



## AGENDA

Garden Grove Sanitary District  
Board of Directors

Tuesday, December 14, 2021

6:30 PM

SPECIAL MEETING - Community  
Meeting Center, 11300 Stanford Avenue,  
Garden Grove, California 92840

**Patrick Phat Bui**  
President

**John R. O'Neill**  
Vice President

**George S. Brietigam**  
Member

**Steve Jones**  
Member

**Stephanie Klopfenstein**  
Member

**Kim B. Nguyen**  
Member

**Diedre Thu-Ha Nguyen**  
Member

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**COVID-19 Information:** Masks are required to be worn and adherence to six foot distancing from others when attending public meetings.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: (714) 741-5040.

**Agenda Item Descriptions:** Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

**Documents/Writings:** Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

**Public Comments:** Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

**Manner of Addressing the City Council:** After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the

Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council any further during that meeting.

**Time Limitation:** When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

**PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.**

## AGENDA

### Open Session

6:30 PM

ROLL CALL: MEMBER BRIETIGAM, MEMBER JONES, MEMBER KLOPFENSTEIN, MEMBER K. NGUYEN, MEMBER D. NGUYEN, VICE PRESIDENT O'NEILL, PRESIDENT BUI

1. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

2. REORGANIZATION

2.a. Selection of President. *(Action Item)*

2.b. Selection of Vice President. *(Action Item)*

3. CONSENT ITEMS

*(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Sanitary District Member.)*

3.a. Receive and file minutes from the meeting held on October 26, 2021. *(Action Item)*

3.b. Approval to waive full reading of Ordinance listed. *(Action Item)*

4. ITEMS FOR CONSIDERATION

4.a. Adoption of Ordinance No. 11 Amending the District's Solid Waste Regulations to comply with SB 1383 Organics Recycling Mandates

Entitled:

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT AMENDING CHAPTERS 1.20, 5.10, 6.10, AND ADDING CHAPTER 6.15 OF THE GARDEN GROVE SANITARY DISTRICT CODE OF REGULATIONS PERTAINING TO SOLID WASTE REGULATIONS AND ADMINISTRATIVE CITATIONS TO COMPLY WITH SB 1383 ORGANICS RECYCLING REGULATIONS. *(Action Item)*

5. MATTERS FROM THE PRESIDENT, BOARD MEMBERS AND GENERAL MANAGER

6. ADJOURNMENT

The next Regular Sanitary District Meeting is Tuesday, January 25, 2022, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California 92840.

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles                      From: Teresa Pomeroy  
Dept.: General Manager              Dept.: Secretary  
Subject: Receive and file minutes      Date: 12/14/2021  
            from the meeting held on  
            October 26, 2021. (*Action  
            Item*)

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Attached are the minutes from the meeting held on October 26, 2021, recommended to be received and filed as submitted or amended.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Minutes	11/23/2021	Minutes	October_26__2021.docx

MINUTES

GARDEN GROVE SANITARY DISTRICT BOARD OF DIRECTORS

Regular Meeting

Tuesday, October 26, 2021

Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:42 p.m., President Bui convened the meeting.

ROLL CALL      PRESENT:      (7)      Members Brietigam, D. Nguyen, Jones,  
Klopfenstein, K. Nguyen, Vice President  
O'Neill, President Bui

ABSENT:      (0)      None

RECESS

President Bui recessed the meeting at 7:00 p.m.

RECONVENE MEETING

President Bui reconvened the meeting at 7:04 p.m. with all Members present.

ORAL COMMUNICATIONS

Speakers: Tom Raber, Nicholas Dibs, Maureen Blackmun, Tanya Pham, Paul Hoang

Written Communications: Bonnie Crawford, Marge England, Joan Mildenstein,  
Jeanette Leseman

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON SEPTEMBER 28, 2021  
(F: Vault)

It was moved by Member Brietigam, seconded by Member O'Neill that:

The minutes from the meeting held on September 28, 2021, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, Jones, Klopfenstein, K. Nguyen, D.  
Nguyen, O'Neill, Bui  
Noes: (0) None

ADJOURNMENT

At 7:05 p.m., President Bui adjourned the meeting. The next Regular Sanitary District Meeting will be on Tuesday, November 23, 2021, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy  
Secretary

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Omar Sandoval
Dept.:	General Manager	Dept.:	General Counsel
Subject:	Adoption of Ordinance No. 11 Amending the District's Solid Waste Regulations to comply with SB 1383 Organics Recycling Mandates		
		Date:	12/14/2021

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OBJECTIVE

For the Board to adopt an ordinance amending the District's Solid Waste Regulations to comply with SB 1383 organic waste recycling mandates.

BACKGROUND

Senate Bill No. 1383 (SB 1383) was signed into law on September 19, 2016, to require reduction of organic waste disposal by 50% by January 2020 and by 75% by 2025. Additionally, SB 1383 requires an increase of 20% in edible food recovery by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in the State of California in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022. Such an ordinance must establish mandatory recycling programs for all businesses, residents and multi-family residences to capture food scraps, landscaping waste, and other organic waste materials in order to divert them from the landfills and meet the reduction targets. Moreover, jurisdictions are required to enforce diversion requirements and ensure compliance with such programs, including with the establishment and issuance of fines.

