee in the manner provided by Section 1.20.060.

4.10.160 Commercial Waste Disposal—Acts prohibited. A permit issued under this chapter does not authorize any act or acts forbidden by any law, rule, regulation or order of any public agency or department and such fact shall be so stated on the face of all permits issued.

4.10.170 Commercial Waste Disposal—Permit term. A permit for the disposal of commercial waste shall be valid until suspended or revoked in the manner hereinafter provided.

4.10.180 Commercial Waste Disposal—Permit Transfer. The General Manager may transfer a permit to the successor in interest of a permittee upon the filing by the successor in interest of a written application therefor, together with such evidence of transfer of title or interest as the General Manager may require; provided, however, a permit shall not be transferable from one location to another. The General Manager shall immediately notify by first class mail, the person that requested a transfer of a permit of the action taken.

4.10.190 Commercial Waste Disposal—Compliance tests and inspections. For the purpose of securing compliance with this chapter, the General Manager shall make periodic tests of samples of commercial waste obtained from the place or places of discharge or deposit, and such other tests deemed necessary for proper administration hereof. For purpose of making such tests or inspections, the General Manager or his or her duly authorized deputies or agents shall be permitted at all reasonable hours to enter any premises or place where commercial waste is being or is proposed to be discharged or deposited, or where there may be a violation of this chapter.

4.10.200 Sewer closing procedure. Whenever the use of a sewer is discontinued by reason of connection to another sewer or by reason of moving, wrecking or burning of a building, or for any other reason, such sewer shall be sealed at the property line or easement line or at the District sewer. Whenever the General Manager shall find that a sewer has not been sealed as required herein, he or she shall serve notice and post the property to that effect. Unless the sewer has been sealed as required within ten (10) days after the posting of such notice, the General Manager is authorized to have such sewer sealed, and the costs thereof shall be reimbursed to the District by the property owner within thirty (30) days after the District shall render an invoice for the same.

4.10.210 Connection Approvals. The General Manager may suspend, condition, or deny any or all applications for connections or permits for additional fixtures as provided under Section 4.10.010 of this Code where the General Manager determines that such action is necessary to remain within the aggregate operation capacity of the sanitary sewer system available to the affected property for which the connection or permit is sought or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the Santa Ana Region. The decision of the General Manager to suspend, condition, or deny an application shall be subject to appeal to the District Board as provided in Section 2.10.050.

**CHAPTER 4.20
CALIFORNIA PLUMBING CODE ADOPTED**

Sections:

4.20.010 Adoption of California Plumbing Code as Adopted by City.

4.20.010 Adoption of California Plumbing Code as Adopted by City. Pursuant to California Health and Safety Code § 6491.2, the Chapter, Section and Part Numbers of the California Plumbing Code as adopted by the City and codified at Chapters 18.04 and 18.24 of the Garden Grove Municipal Code are hereby adopted by reference and made a part hereof, provided that whenever the term "administrative authority" is used in the code, it shall be construed to mean the Board, or its authorized representative.

TITLE 5

SOLID WASTE REGULATIONS

Chapters:

5.10 Solid Waste

5.20 Franchises

**CHAPTER 5.10
SOLID WASTE**

Sections:

5.10.010	Collection Authority.
5.10.020	Collection Service Required.
5.10.030	Specification for Solid Waste Containers.
5.10.040	Weight and Height Limitations.
5.10.050	Handling and Storage of Solid Waste and Recyclable Materials.
5.10.060	Frequency of Solid Waste Removal.
5.10.070	Removal of Heavy Objects.
5.10.080	Tampering with Solid Waste Prohibited.
5.10.090	Recyclable Materials as District Property.
5.10.100	Recycling by Private Individuals or Organizations.
5.10.110	Special Pickup—Residential Accounts Only.
5.10.120	Placement of Containers for Collection.
5.10.130	Time of Container Placement.
5.10.140	Removal of Empty Containers.
5.10.150	Littering Prohibited.
5.10.160	Accumulation of Solid Waste Declared a Public Nuisance.
5.10.170	Hazardous Waste Disposal Prohibited.
5.10.180	Procedures for Disposing of Hazardous and Qualified Household Hazardous Waste.
5.10.190	Sanitary Maintenance Required.
5.10.200	Unlawful Containers - Notice of Violation.
5.10.210	General Penalty—Infraction.
5.10.220	Franchisee Remedies.

5.10.010 Collection Authority.

- A. The District shall provide for the collection and disposal of solid waste from all premises within the District either by granting a franchise to a public or private entity for such collection and disposal or by such other methods as the Board may authorize.
- B. The District and its duly authorized agents and employees, or Franchisee(s) and their duly authorized agents and employees, shall have the exclusive right to gather, collect and dispose of solid waste from all premises within the District in accordance with the provisions of this Code, except that Self-Haulers shall have the right, in a lawful manner, to dispose of any solid waste generated from their own activities.
- C. The General Manager shall have the charge and supervision of such collection and disposal and shall prescribe and establish the routes and days thereof. When such routes and/or days of collection are established or changed, the General Manager shall give appropriate notice thereof to the public.

