

- Update of the Bulky Item pickup program. (Section 5.10.110)
- Revision of the requirements applicable to unauthorized and unlawfully placed containers. (Section 5.10.200)
- Update of the provisions governing the solid waste franchise, including exclusivity, franchise fees, exceptions (such as self-haulers) and insurance requirements. (Chapter 5.20)

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that:the Sanitary District Board of Directors:

- Adopt the Ordinance updating the Sanitary District's Code of Regulations.



THOMAS F. NIXON
General Counsel

Attachment 1: Ordinance updating the Sanitary District Code of Regulations.

Approved for Agenda Listing



Matthew Ferial
General Manager

ORDINANCE NO.

**AN ORDINANCE OF THE GARDEN GROVE SANITARY DISTRICT
AMENDING CHAPTERS 1.20, 5.10, 5.20, AND 6.30 AND REPEALING CHAPTER 3.30
OF THE GARDEN GROVE SANITARY DISTRICT CODE OF REGULATIONS
PERTAINING TO DEFINITIONS AND RULES OF CONSTRUCTION, SOLID WASTE,
FRANCHISES, PAYMENT AND ENFORCEMENT OF FEES, AND SOLID WASTE
CHARGES, RESPECTIVELY**

District Counsel Summary

This Ordinance amends and updates the Garden Grove Sanitary District Code of Regulation to make certain minor language modifications and to revise or repeal certain provisions related to the collection and disposal of solid waste to be consistent with state law and the updated solid waste franchise agreement between the District and Republic Waste Services of Southern California, LLC, dba Garden Grove Disposal. Specifically, this Ordinance revises and adds numerous definitions; repeals provisions relating to matters now addressed through the franchise agreement, such as service rates, franchise fees, exemptions, and discounts for low income residents; revises requirements for residential and commercial solid waste handling, including specification of the types of materials that may be disposed of by residents in green, black, and brown containers; authorizes and establishes requirements for self-hauling of solid waste; updates the bulky item pickup program; revises requirements applicable to unauthorized and unlawfully placed containers; and updates provisions governing the solid waste franchise, including exclusivity, franchise fees, exceptions, and insurance requirements.

**THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY
DISTRICT HEREBY FINDS AND DETERMINES AS FOLLOWS:**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (AB 939), has declared that it is in the public interest to authorize and require local agencies to make adequate provision for the disposal of all solid waste within their jurisdictions;

WHEREAS, the Board of Directors of the Garden Grove Sanitary District previously provided for the collection and disposal of solid waste, green waste and recyclable material from all premises within the District by granting an exclusive contract and franchise for solid waste handling services to the predecessor in interest to Republic Waste Services of Southern California, LLC, dba Garden Grove Disposal (Garden Grove Disposal); and

WHEREAS, pursuant to California Public Resources Code Section 40059(a), the Board of Directors has determined that the public health, safety and welfare require that such exclusive contract and franchise for solid waste handling services should continue in accordance with the

terms of that certain updated agreement with Garden Grove Disposal approved by the Board of Directors on May 25, 2010, and that will become effective July 1, 2010 (Agreement);

WHEREAS, the Board of Directors finds the uniform collection and disposal of solid waste in a manner consistent with the terms of the Agreement to be in furtherance of AB 939 and the public health, safety, and welfare;

WHEREAS, the Board of Directors previously adopted the “Garden Grove Sanitary District Code of Regulations” and subsequent amendments thereto on file in the Office of the Secretary of the District Board;

WHEREAS, the Board of Directors finds it necessary to amend and update certain provisions of the Garden Grove Sanitary District Code of Regulations related to the collection and disposal of solid waste and recyclable materials in order to maintain uniformity between local regulations, AB 939 and other State laws governing solid waste disposal and recycling, and the Agreement;

WHEREAS, the District desires to enable residential and commercial property owners and tenants to “self-haul” waste generated on their own premises in lieu of contracting for solid waste handling services with Garden Grove Disposal or any future franchisee;

WHEREAS, in order to protect the public health, safety, and welfare, it is necessary for the District to oversee and regulate the frequency and quality of self hauling activities within the District’s jurisdiction; and

WHEREAS, the Board of Directors finds that continuation of the exclusive franchise for solid waste handling services in accordance with the terms of the Agreement and the approval of this Ordinance are exempt from the California Environmental Quality Act in accordance Title 14 California Code of Regulations Section 15061(b)(3) because it can be seen with certainty that there is no possibility that either is a project that will have a significant effect on the environment.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.30 of Title 3 of the Garden Grove Sanitary District Code of Regulations is hereby repealed in its entirety.