DISCUSSION

SB 1383 continues the recycling mandates imposed in Assembly Bill 1826 (AB 1826), which previously went into effect on April 1, 2016. AB 1826 required any business generating two (2) or more cubic yards of solid organic waste per week, and multi-family properties with five or more units, to recycle their organic waste (under AB 1826, multi-family properties are only required to recycle landscape debris). Additionally, AB 1826 required the District to implement an organic waste recycling program that included identifying non-compliant businesses that are required to recycle organic waste and notifying the businesses of these requirements. In 2018, the District and the City approved Amendment No. 3 to the franchise agreement with Republic Services to implement the commercial/multi-family organics program for the District and the City. Since then, the District has been working with its consultants, HF&H, to work with Republic Services in implementing new organics recycling programs. Negotiations are underway to further amend the franchise agreement to implement a single-family residential organic waste recycling program to comply with SB 1383 regulations.

SB 1383 Regulations

The California Department of Resources Recycling and Recovery (CalRecycle) is the State agency responsible for oversight and administration of the State's waste and recycling programs. Since the passage of AB 1826, CalRecycle has held meetings with City staff regarding the City's programs and compliance rates, and they are continuously monitoring the District's progress in developing an SB 1383-compliant ordinance. CalRecycle has prescribed regulations to achieve the State's organic waste disposal goals by 2025, and a model ordinance that is compliant with these regulations has been developed. The District's amended and restated Solid Waste Regulations include the required model ordinance regulations relating to SB 1383 and organic waste recycling and disposal requirements.

Summary of Senate Bill 1383 and CalRecycle Regulations

SB 1383 provided CalRecycle with broad authority to develop and implement regulations to achieve the

diversion goals for organics materials. As a result, the City will have to implement the following practices to be considered compliant:

- Provide organic waste recycling services to all residents and businesses;
- Inspect and enforce compliance with SB 1383 regulations by adopting an enforcement ordinance (Attachment 1);
- Implement an edible food recovery program that recovers edible food from the waste stream;
- Conduct outreach and education to all affected parties including generators, haulers, facilities, and edible food recovery organizations;
- Maintain accurate and timely records of SB 1383 compliance for annual reporting requirements; and
- Impose fines for non-compliance, effective January 2024.

#### Administrative Enforcement and Compliance

On January 1, 2022, CalRecycle's regulations will become enforceable, and will require each jurisdiction to adopt a mandatory recycling ordinance. SB 1383 allows jurisdictions to take an educational and non-punitive approach to enforcement for the first two years of the ordinance being in effect (2022 and 2023). Taking an educational approach will allow the District and its waste hauler to work with District residents and businesses to inform and assist them of the organics recycling requirements. Effective no later than January 2024, the District will be required to issue administrative fines to residents and businesses that are non-compliant. SB 1383 requires the penalties to be \$50 to \$100 for the first violation, \$100 to \$200 for a second violation, and \$250 to \$500 for a third or subsequent violation within a one-year period. The attached ordinance implements the penalties for administrative citations, establishing fines at \$100 for the first violation, \$200 for the second violation within a 12-month period, and \$500 for a third violation within a 12-month period.

#### Non-Compliance

While the District fully expects to gain voluntary compliance from residents and businesses, SB 1383 regulations provide CalRecycle with the ability to engage in enforcement actions of its own against the District if the designated level of compliance is not met. These actions may include:

- Conducting more frequent inspections;
- Establishing a schedule for District compliance and a probationary period, requiring a work plan and that the jurisdiction demonstrates it has sufficient staffing to implement the requirements of the law; and/or
- Imposing administrative penalties against the District of up to \$10,000 per day.

The District is working with its consultant and Republic Services to meet the requirements set forth in the SB 1383 regulations. With the adoption of the proposed ordinance, the District will be one step closer to becoming compliant with SB 1383 and all CalRecycle regulations.

#### Ordinance Adoption

SB 1383 requires the District to adopt an enforceable ordinance to compel businesses and residents to recycle their organic waste and to comply with other requirements of the regulations. To meet this requirement, the District's Solid Waste Regulations must be updated. The attached ordinance (Attachment 1) includes the required provisions. A redline version of the existing District regulations showing the revisions implemented by Ordinance No. 11 is included as Attachment 2 so that the Board can review what has been added or changed to the current Solid Waste Regulations during the revision process.

#### FINANCIAL IMPACT

There is no direct fiscal impact as a result of this item. However, implementation and enforcement of the ordinance would be the responsibility of District staff.