5.10.020 Collection Service Required. Every owner, tenant, occupant or person in charge of every commercial or residential premises where solid waste accumulates shall maintain collection and disposal service with the District or its franchisee and shall keep at such premises a container or containers furnished by the District or its Franchisee, in which shall be placed all such solid waste.

5.10.030 Specifications for Solid Waste Containers.

- A. For all commercial and residential premises (excepting therefrom those using three (3) cubic yard or larger drop-off boxes furnished by a franchisee) three 110 gallon containers, colored brown for green waste, black for non-recyclable materials and green for recyclable materials will be furnished by the District or its Franchisee without charge. Two black 60 gallon containers or two green 60 gallon containers or two brown 60 gallon containers will be substituted as a replacement of the 110 gallon black or the 110 gallon green or 110 gallon brown containers respectively. Those residential premises in need of an additional black or brown container exceeding the limits above, will incur an additional charge in accordance with the rates as established by the Board in the District Fee Resolution.
- B. The General Manager shall have authority to determine by field inspection if individual 60/110 gallon containers is a viable method of removing the solid waste from such premises.
- C. With respect to the type of material to be placed in each container, the following regulations include, but do not limit the type of acceptable and unacceptable solid waste, recycling and green waste.

GREEN CONTAINER— Acceptable	BLACK CONTAINER— Acceptable	BROWN CONTAINER— Acceptable
AEROSOL CANS ALUMINUM & TIN CANS ALUMINUM FOIL CARD BOARD CEREAL BOXES COMPUTER LEDGER PAPER DRINK BOXES EGG CARTONS FOAM CUPS AND PLATES GLASS BOTTLES AND JARS JUICE CARTONS JUNK MAIL & BROCHURES LAUNDRY BOTTLES MAGAZINES NEWSPAPERS	ANIMAL/FOOD WASTE BATHROOM WASTES CARPET/FLOORING CAR PARTS CAT LITTER CIGARETTE BUTS DISPOSABLE DIAPERS MIRRORS OLD CLOTHES/SHOES POOL COVERS RAGS/SPONGES TOYS TIRES	GRASS/LEAVES PRUNINGS/WEEDS TWIGS/SMALL BRANCHES VEGETATION

GREEN CONTAINER— Acceptable	BLACK CONTAINER— Acceptable	BROWN CONTAINER— Acceptable
PLASTIC BOTTLES/CONTAINERS PLASTIC BAGS PLASTIC MILK JUGS PHONE BOOKS WRAPPING PAPER		

GREEN CONTAINER— Not Acceptable	BLACK CONTAINER— Not Acceptable	BROWN CONTAINER— Not Acceptable
WAXED/CARBON PAPER FOOD/LIQUID WASTE TRASH & YARD WASTE HAZARDOUS WASTE	CONCRETE CONSTRUCTION DEBRIS DIRT/ROCKS FURNITURE LARGE APPLIANCES RECYCLABLE MATERIALS YARD WASTE HAZARDOUS WASTE	ANIMAL/FOOD WASTE CONSTRUCTION DEBRIS DIRT/ROCKS PALM FRONDS PLASTIC BAGS RUGS/FLOORING/METAL RECYCLABLES & TRASH HAZARDOUS WASTE

- D. The decision to pick up any material not listed in the above categories which has a questionable nature will be made by the General Manager.
- E. The decisions of the General Manager may be appealed to the Board.

5.10.040 Weight and Height Limitations. The combined weight of each container and the contents thereof shall not exceed three hundred (300) pounds, and its contents shall not extend more than two (2) feet above the level rim of the container.

5.10.050 Handling and Storage of Solid Waste and Recyclable Materials. Solid waste and recyclable materials shall be placed directly into solid waste and recyclable materials containers respectively except as hereinafter provided:

- A. Garbage shall first be drained and wrapped to eliminate odor, leakage and fly and rodent infestation before being placed in solid waste containers.
- B. Waste and manure from animals, except that generated from farms or stables, shall first be placed in moisture-resistant bags, securely sealed to prevent leakage, odor, fly and rodent infestation, before being placed in solid waste containers.
- C. Medical waste shall be stored, transported and disposed of in accordance with Article 13 of the California Administrative Code, as the same may be amended from time to time.

- D. Ashes and dust shall be placed in disposable bags securely sealed to prevent leakage before being placed in solid waste containers.
- E. Grass clippings, cuttings, leaves and other smaller vegetation including shrubs, brush and tree trimmings cut into short lengths shall be placed in solid waste containers or other containers as specified by the General Manager.
- F. Boxes and crates shall be dismantled or flattened. Boxes and crates constructed of recyclable materials shall be placed in a solid waste container designated for recyclable materials.
- G. Construction and demolition waste or manure from farms and stables shall be stored in approved containers in a manner so as not to create a nuisance and at a location approved by the General Manager.
- H. It shall be unlawful for a person occupying or having control of any premises to introduce refuse, contaminated material or any materials which are not recyclable into a solid waste container designed for recyclable materials.
- I. Every person occupying or having control of any premises shall insure that a sufficient number of solid waste and recyclable materials containers are available to properly store all waste and recyclable materials generated at said premises.