SECTION 2. Chapter 1.20 of Title 2, Chapters 5.10 and 5.20 of Title 5, and Chapter 6.30 of Title 6 of the Garden Grove Sanitary District Code of Regulations are hereby amended and restated in their entirety as set forth in the attached Exhibit A.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word,

or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid.

SECTION 4. EFFECTIVE DATE. The District Secretary shall prepare a summary of this Ordinance and publish and post the summary and Ordinance in accordance with the Health and Safety Code Sections 6490 and 6491.3. This Ordinance shall take effect upon the expiration of one week after publication.

EXHIBIT A

**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.
1.20.050	Reference Applies to Amendments.
1.20.060	Service of Notices.
1.20.070	Proof of Notice.
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>
AB 939	That State legislation commonly known as the California Integrated Waste Management Act (Stats 1989, Chapter 1095, as amended) as codified in Public Resources Code Section 40000, et seq., as it may be amended from time to time.
Bin	A metal container, commonly referred to as a dumpster, including a compactor and any such similar device, with a capacity of under ten cubic yards.
Board	The Board of Directors of the Garden Grove Sanitary District.

<u>TERM</u>	<u>DEFINITION</u>
Bulky Items	Solid waste that cannot and/or would not typically be accommodated within a cart including specifically: furniture (including chairs, sofas, mattresses, and rugs); appliances (including refrigerators with and without Freon, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as "white goods"); residential waste (including wood waste, tree branches, scrap wood, in the aggregate not exceeding one cubic yard per collection); and clothing. Notwithstanding any provision hereof to the contrary, bulky items shall specifically include items commonly known in the waste industry as "brown goods," "e-waste" and "universal waste" (including, without limitation all types of electronic waste, stereos, televisions, computers and monitors, cellular phones, VCRs, microwaves and other similar type of equipment and products). Bulky items do not include car bodies, construction and demolition debris or (with the exception of appliances/white goods described above) items that cannot reasonably be moved with equipment of the type which, pursuant to industry standards, would normally be carried in a truck collecting bulky items.
Cart	A plastic container provided by a franchisee for collection, with a hinged lid and wheels serviced by an automated or semi-automated process, as opposed to a manual process of lifting and dumping.
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.
Collect or Collection or Collecting	To take physical possession of, transport, and remove solid waste from a premises.
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 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.

<u>TERM</u>	<u>DEFINITION</u>
Commercial Premises	Premises upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations and MFRFs, but excluding residential premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary herein, premises upon which MFRFs, hotels and motels are operated, shall be deemed to be commercial premises.
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. Notwithstanding the foregoing, it shall include sewage mixed with commercial or 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.
Construction and Demolition Waste	Solid waste generated, produced or discarded in connection with construction, demolition, landscaping, or general clean-up activities of premises, including, without limitation, concrete, plaster, drywall, wood scraps, metals, dirt, rock and rubble.
Container	Any type of solid waste receptacle, including a cart, bin, and rolloff box.
County	County of Orange.
District	Garden Grove Sanitary District.
Dwelling Unit	A residential structure containing one or more habitable rooms, having one and only one kitchen, and arranged for or occupied by one or more persons living as a household unit with common access to all living, eating and food preparation areas.
Engage in	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
Ex-officio	By virtue of office.
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	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.

<u>TERM</u>	<u>DEFINITION</u>
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	Organic waste generated from any landscape, including but not limited to, grass clippings, leaves, prunings, tree trimmings, weeds, branches and brush in sizes that can be placed in containers designated for green waste.
Hazardous Waste	All substances defined as “hazardous waste,” “acutely hazardous waste,” or “extremely hazardous waste” by the State of California in Health and Safety Code, Division 20, Chapter 6.5, including but not limited to Sections 25110.02, 25115, and 25117, or in the future amendments to or recodifications of such statutes or identified and listed as Hazardous Waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.) (RCRA), all future amendments thereto, and all rules and regulations promulgated thereunder.
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.
Medical Waste	All wastes defined as “medical waste,” “sharps waste,” or “home-generated sharps waste” by the State of California in the Medical Waste Management Act, as codified in Part 14 of Division 104 of the Health and Safety Code (commencing with Section 117600), including but not limited to Sections 117671, 117690-117700, and 117755, or in the future amendments to or recodifications of such statutes.
Multi-Family Dwelling	A building or lot containing more than one dwelling unit at which the District and/or a franchisee determines that each dwelling unit can receive solid waste handling services through the use of carts.
Multi-Family Residential Facility or MFRF	Any building or lot containing more than one dwelling unit at which the District and/or a franchisee determines the dwelling units must receive solid waste handling service through the use of shared bins, as they are not reasonably able to store carts or otherwise receive individualized solid waste handling service through the use of the automated collection system utilizing carts.