#### RECOMMENDATION

It is recommended that the Sanitary District Board:

- Waive full reading of Ordinance No. 11; and
- Adopt Ordinance No. 11 entitled: An Ordinance of the Board of Directors of the Garden Grove Sanitary District amending Chapters 1.20, 5.10, 6.10, and adding Chapter 6.15 of the Garden Grove Sanitary District Code of Regulations pertaining to Solid Waste Regulations and Administrative Citations to comply with SB 1383 Organics Recycling Regulations.



**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Attachment 1 - Ordinance No. 11	11/23/2021	Ordinance	GGSD_Ordinance_No._11_Amending_Solid_Waste_Regulations_to_Implement_SB_1383_Organics_Recycling.pdf
Attachment 2 - Redlined Solid Waste Regs	11/23/2021	Ordinance	GGSD_CODE_OF_REGULATIONS_REVISIED_FOR_COMPLIANCE_WITH_SB_1383_REGULATIONS_Rev2_redlined.pdf

## ORDINANCE NO. 11

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT AMENDING CHAPTERS 1.20, 5.10, 6.10, AND ADDING CHAPTER 6.15 OF THE GARDEN GROVE SANITARY DISTRICT CODE OF REGULATIONS PERTAINING TO SOLID WASTE REGULATIONS AND ADMINISTRATIVE CITATIONS TO COMPLY WITH SB 1383 ORGANICS RECYCLING REGULATIONS

### District Counsel Summary

*This Ordinance amends the Garden Grove Sanitary District Code of Regulations pertaining to solid waste and recyclable material collection to implement and comply with SB 1383 and CalRecycle regulations mandating the recycling of organic waste, including food waste. The new regulations extend the current food waste recycling requirement applicable to commercial properties to food waste generated at single-family residential properties. The amendment further adds provisions for administrative citation enforcement of the regulations.*

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

WHEREAS, pursuant to the Sanitary District Act of 1923, Health & Safety Code §§ 6400 et seq., and the Integrated Waste Management Act, Public Resources Code §§ 40000 et seq., the Garden Grove Sanitary District ("District") has the authority to adopt ordinances and regulations relating to the collection and disposal of solid waste within the jurisdictional boundaries of the District, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services; and

WHEREAS, state recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq.), requires cities to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, state recycling law, Assembly Bill 341 of 2011 (which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code), places requirements on businesses and multi-family residential property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires the District to implement a mandatory commercial recycling program; and

WHEREAS, state organics recycling law, Assembly Bill 1826 of 2014 (which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code), requires businesses and multi-family residential property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires the District to implement a recycling program to divert organic waste from businesses subject to the law, and requires the City to implement a mandatory commercial organics recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the City, residential households, businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of Statewide organic waste disposal reduction targets; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the District to adopt and enforce regulations to implement relevant provisions of SB 1383 regulations. This ordinance is adopted in compliance with the foregoing laws and regulations.

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

**SECTION 1.** Section 1.20.130 (Definitions) of Chapter 1.20 (Definitions and Rules of Construction) of Title 1 (General Provisions) of the Garden Grove Sanitary District Code of Regulations is hereby amended and restated to read as follows:

**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. Certain words and phrases used in Chapter 5.10 pertaining to Solid Waste and Recycling shall have the same meaning as established in AB 939, the California Integrated Waste Management Act of 1989, as amended from time to time, and the regulations of the California Department of Resources Recycling and Recovery (CalRecycle) codified at Title 14 of the California Code of Regulations, Division 7 (commencing with section 17000), as amended from time to time, which definitions shall take precedence to be consistent with State law and regulations.

**TERM**

**DEFINITION**

<b>AB 939</b>	That State legislation commonly known as the California Integrated Waste Management Act of 1989 (Stats 1989, Chapter 1095, as amended) as codified in part at Public Resources Code section 40000, et seq., as it may be amended from time to time and as implemented by the regulations of the California Department of Resources Recycling and Recovery, or its successor.
<b>Bin</b>	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.
<b>Blue Container</b>	A Container where either: (a) the lid of the Container is in blue color, or (b) the body of the Container is blue in color and the lid is either blue, gray, or black in color. Hardware such as hinges and wheels on a blue Container may be any color. Blue Containers shall be used for the purpose of storage and collection of Source Separated Recyclable Materials, which includes non-putrescible and non-hazardous recyclable wastes such as cans, metals, plastics and glass, or as otherwise defined in 14 CCR section 18982(a)(43).
<b>Board</b>	The Board of Directors of the Garden Grove Sanitary District.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Brown Container/ Brown Container Waste</b>	A Container where either: (a) The lid of the container is brown in color, or (b) the body of the container is brown in color and the lid is either brown, gray, or black in color. Hardware such as hinges and wheels on a Brown Container may be any color. Brown Containers shall be used for the purpose of storage and collection of Source Separated Food Waste.
<b>Bulky Items</b>	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.
<b>California Code of Regulations or CCR</b>	The State of California Code of Regulations. CCR references in Chapter 5.10 (Solid Waste and Recycling) are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
<b>Cart</b>	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.
<b>Change in Operations</b>	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.
<b>City</b>	City of Garden Grove.
<b>Collect or Collection or Collecting</b>	To take physical possession of, transport, and remove Solid Waste from a Premises.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Commercial Kitchen</b>	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.
<b>Commercial Business or Commercial</b>	A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing Chapter 5.10 (Solid Waste and Recycling).
<b>Commercial Edible Food Generator</b>	<p>Includes a Tier One or a Tier Two Commercial Edible Food Generator as defined below. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.</p> <p>A. <u>Tier One Commercial Edible Food Generator</u> means a Commercial Edible Food Generator that is one of the following:</p> <ol style="list-style-type: none"><li>(1) Supermarket.</li><li>(2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.</li><li>(3) Food Service Provider.</li><li>(4) Food Distributor.</li><li>(5) Wholesale Food Vendor.</li></ol> <p>B. <u>Tier Two Commercial Edible Food Generator</u> means a Commercial Edible Food Generator that is one of the following:</p> <ol style="list-style-type: none"><li>(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.</li><li>(2) Hotel with an on-site Food Facility and 200 or more rooms.</li><li>(3) Health facility with an on-site Food Facility and 100 or more beds.</li><li>(4) Large Venue.</li><li>(5) Large Event.</li><li>(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.</li><li>(7) A Local Education Agency facility with an on-site Food Facility.</li></ol>