5.10.060 Frequency of Solid Waste Removal. Each owner, tenant, occupant or person in charge of commercial or residential premises where solid waste, green waste or recyclable waste accumulates shall cause said containers to be emptied and all solid waste shall be removed at least once each calendar week, except that food processing and food serving establishments shall cause said containers to be emptied of garbage at least three times each calendar week.

5.10.070 Removal of Heavy Objects. Each owner, tenant, occupant or person in charge of any premises shall at least once each calendar month collect and dispose of all waste material and debris, such as discarded automobile bodies, similar heavy or bulky objects and all other waste not specifically defined herein which may accumulate on such premises provided that building or construction waste and debris need not be removed except upon the completion of construction.

5.10.080 Tampering with Solid Waste Prohibited. No person other than the owner thereof, his or her agents or employees, an officer or employee of the District or authorized agent shall enter, tamper, or meddle with green waste, recycling or solid waste containers or the contents thereof or remove the contents of any such container or remove any such container from the location where the same shall have been placed by the owner thereof or the owner's agent. This includes both segregated and non-segregated recyclables at commercial and residential premises.

5.10.090 Recyclable Materials as District Property. Once recyclable materials are placed in a designated container for such purpose at a designated recycling collection

location for collection by the District or its authorized agent, the recyclable materials shall become the property of the District.

5.10.100 Recycling by Private Individuals or Organizations. Nothing in this chapter shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable materials, provided that any such disposal is in accordance with the provisions of this chapter or of other applicable law.

5.10.110 Special Pickup—Residential Accounts Only.

- A. Household Bulky Item Collection Program. The Household Bulky Item Collection Program entitles each residential single family home within the District to schedule with the franchisee two bulky item collections within a twelve (12) month period. Items that are to be collected must be bulky, household items only, unable to be serviced by the normal automated curbside collection. Items eligible for collection are heavy discards, such as appliances, furniture, water heaters, large toys and tree trimmings. All loose items eligible for collection must be bagged, bundled or tied. All bagged items may not weigh more than fifty (50) pounds or measure more than four (4) feet in length and eighteen (18) inches in diameter.
- B. Limit. The program shall be limited to ten (10) items maximum per scheduled collection. Items not accepted are automobile parts, tree stumps, earth, turf, sod, sand, clay, gravel, concrete, refuse from building or construction, and hazardous or toxic waste. Reservations must be made in advance. Items must be placed at the curb on the day scheduled for pickup.

5.10.120 Placement of Containers for Collection.

- A. Generally. Except as otherwise determined by the General Manager, where drop-off boxes are used or where collection positions in commercial or apartment house complexes have been approved by the District, all collection of solid waste, recyclable materials, green waste and garbage from commercial and residential premises shall be made from the gutter along the street adjacent to the premises, or the public alley in the rear of each premise, provided, however, that no solid waste shall be picked up in any alley that has a width of less than fifteen (15) feet or where a truck with an eight (8) foot bed cannot pass with at least three and one-half (3 ½) feet of clearance on each side of the truck bed. Containers may be placed in the parkway next to curb on arterial streets or as determined by the General Manager. The General Manager may also approve alternate locations which are readily accessible.
- B. Obstructions. Containers must be placed three (3) feet away from any obstruction such as fire plug, mailbox, fence post or lamp post. There must be one (1) foot between each container and a minimum distance of three (3) feet from any vehicle.

5.10.130 Time of Container Placement. Except as otherwise determined by the General Manager, all solid waste must be placed at the street as provided herein only between the hours of 4 p.m. of the day prior to collection and by 6:00 a.m. on the day of collection.

5.10.140 Removal of Empty Containers After containers have been emptied by the franchisee they shall be removed no later than 10:00 p.m. on the day of such collection by the owner, tenant, occupant or person in charge of every commercial or residential premises and placed and kept in an area not visible from the street.

5.10.150 Littering Prohibited.

- A. It shall be unlawful for any person to throw, place, scatter or deposit any solid waste, medical waste, hazardous waste or qualified household hazardous waste, in, upon or below the land of another, or upon any public property or right-of-way, except as herein authorized, or to throw, place, scatter or deposit any such waste in, upon or below the surface of any premises in such a manner that the same is or may become decayed, putrid or a nuisance or may otherwise endanger the public health or safety.
- B. It shall be unlawful for any person to place, deposit or dump, or cause to be placed, deposited or dumped, or cause or allow to overflow any sewage, sludge, cesspool, waste water, or septic tank effluent, or allow the accumulation of human excreta or any garbage, solid waste materials, debris, rubbish, scrap iron, organic residues resulting from commercial canning or processing of food products, dead animals, manure, combustible materials, discarded automobiles and similar heavy, bulky objects or any other waste in or upon any other public property designated or set aside for such purpose by the Board or any other competent authority or upon any private property into or upon which the public is admitted by easement, license or otherwise.

5.10.160 Accumulation of Solid Waste Declared a Public Nuisance. The accumulation and existence of garbage, solid waste, refuse or cuttings on any premises, public or private, within the confines of the District is hereby declared to be a public nuisance. No person who owns, controls, or occupies any premises within the District shall cause, permit, or allow any such nuisance to exist thereon.