<u>TERM</u>	<u>DEFINITION</u>
Nuisance	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	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
Parcel	A parcel as designated by the County Assessor.
Person	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.
Premises	Any land, building and/or structure within the District where solid waste is generated or accumulated.
Public sewer	The main sewer or trunk sewer, constructed in a street, highway, alley, place or right-of-way dedicated to public use.
Recyclable Materials	That solid waste capable of being recycled, including but not limited to glass, newsprint, paper, aluminum, cardboard, certain plastics or metal.
Recycle Or Recycling	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.
Refuse	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 or medical waste as defined herein.
Remodeling	Any physical change to a building that requires a building permit.

<u>TERM</u>	<u>DEFINITION</u>
Residential Premises	Premises within the District upon which single family and multi-family dwelling units exist; except, notwithstanding any provision to the contrary herein, for purposes of Title 5, premises upon which MFRFs, hotels, and motels are operated shall be deemed commercial premises.
Residential Waste	Solid waste, including recyclable materials, originating from residential premises.
Rolloff Box	A container of ten cubic yards or larger, including compactors.
Self-Hauler	Any person not engaged commercially in waste haulage who, pursuant to Title 5, provides for the collection, transportation and disposal of solid waste generated at his/her/its own premises.
Sewage	The water borne wastes from dwellings, kitchens, restaurants, institutions, stables, dairies, commercial or industrial buildings and other similar structures, but excluding any stormwater, rainwater, surface water, ground water, roof or yard drainage.
Single Family Dwelling	A building or lot containing one dwelling unit and/or each dwelling unit within a multi-family dwelling.
Solid Waste	All discarded putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, construction and demolition waste, industrial waste, commercial solid waste, bulky items (other than those bulky items defined as special wastes), and any other discarded solid, semisolid, and liquid waste permitted to be disposed of at a Class III landfill and which are included within the definition of "Nonhazardous Solid Waste" set forth in the California Code of Regulations, as they may be amended from time to time. Solid Waste does not include hazardous (Class I) waste, low-level radioactive waste, untreated medical waste, or Special Wastes as defined herein.
Solid Waste Handling Services	The collection, transfer, transport, recycling, processing, and/or disposal of solid waste.
Special Wastes	Wastes other than solid waste, including sewage sludge (biosolids), industrial sludge, asbestos, auto bodies, tires, used motor oil, hazardous waste, animal body parts, explosive substances, radioactive materials, and other materials which may not be disposed of at a Class III landfill or which require special handling. It shall also mean and include universal waste (or U-Waste), which are those wastes listed in Section 66261.9 of Division 4.5, Title 22, California Code of Regulations.
State	The State of California.

TERM

DEFINITION

Street

Any street, highway, avenue, lane, alley, court, place, square, sidewalk, parkway, curb, or other public way in the District that has been or may hereafter be dedicated and open to public use and accepted by the city in which it is located, or such other public property designated as a street pursuant to any law of this State. For purposes of Title 5, the term street shall also include any privately owned and/or maintained right of way.

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.

**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	Solid Waste Containers.
5.10.040	Self-Haulers.
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 Franchisee Property.
5.10.100	Recycling by Private Individuals or Organizations.
5.10.110	Special Pickup—Bulky Items.
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	Public Nuisance.
5.10.170	Hazardous Waste Disposal Prohibited.
5.10.180	Procedures for Disposing of 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 one or more franchises to a public or private entity or entities for such collection and disposal or by such other methods as the Board may authorize.

- B. Except as otherwise provided herein, 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 registered in accordance with this chapter shall have the right, in a lawful manner, to dispose of solid waste generated from their own activities.

- C. The General Manager shall have the charge and supervision of such collection and disposal and shall approve the routes and days thereof. When such routes and/or days of collection are established or changed, the franchisee, or, if none, the General Manager, shall give appropriate notice thereof to the public.

5.10.020 Collection Service Required.

- A. Arrangements for Removal of Solid Waste Mandatory. Except as otherwise provided in this title, every owner, tenant, occupant or person in charge or control of every commercial or residential premises where solid waste is generated or accumulates shall either (1) subscribe to solid waste handling services with a franchisee or the District, as applicable; or (2) obtain and maintain registration as a self-hauler pursuant to this Chapter in connection with said premises.
- B. Exception; Vacant Premises. The above requirement to provide for solid waste handling services shall not apply in connection with any residential premises at which all dwelling units are vacant, or commercial premises that are completely vacant; provided, however, that this exception shall only apply during the time period such premises are vacant and following receipt of written notice by the District and/or franchisee, as applicable, that such premises have been vacated. Any person seeking to avail himself or herself of the exception provided herein shall bear the burden of providing reasonable evidence to District and/or franchisee, pursuant to such regulations or guidelines as the General Manager is hereby authorized to develop or approve, demonstrating the premises are vacant. Premises shall not be deemed vacant for purposes of this exception during such period of time that such premises are unoccupied due only to a temporary absence of the owner(s) or occupant(s), such as a period during which the owner(s) or occupant(s) are merely away on vacation.