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Commercial Premises</b>	Premises upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations and Multi-Family Residential Facilities, 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 Multi-Family Residential Facilities, hotels and motels are operated, shall be deemed to be Commercial Premises.
<b>Commercial Waste</b>	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.
<b>Community Composting</b>	Any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.
<b>Compost</b>	The product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
<b>Construction and Demolition Waste</b>	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.
<b>Container</b>	Any type of Solid Waste receptacle, including a Cart, Bin, and Rolloff Box.
<b>County</b>	County of Orange.
<b>District</b>	Garden Grove Sanitary District.
<b>Dwelling Unit</b>	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.
<b>Edible Food</b>	Food intended for human consumption. For the purposes of Chapter 5.10 (Solid Waste and Recycling), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in Chapter 5.10 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Enforcement officer</b>	All of the following City of Garden Grove officials: police officers, Code enforcement officers, community service officers, the Building Official, building inspectors, the Community Development Director, the City Engineer, the Fire Marshal and all Persons designated by the City Manager/General Manager, Community Development Director or Fire Chief to serve as enforcement officers.
<b>Engage in</b>	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
<b>Food Distributor</b>	A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.
<b>Food Recovery</b>	Actions to collect and distribute food for human consumption that otherwise would be disposed.
<b>Food Recovery Organization</b>	<p>An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities, including, but not limited to:</p> <ol style="list-style-type: none"><li>(1) A food bank as defined in section 113783 of the Health and Safety Code;</li><li>(2) A nonprofit charitable organization as defined in section 113841 of the Health and Safety code; and,</li><li>(3) A nonprofit charitable temporary food facility as defined in section 113842 of the Health and Safety Code.</li></ol> <p>A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).</p>
<b>Food Recovery Service</b>	A Person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery. A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).
<b>Food Service Provider</b>	An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Food Waste</b>	All of the following: <ol style="list-style-type: none"><li>(1) Food scraps, including all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps; and</li><li>(2) Food-soiled Paper, including compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons; and</li><li>(3) Compostable plastics, including plastic materials that meet the ASTM D6400 standard for compostability.</li></ol>
<b>Franchisee</b>	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.
<b>Garbage</b>	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.
<b>General Manager</b>	The City Manager of the City of Garden Grove, or his or her designee.
<b>Generator</b>	Any Person who generates, produces or discards Solid Waste.
<b>Gray Container</b>	A Container where either: (a) the lid of the Container is gray or black in color, or (b) the body of the Container is entirely gray or black in color and the lid is gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Gray Containers shall be used for the purpose of storage and collection of Gray Container Waste.
<b>Gray Container Waste</b>	Solid Waste that is collected in a Gray Container that is part of a three-Container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b).
<b>Grease</b>	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.
<b>Green Container</b>	A Container where either: (a) the lid of the Container is green in color, or (b) the body of the Container is green in color and the lid is green, gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Green Containers shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste, which includes Green Waste and Organic Waste.