5.10.170 Hazardous Waste Disposal Prohibited. It shall be unlawful for any person to place or cause to be placed material deemed to be hazardous waste in any container to be picked up with solid waste designated to be deposited at a Class II landfill. As a way of example, prohibited material includes, but is not limited to the following:

CHLORINE	POISON	LACQUER
ACETONE	ADHESIVES	SOLVENT
ANTI-FREEZE	GASOLINE	PESTICIDES
GASOHOL	SHELLAC	WEED KILLER
PAINT	LYE	POOL CHEMICALS
PAINT THINNER	OIL	DRUGS
VARNISH	AMMONIA	ACID
BATTERIES	FERTILIZER	

5.10.180 Procedures for Disposing of Hazardous and Qualified Household Hazardous Waste.

- A. Each owner, tenant, occupant, or person in charge of any residential premises in the City shall, at least once every ninety (90) days unless more frequent disposal is required, dispose of all hazardous waste and qualified household hazardous waste which has accumulated at such premises. Hazardous waste and qualified household hazardous waste shall not be placed for regular collection but shall be disposed of as hereinafter specified or in a lawful manner in accordance with Chapter 6.5 of the California Health and Safety Code.
- B. Group I materials such as caustics, toxic acids, chemicals, paints and liquids shall be disposed of by the owner, tenant, occupant or person in charge thereof only at an approved Class I disposal site. The waste must be in its original container and labeled clearly. The containers must be sound and not leaking. Glass containers must be protected from breakage.
- C. Radioactive materials shall be disposed of by the owner, tenant, occupant or person in charge thereof under the supervision of the Orange County Health Department.
- D. Explosives or highly flammable material, including small arms ammunition, war souvenirs, or black powder shall be disposed of by, or under the supervision of, the Fire Authority.
- E. Abandoned, inoperative or dismantled vehicles or major component parts thereof shall be disposed of by a licensed dismantler or towing company.
- F. Dead animals shall be disposed of by, or under the supervision of, the Orange County Animal Shelter.

5.10.190 Sanitary Maintenance Required. Each owner, tenant, occupant or person in charge of such premises shall keep each container in a clean and sanitary condition. When the General Manager determines that the owner, tenant, occupant or person in charge, is not maintaining the containers in a sanitary manner, said owner, tenant, occupant or person in charge shall be notified by Registered Mail to correct the problem within ten (10) days from the receipt of said notice. If the person fails to take action on the matter within the prescribed time allowed, the General Manager shall order the franchisee to provide such service. The containers shall be exchanged and sanitized thereafter as needed with a minimum frequency of four (4) times per year. The expense for exchanging and sanitizing the container shall be borne by the property owner.

5.10.200 Unlawful Containers - Notice of Violation.

- A. Unauthorized Containers. No person other than the District or its authorized representative shall place or leave standing any container on any public or private property within the District for the purpose of providing solid waste handling services.

B. Removal of Unlawfully Placed Container.

1. The General Manager may cause the posting of a notice to remove, as described below, in a conspicuous place on any container placed on any public or private property within the District in violation of this chapter.
2. Notices to remove posted pursuant to the provisions of this chapter shall specify the nature of the violation and shall state that the container must be removed within twenty-four (24) hours or it may be removed and stored by the District, and the contents disposed of, at the expense of the owner thereof. The posting of a notice to remove shall constitute constructive notice to the owner and user of the requirement to remove the container.
3. If the container is not removed within twenty-four (24) hours after the notice to remove is posted, the Director may direct the removal and storage of the container and the disposal of its contents if they consist of solid waste, putrescible matter, medical waste, hazardous waste or qualified household hazardous waste, or if the container together with its contents exceeds applicable weight limits. The contents shall be deemed to consist of solid waste, whether or not some or all of the contents are potentially recyclable, in all cases where the owner of the container, whether acting alone or in concert with others, including any affiliate, agent, broker or subcontractor, has solicited, accepted or arranged for, directly or indirectly, the payment of a fee or other consideration in any form or amount from the customer in exchange for rendering all or any aspect of the service for which the container was supplied. The owner of the container shall be responsible to reimburse the District for the actual cost of removal, storage and disposal. All amounts due to the District for the cost of removal, storage and disposal must be paid before the container may be returned to the owner. Such amounts shall constitute a debt owed by the owner to the District, and the owner shall be liable to the District in an action brought by the District for the recovery of such amounts.
 - a. The owner may contest the District's claim that the container was illegally placed or left standing by giving notice to the District within ten (10) calendar days of receipt of notification from the District that the container was impounded. Where the owner asserts that the placement or use of the container was for a legitimate recycling activity not proscribed by this ordinance, the owner shall provide the District with information to substantiate that assertion. Said information shall be submitted with the notice from the owner and shall include, at a minimum, the following:
 - (i) A description of the materials of value deposited in the container and an estimate of their value;
 - (ii) The address, telephone number and contact person of the facility or facilities with whom the owner has arranged for the contents to be processed or recycled, and proof of that arrangement;