5.10.030 Solid Waste Containers.

- A. Every owner, occupant or person in possession, charge or control of any premises within the District shall deposit or cause to be deposited all solid waste generated or accumulated on such premises, and intended for collection and disposal, in sealed, watertight bins, carts, rolloff boxes or other containers that are either (1) provided by, or acceptable to, a franchisee; or (2) approved by the General Manager for self-hauling purposes pursuant to this chapter. No owner, occupant or person in possession, charge or control of any premises shall utilize a bin, cart, rolloff box or other container not in conformance with the requirements hereof for the collection, accumulation or storage of solid waste.
- B. For all residential premises, up to three carts, colored brown for green waste, black for non-recyclable materials and green for recyclable materials, will be furnished by the District or a franchisee without charge. Additional carts may be requested, but may be subject to an additional charge.

It is intended that solid waste generated at residential premises will be separated according to its character and placed in the applicable colored cart. In order to assist owners and occupants of residential premises to appropriately separate solid waste generated at such premises, the following is a list of examples of the types of acceptable and unacceptable material to be placed in each color cart. This list is not intended to be exhaustive and shall be subject to change by the District or its franchisee at any time and to changes in applicable law.

GREEN CONTAINER— Acceptable	BLACK CONTAINER— Acceptable	BROWN CONTAINER— Acceptable
AEROSOL CANS <i>(completely empty)</i> ALUMINUM & TIN CANS ALUMINUM FOIL BEVERAGE CANS BOTTLE CAPS BROCHURES CARDBOARD CEREAL BOXES COMPUTER PAPER DRINK BOXES EGG CARTONS FOAM CUPS AND PLATES <i>(unsoiled)</i> FOOD CANS FROZEN FOOD BOXES GLASS BOTTLES AND JARS JUICE CARTONS JUNK MAIL & COUPONS LAUNDRY BOTTLES LEDGER PAPER MAGAZINES METAL COAT HANGERS MILK-TYPE CARTONS NEWSPAPERS PAINT CANS <i>(empty only, dry cans, lids off)</i> PAPER/PAPER TUBES PIZZA BOXES PLASTIC (#1-6) PLASTIC BOTTLES / CONTAINERS PLASTIC CUPS/UTENSILS PLASTIC MILK JUGS PHONE BOOKS	ANIMAL/FOOD WASTE BATHROOM WASTES CARPET/FLOORING CAR PARTS CAT LITTER CIGARETTE BUTS DIRT/CEMENT/ROCK <i>(do not fill more than ¼ of container)</i> DISPOSABLE DIAPERS DRINKING GLASSES FOOD WASTE FREEZER / REFRIGERATOR FOOD BOXES FURNITURE GLASS AND CERAMIC PLATES/CUPS LIGHT BULBS <i>(no hazardous florescent bulbs)</i> MIRRORS PALM FRONDS OLD CLOTHES/SHOES PLASTIC TOYS RAGS/SPONGES SOILED PAPER PLATES TOOTHPASTE TUBES / PUMPS WAXED PAPER WINDOW GLASS	GRASS/LEAVES PRUNINGS <i>(except palm fronds)</i> TWIGS/SMALL BRANCHES <i>(4 inches or less in diameter; 3 feet or less in length)</i> VEGETATION WOOD WEEDS

GREEN CONTAINER— Acceptable	BLACK CONTAINER— Acceptable	BROWN CONTAINER— Acceptable
USED ENVELOPES WRAPPING PAPER		

GREEN CONTAINER— Not Acceptable	BLACK CONTAINER— Not Acceptable	BROWN CONTAINER— Not Acceptable
AEROSOL CANS (<i>non-empty</i>) WAXED/CARBON PAPER FOOD/LIQUID WASTE TRASH & GREEN WASTE HAZARDOUS WASTE	BULKY ITEMS CONSTRUCTION DEBRIS LARGE APPLIANCES RECYCLABLE MATERIALS GREEN WASTE HAZARDOUS WASTE	ANIMAL/FOOD WASTE CONSTRUCTION DEBRIS DIRT/ROCKS PALM FRONDS PLASTIC BAGS RUGS/FLOORING/METAL RECYCLABLES & TRASH HAZARDOUS WASTE