<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Green Waste</b>	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.
<b>Grocery Store</b>	A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.
<b>Hazardous Waste</b>	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.
<b>High Diversion Organic Waste Processing Facility</b>	A facility that is in compliance with the reporting requirements of 14 CCR section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR section 17402(a)(11.5).
<b>Inspection</b>	A site visit where the District reviews records, Containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in Chapter 5.10 (Solid Waste and Recycling).
<b>Large Event</b>	An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Large Venue</b>	A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of Chapter 5.10 (Solid Waste and Recycling) and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of Chapter 5.10 and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
<b>Law</b>	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.
<b>Local Education Agency</b>	A school district, charter school, or county office of education that is not subject to the control of the District, City or County regulations related to Solid Waste.
<b>Medical Waste</b>	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.
<b>Mixed Waste Organic Collection Stream or Mixed Waste</b>	Organic Waste collected in a Container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility.
<b>Multi-Family Dwelling</b>	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.
<b>Multi-Family Residential Facility</b>	Any building or lot containing five (5) or more dwelling units 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. Multi-Family Residential Facilities do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Non-Organic Recyclables</b>	Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass.
<b>Nuisance</b>	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.
<b>Occupant</b>	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.
<b>Operate</b>	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
<b>Organic Waste</b>	Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges. Organic Waste does not include paper that is coated in a plastic material that will not breakdown in the composting process.
<b>Organic Waste Generator</b>	A Person or entity that is responsible for the initial creation of Organic Waste.
<b>Paper Products</b>	Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling.
<b>Parcel</b>	A parcel as designated by the County Assessor.
<b>Person</b>	Any Person, individual, firm, association, organization, partnership of any kind, business trust, limited liability company, association, joint venture, company or corporation, or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrator or assigns, or any combination of such Persons. Person includes any municipal, political or governmental corporation, district, body or agency, other than the Garden Grove Sanitary District and City of Garden Grove.
<b>Premises</b>	Any land, building and/or structure within the District where Solid Waste is generated or accumulated.
<b>Printing and Writing Papers</b>	Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Prohibited Container Contaminants</b>	The following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the Green Container and/or Blue Container; discarded materials placed in the Brown Container other than Source Separated Food Waste and, (iv) Hazardous Waste placed in any Container.
<b>Public sewer</b>	The main sewer or trunk sewer, constructed in a street, highway, alley, place or right-of-way dedicated to public use.
<b>Recovery or Organic Waste Recovery</b>	Any activity or process described in 14 CCR section 18983.1(b).
<b>Recyclable Solid Waste or Recyclable Materials</b>	All Solid Waste which can be recycled and which is separated from other Solid Waste for the purpose of being recycled such as, but not limited to, aluminum, cardboard, glass, grass, and yard cuttings, metal, newspaper, paper, and plastic.
<b>Recycle Or Recycling</b>	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.
<b>Refuse</b>	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.
<b>Remodeling</b>	Any physical change to a building that requires a building permit.
<b>Remote Monitoring</b>	The use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in Containers (level of fill) and/or presence of Prohibited Container Contaminants.
<b>Residential Premises</b>	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 Multi-Family Residential Facilities, hotels, and motels are operated shall be deemed Commercial Premises.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Residential Waste</b>	Solid waste, including Recyclable Materials, originating from Residential Premises.
<b>Responsible Person</b>	Any Person, whether as a real property owner or otherwise, that allows, causes, creates, maintains or permits a violation of the Municipal Code to occur, exist, or continue in existence. "Responsible Person" shall include the parent or legal guardian of any Person under the age of 18 years who allows, causes, creates, maintains, or permits a violation of this Code to occur, exist, or continue in existence.
<b>Restaurant</b>	An establishment primarily engaged in the retail sale of food and drinks for on-Premises or immediate consumption.
<b>Rolloff Box</b>	A Container of ten cubic yards or larger, including compactors.
<b>Self-Hauler</b>	A Person, who hauls Solid Waste, Organic Waste or Recyclable Material he or she has generated to another Person. Self-Hauler also includes a landscaper, or a Person who back-hauls waste. Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator's own employees and equipment.
<b>Sewage</b>	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.
<b>Single Family Dwelling</b>	A building or lot containing one dwelling unit and/or each dwelling unit within a Multi-Family Dwelling.
<b>Solid Waste</b>	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.
<b>Solid Waste Handling Services</b>	The transportation, storage, transfer, processing, disposal or collection (whether from the curbside, Bins, roll-off box or any other type of Solid Waste Container or location) of Solid Waste for residential, Commercial, institutional, industrial or any other originators, users or customers.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Source Separated</b>	Materials, including commingled Recyclable Materials and Organic Waste, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return 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, or as otherwise defined in 14 CCR section 17402.5(b)(4). For the purposes of Chapter 5.10 (Solid Waste and Recycling), Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different Containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.
<b>Source Separated Green Container Organic Waste</b>	Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the Generator, excluding carpets, Non-Compostable Paper, and textiles.
<b>Source Separated Recyclable Materials</b>	Recyclable Materials that are Source Separated and placed in the Blue Container..
<b>Special Wastes</b>	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.
<b>State</b>	The State of California.
<b>Street</b>	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.
<b>Supermarket</b>	A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Tenant</b>	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.
<b>Wholesale Food Vendor</b>	A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.