- (iii) Evidence that the facility or facilities where the contents are destined to be processed or recycled carries all requisite approvals, permits, or other forms of authorization required by any governmental agency having jurisdiction, to conduct processing or recycling activities;
 - (iv) A declaration from the customer receiving service, signed under penalty of perjury, that the customer paid no broker's, consultant's or other fee or consideration in any form or amount to the service provider, or to any other person, in exchange for service, and that the contents of the container were either donated or sold by the customer to the service provider/owner;
 - (v) The District shall have the right to request such additional information as may be necessary or useful in determining the validity of the owner's contest.
 - b. If the District, acting through the General Manager or his designee, determines, in the exercise of reasonable discretion, that the owner has supplied evidence sufficient to support its contention that it was engaged in a legitimate recycling activity involving donated or sold materials, the container shall be returned to the owner without any charge for removal or storage of same.
4. If the identity of the owner of a container that has been removed by the District is known to the General Manager, the General Manager shall promptly cause notice to be mailed to the owner to claim the stored property. If the container is not claimed within ninety-five (95) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the Director, the container and its contents shall be deemed abandoned property and may be disposed of accordingly. Where the contents present imminent threat to public health and safety, as determined by the District, they may be processed or disposed of without awaiting the expiration of the ninety (90) day claim period.
5. After a container has once been removed by the District pursuant to a notice to remove, the owner thereof shall be deemed to have actual notice of the provisions of this chapter, including the prohibition against the placement of unauthorized containers. In the event of a subsequent placement of a container owned by the same owner, or an affiliate of the owner, the General Manager may immediately, without the posting of a notice to remove, direct the removal and storage of the unlawfully placed container and shall, in such case, give notice to the owner to claim the container. In such event, the owner shall, subject to the provisions of subsection 3 of this section, be responsible to reimburse the District for the actual cost of such removal, storage and disposal, which cost shall be paid by the owner before the container may be returned to the owner. If the container is unclaimed after notice is mailed to the owner and the expiration of the period set forth in subsection 4 of this section, the container and its contents shall be deemed abandoned property and may be disposed of accordingly. The costs incurred by the

District for removal, storage and disposal shall constitute a debt owed to the District by the owner, who shall be liable therefor in an action by the District for the recovery of such amounts.

- C. Summary Abatement of containers of unidentified owners. Notwithstanding any other provision of this Section to the contrary, the General Manager is authorized to direct the immediate removal, without notice, of any container placed on public or private property within the District in violation of this Section where the owner of the container is unidentified and cannot be ascertained from the owner or lessee of the property where the container is placed, and by an inspection of the container.

5.10.210 General Penalty—Infraction. Unless otherwise specified, any violation of this Chapter 5.10 shall be deemed to be an infraction. In addition, the District’s legal counsel is authorized to cite violators for a misdemeanor offense pursuant to the general penalty provisions of this Code as an alternate remedy at counsel’s discretion.

5.10.220 Franchisee Remedies. Nothing in this chapter shall be deemed to limit the right of a franchisee or the District to bring a civil action against any person who violates this chapter, nor shall a conviction for such violation exempt any person from a civil action brought by a franchisee or the District.

CHAPTER 5.20 FRANCHISES

Sections:

- 5.20.010 Exclusive Contract.**
- 5.20.020 Franchise Operation Fee.**
- 5.20.030 Collecting Solid Waste Without Franchise Prohibited—Penalty.**
- 5.20.040 Franchise Non-Transferable.**
- 5.20.050 Franchisee Regulations.**
- 5.20.060 Purpose for Franchisee Regulations.**

5.20.010 Exclusive Contract. Effective May 17, 1989, the District shall provide for the collection and disposal of solid waste, green waste and recyclable material from all premises. Such provision has been made by letting an exclusive contract for such collection and removal to Taormina Industries, Inc., DBA Garden Grove Disposal Co. The District or its franchisee, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove solid waste, green waste and recyclable material from all premises within the District. No person, other than those above specified shall gather, collect or remove any solid waste, green waste or recyclable material from any premises or take any such waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container, or remove any such container from any location where the same is placed, or remove the contents of any such container; provided that nothing in this chapter shall be deemed to prohibit the generators or the owners from personally collecting, conveying and disposing of solid waste in a manner consistent with this chapter and other applicable governing laws. Said license and privilege shall not be exclusive with respect to special removal needs created by demolition or construction projects for which the District or franchisee has no special disposal service available. To the extent that said license and privilege is exclusive, it shall be so only if the District or the franchisee shall be at all times ready, willing and able to collect, transport and dispose of all such solid waste.

5.20.020 Franchise Operation Fee. There is hereby imposed upon any person whose business is the collection of solid waste within the District an annual franchise or license fee in the amount specified by the District Board in the District Fee Resolution.

5.20.030 Collecting Solid Waste Without Franchise Prohibited—Penalty. It shall be unlawful for any person to collect any solid waste, green waste or recyclable material from any premises whatsoever while there is in existence an exclusive franchise by the District to a person to collect all solid waste, green waste or recyclable material from such premises. Every person who violates or infringes upon any exclusive franchise as heretofore set forth shall be guilty of a misdemeanor and shall be punishable pursuant to Section 6.10.010 of this Code.