- C. Container lids shall remain closed at all times that the container is unattended. If the solid waste contained within a bin, cart, rolloff box or other container exceeds the actual capacity of the container, then a larger container or multiple containers must be utilized. The owner, tenant, occupant and/or person or entity in control of a premises shall be responsible for the clean-up of any solid waste spilled, dumped or scattered as a result of a container overflow.
- D. It is unlawful for any person to share, place solid waste in, or to otherwise use the bin, cart, rolloff box or other container of another person or business. Notwithstanding anything contained herein to the contrary, the sharing of containers shall be permitted under the following conditions:
1. The owner, property manager or person in charge or control of a premises upon which a multi-family dwelling or multi-family residential facility exists may arrange for bins, carts, rolloff boxes or other containers for shared use by the occupants, tenants or persons in possession of the dwelling units on such premises.
 2. The occupants of a single commercial building or contiguous and adjacent commercial building may share a bin, cart, rolloff box or other container for solid waste handling services at a common location, subject to approval of the General Manager, which may be delegated to a franchisee. Approval by the General Manager shall be based upon (a) the type of solid waste generated by each commercial premises; and (b) the number of containers and frequency of solid waste collection needed to protect the public health, welfare and safety.
- E. It is unlawful to use any bin, cart, rolloff box or other container furnished by the District or a franchisee for any purpose other than the collection, accumulation and storage of

solid waste; or to convert or alter such containers for other uses; or to intentionally damage such containers.

5.10.040 Self-Haulers.

- A. Self-haulers registered and operating in accordance with this chapter are only permitted to collect, transport and dispose of solid waste generated by and upon the self hauler's own premises. Under no circumstances may a self-hauler collect, transport or dispose of solid waste generated upon premises that are not owned, operated or controlled by the self-hauler. Notwithstanding any other provision of this chapter, registered self-haulers shall not be permitted to share, place solid waste in, or to otherwise use the bin, cart, rolloff box, or other container of another person or business.
- B. Registration. All self-haulers shall comply with the following registration requirements:
1. Each self-hauler shall obtain a registration application form from the General Manager. Self-haulers must renew their registrations at the commencement of each fiscal year. Initial applications following the adoption of these regulations must be submitted to the General Manager on or before September 30, 2010.
 2. The application to register for self-hauling, whether upon initial application or renewal, shall include the following: (a) a list of all bins, carts, rolloff boxes and other containers to be used by the self hauler; (b) a list of all transport and disposal equipment to be used by the self hauler; (c) a written explanation of where all solid waste will be delivered for disposal and diversion; (d) a written plan explaining to the reasonable satisfaction of the General Manager how not less than fifty percent of solid waste collected will be diverted from disposal in compliance with AB 939; and (e) any other information deemed necessary by the General Manager to ensure protection of public health, safety and sanitary needs.
 3. Renewal applications shall additionally include: (a) receipts from self-hauling activities undertaken in the prior year demonstrating that the applicant has effectively diverted at least fifty percent of all solid waste generated at its premises from landfills in a manner that complies with the requirements of AB 939; and (b) receipts from self-hauling activities undertaken in the prior year demonstrating that the applicant has delivered solid waste generated at its premises to appropriate disposal or recycling facilities at least as frequently as collection is required for such self-hauler by the General Manager.
 4. The General Manager shall approve the application if it meets the requirements of this section, and if the equipment, containers, diversion plan and disposal plan meet with his or her reasonable satisfaction, and if evidence of past diversion and disposal requirements demonstrate the applicant has complied with the fifty-percent diversion requirement and otherwise complied with all laws related to disposal of solid waste.