**SECTION 2.** Chapter 5.10 (Solid Waste) of Title 5 (Solid Waste Regulations) of the Garden Grove Sanitary District Code of Regulations is hereby amended and restated as follows:

**CHAPTER 5.10  
SOLID WASTE AND RECYCLING**

**Sections:**

<b>5.10.005</b>	<b>Declaration of Purpose</b>
<b>5.10.010</b>	<b>Collection Authority.</b>
<b>5.10.020</b>	<b>Collection Service Required.</b>
<b>5.10.030</b>	<b>Solid Waste Containers.</b>
<b>5.10.040</b>	<b>Requirements for Single-Family Organic Waste Generators.</b>
<b>5.10.050</b>	<b>Requirements for Commercial Businesses.</b>
<b>5.10.060</b>	<b>Organic Waste Waivers.</b>
<b>5.10.070</b>	<b>Self-Hauler Permits.</b>
<b>5.10.080</b>	<b>Organic Waste Self-Hauler Requirements.</b>
<b>5.10.090</b>	<b>Handling and Storage of Solid Waste and Recyclable Materials.</b>
<b>5.10.100</b>	<b>Frequency of Solid Waste Removal.</b>
<b>5.10.110</b>	<b>Removal of Heavy Objects.</b>
<b>5.10.120</b>	<b>Tampering with Solid Waste Prohibited.</b>
<b>5.10.130</b>	<b>Recyclable Materials as Franchisee or District Property.</b>
<b>5.10.140</b>	<b>Recycling by Private Individuals or Organizations.</b>
<b>5.10.150</b>	<b>Special Pickup—Bulky Items.</b>
<b>5.10.160</b>	<b>Placement of Containers for Collection.</b>
<b>5.10.170</b>	<b>Time of Container Placement.</b>
<b>5.10.180</b>	<b>Removal of Empty Containers.</b>
<b>5.10.190</b>	<b>Littering Prohibited.</b>
<b>5.10.200</b>	<b>Public Nuisance.</b>
<b>5.10.210</b>	<b>Hazardous Waste Disposal Prohibited.</b>
<b>5.10.220</b>	<b>Procedures for Disposing of Hazardous Waste.</b>
<b>5.10.230</b>	<b>Sanitary Maintenance Required.</b>
<b>5.10.240</b>	<b>Organic Waste Haulers.</b>
<b>5.10.250</b>	<b>Organic Waste Facility Operators.</b>
<b>5.10.260</b>	<b>Organic waste Commercial Edible Food Generators.</b>
<b>5.10.270</b>	<b>Food Recovery Organizations and Services; Regional Agencies.</b>
<b>5.10.280</b>	<b>Inspection and Investigation.</b>
<b>5.10.290</b>	<b>Unlawful Containers - Notice of Violation.</b>
<b>5.10.300</b>	<b>Franchisee Remedies.</b>

**5.10.005 Declaration of Purpose.**

- A. The purpose of this chapter is to regulate Solid Waste handling in order to protect the public health, safety and welfare and to meet the District's obligations under the California Integrated Waste Management Act 1989 (Public Resources Code Sections 40,000 et seq. as amended from time to time) (Hereinafter "AB 939").
- B. The District is obligated by AB 939 to implement plans for Solid Waste source reduction, reuse, and recycling (including composting) to meet specified achievement milestones.
- C. State recycling law, Assembly Bill 341 of 2011 requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.
- D. State organics recycling law, Assembly Bill 1826 of 2014 requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the District to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the District to implement a Mandatory Commercial Organics Recycling program.
- E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the District, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- F. SB 1383 further requires the District to adopt and enforce an ordinance to implement relevant provisions of SB 1383 Regulations. The ordinance amending this chapter will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.
- G. Pursuant to the Sanitary District Act of 1923, section 6400 *et. seq.* of the Health and Safety Code of the State of California, the District is authorized to enact ordinances to protect the public health, safety, and welfare. Pursuant to Public Resources Code section 40059 aspects of Solid Waste handling of local concern include, but are not limited to, the frequency of collection, means of collection and transportation, level of service, charges and fees, and whether Solid Waste services are to be provided by means of non-exclusive, partially exclusive, or wholly exclusive franchise, contract, license or permit, and the terms and conditions of such franchise, license or permit.



**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. It is intended that Solid Waste generated at the Premises will be separated according to its character and placed in the applicable colored Container as provided in Sections 5.10.040, 5.10.050, and 5.10.090.
- 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 Requirements for Single-Family Organic Waste Generators.** Organic Waste Generators at Single-Family Dwelling Premises shall comply with the following requirements except Generators that meet the Self-Hauler requirements in section 5.10.070:

- A. Organic Waste Generators at Single-Family Dwelling Premises shall subscribe to the District's Organic Waste collection services for all Organic Waste generated as described in subdivision (B) of this section. The District or its designee shall have the right to review the number and size of a Generator's Containers to evaluate adequacy of capacity

provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust their service level for their collection services as directed by the District. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR section 18984.9(c).