5.20.040 Franchise Non-Transferable. No franchise issued pursuant to this chapter shall be transferable provided that when a franchise is issued authorizing a person to transact and carry on the business of collecting solid waste, such franchise may, upon application, and paying a fee of \$25.00 be amended to authorize the transacting and carrying on of business by

the person subscribed onto said franchise by amendment.

5.20.050 Franchise Regulations. The following regulations apply to all those persons doing business within the District or residing therein who deposit or collect solid waste, green waste or recyclable materials:

- A. Every person doing business within the District for the purpose of collecting solid waste, green waste or recyclable materials shall be adequately covered by public liability insurance. For the purposes of this section, adequate public liability insurance shall be defined to mean a minimum combined single limit of \$1,000,000.00 per occurrence with a \$5,000,000.00 policy aggregate limit of public liability coverage (either commercial general liability or comprehensive general liability) and \$1,000,000.00 property damage coverage with the District named as an additional insured on the policy of insurance. Every person doing business within the District as aforesaid shall furnish the District with a Certificate of Insurance showing said District as an additional named insured on the policy of insurance. Such Certificate must be on file at the office of the District.
- B. Every person doing business within the District for the purpose of collecting solid waste, green waste or recyclable materials shall use waste-collecting vehicles with steel-enclosed bodies.
- C. Every person doing business in the District for the purposes of collecting solid waste, green waste or recyclable materials shall mark each vehicle and container with the name, address and telephone number of the person under which such business is conducted.
- D. Every person maintaining or using equipment within the boundaries of the District for the purposes of collecting or depositing solid waste, green waste or recyclable materials shall keep such equipment in good mechanical condition and in a neat and orderly manner.
- E. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall not bring waste from outside the County on the vehicles collecting solid waste, green waste or recyclable materials within the District.
- F. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall, after each collection, insure that the immediate area around such collection is left in a clean, neat and orderly manner without any garbage, trash, rubbish or refuse left on the ground. In the event the District, by or through its agents, determines that such person has not left the area of collection in a neat, orderly and clean manner then the District shall after four hours notice to such person cause said collection area to be cleaned and placed in proper order. The cost of cleaning and placing said collection area in proper order shall be determined by the District and billed to the person failing to comply with this regulation. Non-payment of such bill within ten (10) days after mailing shall be sufficient cause for the District to revoke any and all rights and privileges to do business within the District.
- G. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall provide sufficient containers to insure that

between each collection of said solid waste, green waste or recyclable materials there shall not be deposited in said container waste that will exceed the height of the top of such container.

- H Any container in which garbage or food residue is deposited shall be provided with a lid to cover said container. Such lid shall be kept on said container at all times and shall be replaced on said container by such person collecting such garbage or food residue after each collection.
- I. Failure to comply with the regulations herein shall be sufficient cause for the District to revoke any and all rights and privileges to do business within the District.

5.20.060 Purpose for Franchise Regulations. The purpose of this chapter is to provide the District with the necessary police power to regulate solid waste collection and disposal, and to insure that any and all franchises shall not be infringed upon by any person to protect the public health, welfare and safety.

TITLE 6
ENFORCEMENT

Chapters:

- 6.10 General Penalty**
- 6.20 Code Enforcement**
- 6.30 Payment and Enforcement of Fees**

**CHAPTER 6.10
GENERAL PENALTY**

Sections:

6.10.010	General Penalty—Misdemeanor.
6.10.020	Infractions.
6.10.030	Public Nuisances—Injunctive Relief.

6.10.010 General Penalty—Misdemeanor. Section 6523 of the Health and Safety Code of the State of California provides that the violation of an ordinance, rule, or regulation of the District by any person is a misdemeanor punishable by fine not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment. The District hereby incorporates such code section herein and further declares that each and every connection, occupancy or use in violation of the ordinances, rules or regulations of the District shall be deemed a separate violation and each and every day or part of a day of violation of the ordinance, rule or regulation that continues shall be deemed a separate offense hereunder and shall be punishable as such.

6.10.020 Infractions.

- A. Whenever a violation or failure to comply with any mandatory requirement of this Code is expressly stated by this Code to be an infraction, that person shall be guilty of an infraction.
- B. Notwithstanding Section 6.10.010 herein, the District Counsel or prosecuting attorney is hereby authorized at his or her discretion to prosecute any person violating any provision or failing to comply with any mandatory requirement of this Code as an infraction.
- C. Any person convicted of an infraction shall be punishable by:
 - 1. A fine not exceeding \$100.00 for a first violation;
 - 2. A fine not exceeding \$200.00 for a second violation of the same provision of this Code within one year;
 - 3. A fine not exceeding \$500.00 for a third and subsequent violations of the same provision of this Code within one year.
- D. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.

6.10.030 Public Nuisances—Injunctive Relief. In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Code is declared to be a public nuisance and the District Counsel or authorized legal representative may with approval of the Board commence an action for abatement thereof in the manner provided by law. A civil action may be filed, whether or not criminal proceedings have been commenced for the same conduct. Every day such condition continues shall be regarded as a new and separate offense.