- C. Containers. Each self-hauler shall provide its own bins, carts, rolloff boxes or other containers. Bins, carts, rolloff boxes or other containers utilized by a self hauler must conform to industry standards for solid waste disposal and must be approved by the General Manager in writing prior to issuance of a self-hauler registration. In addition, any containers utilized by a self hauler shall comply with the following requirements:
1. All containers shall be maintained in good repair, and any question as to the meaning of this standard shall be resolved by the General Manager;
 2. All containers shall be maintained in a sealed, watertight condition;
 3. Self-haulers shall remove any graffiti that appears on containers within twenty-four hours after becoming aware of it.
- D. Collection and Transport Equipment. Collection and transport equipment, including but not limited to transport trucks and vehicles, utilized by a self-hauler must be approved by the General Manager in writing prior to issuance of a self-hauler registration.
- E. Non-Commercial Venture. It is the intent of this chapter to prevent and proscribe self-hauling activities undertaken as a commercial enterprise. Self-haulers must obtain all equipment, including containers and collection and transportation equipment, at a fair market value that does not include any hauling services, "free" or otherwise. A self-hauler may utilize its own employees to undertake self-hauling activities, but under no circumstance may a self-hauler utilize an independent contractor or any other person or entity for waste disposal services other than a franchisee.
- F. Other Recycling Obligations. Self-haulers shall recycle all recyclable materials not otherwise addressed by this section to a degree and in a manner consistent with standards generally applicable to the solid waste disposal industry and as required by state law.
- G. Collection Frequency. Unless otherwise specifically provided in this chapter, self-haulers shall remove solid wastes from their premises at least once per week. However, upon application to the District for registration as a self-hauler, the General Manager may determine a different frequency for solid waste collection, transport and disposal from the self-hauler's premises. This determination shall be based upon the nature of the premises, the type of solid waste generated by the premises, and the collection capacity of the self-hauler as demonstrated by information in the application.
- H. Hazardous and Special Wastes. Unless lawfully and currently licensed under applicable state, federal and local laws, no self-hauler shall engage in the collection, transport or disposal of hazardous waste or special wastes.
- I. Revocation. The General Manager may revoke prior approval of a self-hauler registration if the registrant either (1) fails to divert at least fifty percent of all solid waste generated at its premises from landfills in a manner that complies with the requirements of AB 939; or (2) fails to deliver solid waste generated at its premises to appropriate disposal or

recycling facilities at least as frequently as collection is required for such self-hauler by the General Manager.

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. Untreated medical waste shall be stored, transported and disposed of in accordance with the provisions of the Medical Waste Management Act, California Health and Safety Code Section 117600 *et seq.*, as it may be amended, the regulations adopted and promulgated pursuant to such statutes, and any applicable ordinances, regulations, or requirements of the Orange County Health Care Agency, 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 approved containers designated for green waste.
- F. Boxes and crates shall be dismantled or flattened. Boxes and crates constructed of recyclable materials shall be placed in approved containers 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 franchisee or 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 approved containers are available to properly store all solid waste, including recyclable materials and green waste, generated at said premises.
- J. Any solid waste that does not reasonably fit within a container (such as furniture or other large bulky items) must be covered and protected, as by a tarp, netting or other secured material, in order to prevent the scattering of debris by natural forces such as wind or

animals. Bulky items shall be removed from the premises at which they are generated pursuant to Section 5.10.110 or otherwise in accordance with the provisions of this title.

- K. No person shall burn any solid waste within the District, except in an approved incinerator or other device for which a permit has been issued by the building official, fire marshal, and/or other public agency official having jurisdiction, and which complies with all applicable local, state, and/or federal permit requirements, laws, rules and regulations.
- L. Any person who generates solid waste in connection with the construction of a new building, a building addition, remodel, or the demolition of any structure for which a building permit is required, shall either make arrangements for solid waste handling service with the use of containers from a franchisee, be registered to self-haul such solid waste in the manner required by this Chapter, or make arrangements in accordance with Section 5.20.030(C).

5.10.060 Frequency of Solid Waste Removal. With the exception of vacant premises meeting the provisions of Section 5.10.020.B, above, each owner, tenant, occupant or person in charge of commercial or residential premises where solid waste, green waste or recyclable material 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. The General Manager may provide written notice to the owner, occupant, or person in charge of any residential or commercial premises that the above minimum removal requirements are not sufficient to satisfy public health and safety needs or avoid the creation of a public nuisance due to unique circumstances at such premises and may direct that solid waste be removed by the owner, occupant, or person in charge of any premises so notified on a more frequent schedule and/or that additional or larger containers be utilized.

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.

5.10.080 Tampering with Solid Waste Prohibited. No person other than the owner thereof, his or her agents or employees, an officer, employee, or authorized agent of the District, or the agents or employees of a franchisee, 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 Franchisee or District Property. Once recyclable materials are placed in a designated container for such purpose at a designated recycling collection location for collection by a franchisee or the District, the recyclable materials shall become the property of the franchisee or the District, as applicable.

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 title or of other applicable law.