- B. Organic Waste Generators at Single-Family Dwelling Premises shall participate in the District's Organic Waste collection service(s) by placing designated materials in designated Containers as described in subdivision (C) of this section and shall not place Prohibited Container Contaminants in collection Containers.
- C. Organic Waste Generators at Single-Family Dwelling Premises shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; if applicable, Source Separated Food Waste which is not commingled with Green Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container, Brown Container or Blue Container. District may require additional segregation of a Generator's Green Container for the purposes of separating Food Waste from Green Waste. The following Containers will be provided as directed by the General Manager or designee when additional segregation of a Generator's Green Container is required:
  - (1) A Brown Container that is limited to the Collection of Food Waste only.
  - (2) A Green Container that is limited to the Collection of Green Waste only.

**5.10.050 Requirements for Commercial Businesses.**

- A. Generators that are Commercial Businesses, including Multi-Family Residential Facilities, shall subscribe to the District's three Container collection services and comply with requirements of those services as described in this section.
- B. Generators that are Commercial Businesses shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; if applicable, Source Separated Food Waste which is not commingled with Green Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container, Brown Container or Blue Container. District may require additional segregation of a Generator's Green Container for the purposes of separating Food Waste from Green Waste. The following Containers will be provided as directed by the General Manager or designee when additional segregation of a Generator's Green Container is required:
  - (1) A Brown Container that is limited to the Collection of Food Waste only.
  - (2) A Green Container that is limited to the Collection of Green Waste only.

- C. The District or its designee shall have the right to review the number and size of a Generator's Containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- D. Generators shall supply and allow access to adequate number, size and location of collection Containers with sufficient labels or colors for employees, contractors, Tenants, and customers, consistent with the District's Blue Container, Green Container, and Gray Container collection service.
- E. Excluding Multi-Family Residential Facilities, generators shall provide Containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. Pursuant to 14 CCR section 18984.9(b), the Containers provided by the business shall have either:
  - (1) A body or lid that conforms with the Container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.
  - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that Container, or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the Container. Pursuant 14 CCR section 18984.8, the Container labeling requirements are required on new Containers commencing January 1, 2022.
- F. Multi-Family Residential Facilities are not required to comply with Container placement requirements or labeling requirement in subdivision (E) pursuant to 14 CCR section 18984.9(b).
- G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Facilities, Commercial Businesses shall prohibit employees from placing materials in a Container not designated for those materials per the District's Blue Container, Green Container, Brown Container and Gray Container collection service.

- H. Excluding Multi-Family Residential Facilities, Commercial Businesses shall periodically inspect Blue Containers, Green Containers, Brown Containers and Gray Containers for contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers pursuant to 14 CCR section 18984.9(b)(3).
- I. Commercial Businesses shall annually provide information to employees, contractors, Tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste, if applicable Source Separated Brown Container Waste and Source Separated Recyclable Materials.
- J. Commercial Businesses shall provide education information before or within fourteen (14) days of occupation of the Premises to new Tenants that describes requirements to keep Source Separated Green Container Organic Waste, if applicable Source Separated Brown Container Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of Containers and the rules governing their use at each property.
- K. Commercial Businesses shall provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with section 5.10.280 of this chapter to confirm compliance with the requirements of this section.
- L. Commercial Businesses shall accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of Containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate Generator's compliance with subdivision (B). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers.
- M. At Commercial Business's option and subject to any approval required from the District, Commercial Businesses shall implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers for the purpose of monitoring the contents of Containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers subject to written notification to or approval by the District or its Designee.
- N. If a Commercial Business wants to self-haul, the Commercial Business must meet the Self-Hauler requirements in section 5.10.080 of this chapter.
- O. Nothing in this section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR section 18984.9(c).
- P. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to section 5.10.260 of this chapter.

**5.10.060 Organic Waste Waivers.**

- A. De Minimis Waivers. The District may waive the Organic Waste Recycling requirements of this chapter for residential development with minimal individual open space and greenspace such as town homes with common-area open space predominantly serviced by gardeners and landscapers subject to section 5.10.080 of this chapter. Furthermore, the District may waive a Commercial Business's obligation to comply with some or all of the Organic Waste requirements of this chapter if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in this section. Commercial Businesses requesting a de minimis waiver shall:
- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subdivision (B) below.
  - (2) Provide documentation that either:
    - (a) The Commercial Business's total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container comprises less than 20 gallons per week per applicable Container of the business' total waste; or,
    - (b) The Commercial Business's total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container comprises less than 10 gallons per week per applicable Container of the business's total waste.
  - (3) Notify the District if circumstances change such that the Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded.
  - (4) Provide written verification of eligibility for de minimis waiver every five years, if the District has approved a de minimis waiver.
- B. Physical Space Waivers. A Commercial Business or property owner may request a physical space waiver through the following process:
- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
  - (2) Provide documentation that the Premises lack adequate space for Blue Containers and/or Brown or Green Containers including documentation from the Franchisee, hauler, licensed architect, or licensed engineer.
  - (3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

**5.10.070 Self-Hauler Permits.**

- 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.
  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 the minimum required of all Solid Waste generated at its Premises from landfills in a manner that complies with the requirements of AB 939 and section 5.10.080; 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 minimum diversion requirements and otherwise complied with all laws related to disposal of Solid Waste, including section 5.10.080.
- 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 and Organic Waste 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 from landfills the minimum required of all Solid Waste generated at its Premises in a manner that complies with the requirements of AB 939 and CalRecycle regulations; 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.