**CHAPTER 6.20
CODE ENFORCEMENT**

Sections:

6.20.010	Maintenance inspections.
6.20.020	Sewage overflow—Authorized action by General Manager.
6.20.030	Disconnection authorized.
6.20.040	Cost Recovery for Violations.
6.20.050	Arrest Authority—City of Garden Grove Officers.
6.20.060	Arrest—Notice to Appear.
6.20.070	Arrest—Time and Place of Appearance.
6.20.080	Arrest—Release from Custody.
6.20.090	Arrest—Failure to Appear.
6.20.100	Arrest—Warrant for Arrest.
6.20.110	Arrest—Citations not required.
6.20.120	Notice of violation.
6.20.130	Continued violation—Activity cessation.
6.20.140	Permit suspension.
6.20.150	Permit—Revocation.
6.20.160	Permit—Revocation proceeding.

6.20.010 Maintenance inspections. The District may inspect as often as it deems necessary, every sewage pumping plant, sewage treatment plant, industrial liquid waste pretreatment plant, residential sewer, grease control device, dilution basin, neutralization basin, backwater trap or valve, or other similar appurtenances to ascertain whether such facilities are maintained and operated in accordance with the provisions of this Code. All persons shall permit the District, City or their representatives, to have access to all such facilities at all reasonable times.

6.20.020 Sewage overflow—Authorized action by General Manager.
Whenever it comes to the attention of the General Manager that sewage is overflowing from any plumbing fixture which is located below the elevation of the rim of the nearest upstream main sewer manhole due to the backing up of sewage in the District sewer, or due to pressure in the District sewer, or due to any cause whatsoever, except a temporary stoppage in any such plumbing fixture, the General Manager may order and require the plumbing fixture to be plugged up, or capped, or may require that a back-water trap or backwater sewer valve be installed to prevent such overflow.

6.20.030 Disconnection authorized. The District may disconnect from the District sewer any commercial or residential connection which is constructed or connected without a permit or which is used contrary to the provisions of this Code. The General Manager shall make every reasonable effort to notify the owner or occupant of the premises affected by any proposed disconnection and may grant a reasonable time for elimination of the violation.

6.20.040 Cost Recovery for Violations. Whenever any permittee or any other person causes obstruction, damage, or destruction of a public sewer, street, or public improvement, or is responsible in whole or in part for any spill or discharge of effluent in a manner that is not permitted under this Code, such permittee or person shall reimburse the District, the City of Garden Grove, and any other affected public agency for all costs, including reasonable administrative and overhead costs incurred for flushing, repairing, reconnection, or cleaning of such sewer, street, or public improvement within thirty days after the District, City, or affected public agency shall render an invoice for the same.

6.20.050 Arrest Authority—City of Garden Grove Officers. The District's code enforcement officers, code enforcement officers and police officers of the City of Garden Grove, shall have the power to arrest persons for violations of the District's regulations whenever the officers or the officers' designated employees have reasonable cause to believe that the person has committed the offense.

6.20.060 Arrest—Notice to Appear. If any person is arrested for a violation of any provision of this code and such person is not immediately taken before a magistrate, as more fully set forth in the California Penal Code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place when such person shall appear in court.

6.20.070 Arrest—Time and place of appearance. The time specified in the notice to appear must be at least five (5) days after the arrest. The place specified in the notice to appear shall be either:

- A. Before a judge of a justice court or a municipal court judge within the county in which the offense charged is alleged to have been committed, and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or
- B. Upon demand of the person arrested, before a judge of a municipal court having jurisdiction over such offense, at the county seat of the county in which such offense is alleged to have been committed; or
- C. Before a judge in the judicial district in which the offense is alleged to have been committed; or
- D. Before an officer authorized by the District to receive a deposit of bail.

6.20.080 Arrest—Release from custody. The officer shall deliver one copy of the notice to appear to the arrested person; and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. The officer shall as soon as practicable file the duplicate notice with the magistrate specified therein.

6.20.090 Arrest—Failure to appear. Any person willfully violating his written promise to appear in court is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars or imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, regardless of the disposition of the charge upon which he was originally arrested.

6.20.100 Arrest—Warrant for arrest. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.1 of the California Penal Code, the magistrate shall issue and have delivered for execution a warrant for the person's arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than the magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to the magistrate having jurisdiction over the offense.

6.20.110 Arrest—Citations not required. Nothing contained in this chapter shall be deemed or construed to require any arresting officer to issue a citation instead of taking the person arrested before a magistrate as otherwise provided by law.

6.20.120 Notice of violation. In addition to the enforcement authority herein, whenever the General Manager finds that any person is acting in violation of any provision of this code or of any permit issued hereunder, he or she may serve upon the person causing or suffering such violation to be committed, including the permittee, if a permit has been issued, a notice of violation. The notice shall state the act or acts constituting the violation and shall direct notice as the General Manager may deem reasonable.