5.10.110 Special Pickup—Bulky Items.

- A. Household Bulky Item Collection Program. The Household Bulky Item Collection Program entitles residents of each single family dwelling within the District who subscribe to solid waste handling services with a franchisee to collection of bulky items generated by such residents. Residents of each residential premises may schedule with the franchisee three free bulky item collections within a calendar year. The program shall be limited to ten (10) items maximum per scheduled collection. Requested bulky item collections in excess of three (3) per year may be subject to a charge. Reservations must be made in advance. Items must be placed at the curb or other location acceptable to the franchisee on the day scheduled for pickup. 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. Items not accepted include automobile parts, tree stumps, earth, turf, sod, sand, clay, gravel, concrete, refuse from building or construction, and hazardous or toxic waste. Certain types of bulky items requiring special handling may be subject to an additional charge. 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. Commercial Bulky Item Collection. The owners, occupants, or persons in charge of commercial premises within the District, including MFRFs, who subscribe to solid waste handling services with a franchisee shall also be entitled to arrange for collection of bulky items generated at such premises by a franchisee. Such commercial bulky item collections shall be subject to reasonable charges and limits established by the franchisee.

5.10.120 Placement of Containers for Collection.

- A. Generally. Except as otherwise agreed upon with the franchisee and/or determined by the General Manager, where rolloff boxes are used, or where collection locations in commercial or MFRF 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 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 the 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, or 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 public property not 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 Public Nuisance.

- A. The accumulation and existence of garbage, solid waste, refuse or green waste on any premises, public or private, within the confines of the District, and/or the keeping of solid waste in containers other than those prescribed by this chapter, 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.
- B. It is unlawful, and a public nuisance, for any person to occupy or inhabit any property within the District for which arrangements have not been made and kept in full force and effect for solid waste handling services in a manner consistent with the provisions hereof.

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 III landfill. As a way of example, prohibited material includes, but is not limited to the following:

CHLORINE	POISON	LACQUER
ACETONE	ADHESIVES	AUTO/FURNITURE
AEROSOL CANS (<i>non-empty</i>)	GASOLINE	POLISH
AMMUNITION	SHELLAC	TREATED WOOD
EXPLOSIVES	LYE	SOLVENT
ANTI-FREEZE	OIL	PESTICIDES
GASOHOL	AMMONIA	WEED KILLER
PAINT	HOUSEHOLD CLEANERS	POOL CHEMICALS
PAINT THINNER	CHEMICAL DRAIN	DRUGS
VARNISH	CLEANERS	ACID
BATTERIES	FERTILIZER	BIOLOGICAL WASTE
FLORESCENT LIGHT BULBS	ASBESTOS	RADIOACTIVE WASTE
AND BALLAST	TIRES	ELECTRONIC WASTE
COMPRESSED GAS	DRUMS	UNIVERSAL WASTE
CYLINDERS		

5.10.180 Procedures for Disposing of Hazardous Waste.

- A. Each owner, tenant, occupant, or person in charge of any premises in the District shall, at least once every ninety (90) days unless more frequent disposal is required, dispose of all hazardous waste which has accumulated at such premises. 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 Division 20 of the California Health and Safety Code and/or other applicable law.
- 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 of any premises upon which such materials have accumulated 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 of any premises upon which such materials have accumulated 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 Orange County 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 all commercial and residential premises shall keep each container maintained thereon for the deposit of solid waste in a clean and sanitary condition. When the General Manager determines that the owner, tenant, occupant or person in charge of any premises is not maintaining the containers thereon 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. Except as otherwise provided in an agreement between the District and a franchisee, the expense for exchanging and sanitizing the container shall be borne by the owner, tenant, occupant or person in charge.

5.10.200 Unlawful Containers - Notice of Violation.

- A. Unauthorized Containers. No person other than the District or its authorized representative, a franchisee or its authorized representative, an authorized self-hauler, or person otherwise authorized to collect or transport solid waste pursuant to the provisions of this title 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 title.
 - 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 notice shall indicate the time that it was posted and shall include the name and telephone number of a person designated by the District to hear any appeal or challenge to the requirement that the container be removed, and, further shall indicate that any appeal or challenge of the order for removal must occur within twenty-four (24) hours of the posting of the notice. The posting of a notice to remove shall constitute constructive notice to the owner and user(s) of the container of the requirement to remove the container.

3. If the container is not removed or an appeal received within twenty-four (24) hours after the notice to remove is posted, the General Manager may direct the removal and storage of the container. 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 and request a hearing to appeal 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. The General Manager shall establish a procedure for such a hearing and the method for requesting such a hearing shall be included on the notice to remove. Where the owner asserts that the placement or use of the container was for a legitimate recycling activity or other activity not proscribed by this Code, 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 disposed of, processed or recycled, and proof of that arrangement;
 - (iii) Evidence that the facility or facilities where the contents are destined to be disposed of, processed or recycled carries all requisite approvals, permits, or other forms of authorization required by any governmental agency having jurisdiction, to conduct disposal, processing or recycling activities;
 - (iv) If the materials consist of recyclable materials, 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 title, 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:

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|-----------------|--|
| 5.20.010 | Granting of Franchises; 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 Granting of Franchises; Exclusive Contract. The Board may by resolution or ordinance grant one or more franchises for solid waste handling services related to solid waste generated within the District and pursuant thereto, may, with or without inviting bids or proposals, enter into one or more franchise agreements or other contracts with one or more franchisees. The City may also be a party to any such agreements. Where such an agreement has been entered into between the District and a franchisee, the District may, without inviting bids or proposals, either prior to or after the expiration of such agreement, extend or renew the agreement for such period and on such terms and conditions as the Board may provide.

Effective May 17, 1989, the District provided for the collection and disposal of solid waste, green waste and recyclable material from all premises within the District by granting an exclusive contract and franchise for such collection and removal to Taormina Industries, Inc., dba Garden Grove Disposal, which exclusive franchise shall continue in effect in accordance with the terms of that certain agreement for solid waste handling services, effective July 1, 2010, between the District and Taormina Industries, Inc.'s successor in interest, Republic Waste Services of Southern California, LLC, dba Garden Grove Disposal. Except as otherwise provided herein or in said agreement, while any such agreement shall be in force, said franchisee 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 an authorized franchisee 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 title 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 fee in the amount specified by the District Board. This Section 5.20.020 is not intended to, and shall not, preclude the imposition and collection by the District from a franchisee of consideration or cost reimbursements pursuant to the terms of a franchise agreement, whether denominated as franchise fees or otherwise, in addition to or in lieu of the franchise fee provided for in this Section 5.20.020.

5.20.030 Collecting Solid Waste Without Franchise Prohibited—Penalty.

It shall be unlawful for any person other than a franchisee (or its agents and employees) to collect any solid waste, green waste or recyclable material from any premises whatsoever, or otherwise provide solid waste handling services within the District, while there is in existence an exclusive franchise by the District to a person or persons 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. This prohibition shall not, however, apply to the following:

- A. Self-haulers registered in accordance with chapter 5.10.
- B. The owner, tenant or occupant of residential or commercial premises who has subscribed for and is receiving solid waste handling services with a franchisee, when such owner, tenant or occupant is hauling materials generated at his or her own premises to a lawful disposal or recycling facility. This exemption does not permit the hiring of any person or entity, other than a franchisee, to haul solid waste from one's own premises.
- C. The collection, transportation and disposal of construction and demolition debris by a contractor, handyman, repairman or other similar service provider as an incidental part of the services provided to its customers rather than as a hauling service, provided that such solid waste is not collected or transported by a third party hired for the primary purpose of collecting and transporting said materials, and further provided that such services comply with any ordinances, policies and regulations of the District or the City relating to the collection of such materials.
- D. The collection, transportation and disposal of yard waste, green waste and related solid waste by a gardener or landscaper as an incidental part of the gardening or landscaping services provided to its customers, rather than as a hauling service, provided that such solid waste is not collected or transported by a third party hired for the primary purpose of collecting and transporting said materials.
- E. Any person or entity collecting recyclable material sold or donated to it by the generator of the recyclable material; provided, however, to the extent permitted by law, if the generator is required to pay monetary or non-monetary consideration for the collection, transportation, transfer or processing of recyclable material, and the generator receives a reduction or discount in price therefor (or in other terms of the consideration the generator is required to pay), such transaction shall not be considered a sale or donation.

- F. Any District or City employee collecting or transporting solid waste to a disposal or recycling facility in the course and scope of their employment.
- G. The collection, transportation or disposal of any hazardous waste, universal waste; e-waste; biohazardous waste; untreated medical waste; infectious waste; dead animals or portions of dead animals; used cooking fats, oils, grease and similar waste; or other materials which do not constitute solid waste by the generator thereof.
- H. Any person otherwise authorized by law to collect, transport, and/or dispose of solid waste, green waste, or recyclable material within the District.

5.20.040 Franchise Non-Transferable. No franchise issued pursuant to this chapter shall be transferable, except as otherwise provided in a franchise agreement between the District and Franchisee and pursuant to the terms thereof.

5.20.050 Franchise Regulations. Except as otherwise provided in a franchise agreement approved by the District Board, 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 \$10,000,000.00 per occurrence with a \$10,000,000.00 policy aggregate limit of public liability coverage (either commercial general liability or comprehensive general liability) and \$10,000,000.00 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.

CHAPTER 6.30
PAYMENT AND ENFORCEMENT OF FEES

Sections:

6.30.010	Bill Payment.
6.30.020	Reserved.
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 by the District 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 ($\frac{1}{2}\%$) 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 Reserved.

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 sewage 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.