6.20.130 Continued violation—Activity cessation. Whenever the General Manager finds that the continued violation of any provision of this Code or of the conditions of any permit issued hereunder is so aggravated that the prevention of pollution of underground or surface waters requires the immediate cessation of the activities causing the violation, he or she may so direct in a notice of violation. A person who has been so notified shall immediately cease all such activities and shall not resume them until the General Manager determines that all of the violations charged in the notice have been corrected.

6.20.140 Permit suspension.

- A. In addition to the enforcement authority herein, the General Manager may suspend a permit by giving notice thereof to the permittee:
 - 1. When a permittee fails to rectify a violation within the time specified in a notice thereof; or
 - 2. When a violation is so aggravated as to require cessation of activities as provided in the preceding section.

- B. A permit suspended by the General Manager shall be reinstated by the General Manager when all of the violations charged in a notice thereof have been corrected.

6.20.150 Permit—Revocation. In addition to the enforcement authority herein, the Board may, after notice and hearing as hereinafter provided, revoke a permit on any one or more of the following grounds:

- A. Fraud or deceit in obtaining a permit;
- B. Failure of a permittee to correct a violation within the time prescribed in a notice of violation;
- C. Willful violation of any provisions of this Code or a condition or limitation of a permit, or any lawful order of the General Manager.

6.20.160 Permit—Revocation proceeding. Proceedings for the revocation of a permit may be initiated:

- A. By the General Manager by serving upon the permittee a copy of, and filing with the Secretary, a written recommendation of revocation setting forth the grounds therefore and requesting a hearing thereon before the Board;
- B. By the Board on its own motion or upon complaint of a third person, by serving or causing to be served upon the permittee and the General Manager a notice of intention to revoke, setting forth the grounds therefor and designating a time and place for hearing thereon.

**CHAPTER 6.30
PAYMENT AND ENFORCEMENT OF FEES**

Sections:

6.30.010	Bill Payment.
6.30.020	Billing Requests.
6.30.030	Returned Checks.
6.30.040	Aged Overdue Payment.
6.30.050	Service Termination Authority.
6.30.060	Notice—Hearing.
6.30.070	Reconnection—Reimbursement.
6.30.080	Habitation During Disconnection Declared a Public Nuisance.

6.30.010 Bill Payment. The amounts billed to the property owner shall be paid by the due date stated in the bill. For amounts unpaid by the due date, the District shall send bills bearing notification to the property owner concerned that if the bills are not paid within fifteen (15) days, they shall become delinquent and, pursuant to Division 5, Part 3, Chapter 6, Article 4 of the California Health and Safety Code (§§ 5470 et seq.), a basic penalty equal to ten percent (10%) of the charge shall be immediately imposed, and an additional penalty in the amount of one-half percent (½%) of the charge per month shall be imposed for each month that payment is delinquent thereafter. Charges which remain delinquent for a period of sixty (60) days shall become and constitute a lien against the property against which the charge is imposed, which lien shall become effective upon recordation with the County Recorder and when so recorded shall have the force, effect and priority of a judgment lien.

6.30.020 Billing Requests. The District shall, upon request by the owner of a single family residence, send statements for solid waste charges to his or her tenant or occupant thereof. It shall remain the responsibility of the property owner to ensure payment of the charges, as they are a charge against the property itself.

6.30.030 Returned Checks. A returned check charge in the amount specified by the District Board in the District Fee Resolution may be imposed for all checks made payable to the District which are returned from the bank for any reason whatsoever. This fee shall be payable each time a check is returned. Further, all provisions for collection of delinquent accounts as set forth in this chapter shall be applicable to the returned check charge.

6.30.040 Aged Overdue Payment. For any bills unpaid within two weeks after the end of the fiscal year, the District shall notify the property owner concerned that the Board shall review and approve as a charge against the property the delinquent amount, and the amount of the penalty and interest. The delinquent bill shall be filed with the County Auditor and, upon recordation by the County Recorder, shall constitute a lien against the property. The assessment shall be collected at the same time and in the same manner as are county property taxes and shall be subject to the same penalties and to the same procedure for foreclosure and sale as provided for ordinary county taxes.

6.30.050 Service Termination Authority. As a method of enforcing the provisions of this Code or any other resolution, ordinance, rule or regulation pertaining to the collection or disposal of sewage or solid waste or where any charges or fees are due, the Board upon a 3/5 vote may authorize the termination of sewer service to any property.

6.30.060 Notice—Hearing. Prior to termination of service, the Board shall notify in writing the owner, tenant, occupant or person in charge of such property that service is intended to be so terminated and conduct a hearing thereon. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the County or is known to the District and a copy shall be delivered to the tenant, occupant, or person in charge thereof, or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reason therefor and the date the Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein provided.

6.30.070 Reconnection—Reimbursement. Where service has been disconnected as provided herein the Board may require the person or persons making application for re-establishment of service to pay all expenses incurred by the District in causing such disconnection and re-connection before permission is granted re-establishing service to such property.

6.30.080 Habitation During Disconnection Declared a Public Nuisance. During any period of disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event and as a condition of re-connection there shall be paid to the District a reasonable attorney's fee and costs of suit arising in said action.

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