**5.10.080 Organic Waste Self-Hauler Requirements.** Self-Haulers that collect and transport materials pursuant to section 5.10.070 shall:



- A. Source separate all Recyclable Materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's Organics and Recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR section 18984.3.
- B. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green or Brown Container Organic Waste to a Solid Waste facility that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Facilities) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the District. The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the waste.
  - (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
  - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

**5.10.090 Handling and Storage of Solid Waste, Recyclable Materials and Organic Waste.** Solid waste, Recyclable Materials, and Organic Waste shall be placed directly into Solid Waste and Recyclable Materials and Organic Waste 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. Source Separated Green Container Waste shall be placed in Green Containers.
- F. Source Separated Food Waste shall be placed in Brown Containers.
- G. 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.
- H. 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.
- I. 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.
- J. 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, Organic and Green Waste, generated at said Premises.
- K. 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 5.10.150 or otherwise in accordance with the provisions of this title.
- L. 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.
- M. 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).

**5.10.100 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, Organic 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.

**5.10.110 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.

**5.10.120 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 Organic Waste, 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.

**5.10.130 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.

**5.10.140 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.

**5.10.150 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 Multi-Family Residential Facilities, 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.

**5.10.160 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 Multi-Family Residential Facility complexes have been approved by the District, all collection of Solid Waste, Recyclable Materials, Organic Waste, 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.

**5.10.170 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.

**5.10.180 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.

**5.10.190 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.

**5.10.200 Public Nuisance.**

- A. The accumulation and existence of Garbage, Solid Waste, Organic 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.

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

**5.10.230 Sanitary Maintenance Required.** Each owner, Tenant, Occupant or Person in charge of all Commercial and Residential Premises shall keep all Containers maintained thereon for the deposit of Solid Waste, Recyclable Materials, and Organic 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.

**5.10.240 Organic Waste Haulers.** Exclusive and non-exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

- A. Through written notice to the District annually on or before March 31st identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Waste.

- B. Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
- C. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting Construction and Demolition Waste in a manner that complies with 14 CCR section 18989.1 and Chapter 18.60 of the Garden Grove Municipal Code (Construction & Demolition Waste Recycling Program).
- D. Comply with education, equipment, signage, Container labeling, Container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, or license issued by the District.

**5.10.250 Organic Waste Facility Operators.**

- A. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon District request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.
- B. Community Composting operators, upon District request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

**5.10.260 Organic Waste Commercial Edible Food Generators.**

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

- (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow District's designated enforcement entity or designated third party enforcement entity to access the Premises and review records pursuant to 14 CCR section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR section 18991.4:
    - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR section 18991.3(b).
    - (b) A copy of all contracts or written agreements established under 14 CCR section 18991.3(b).
    - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
      - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
      - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
      - (iii) The established frequency that food will be collected or self-hauled.
      - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (which added Article 13 [commencing with section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and amended section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

**5.10.270 Food recovery organizations and services; regional agencies.**

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(1):



- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR section 18991.3(b) shall report to the District the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR section 18991.3(b) no later than March 31st.
- D. Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

**5.10.280 Inspection and investigation.**

- A. District representatives and/or its designated entity, Franchisees, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection Container, collection vehicle loads, or transfer, processing, or disposal facility

for materials collected from generators, or Source Separated materials to confirm compliance with this chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Facilities), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow District to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Business Containers for compliance with section 5.10.050(B) of this chapter, District may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to section 5.10.050(L) of this chapter.

- B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Edible Food Recovery activities, records, or any other requirement of this chapter. Failure to provide or arrange for: (i) access to an entity's Premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties.
- C. Any records obtained by the District during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code section 6250 et seq.
- D. District representatives, its designated entity, Franchisee, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. District shall receive written complaints from Persons regarding any one entity or Person that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **5.10.290 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.

**5.10.300 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.

**SECTION 3.** Section 6.10.020 (Infractions) of Chapter 6.10 (General Penalty) of Title 6 (Enforcement) of the Garden Grove Sanitary District Code of Regulations is hereby amended as follows:

**6.10.020 Solid Waste Regulations Enforcement.**

- A. Except for violations of contamination of collection Container contents with Prohibited Container Contaminants which will be addressed through non-collection of Containers and noticing by the Franchisee or District, and violations subject to immediate administrative citation, District may issue a notice to abate violations in accordance with Chapter 6.15 (Administrative Citations) of this Code requiring compliance within a maximum of 60 days of issuance of the notice. The District may extend the compliance deadlines set forth in a notice to abate violations if it finds that there are extenuating circumstances beyond the control of the non-compliant party that make compliance within the deadlines impracticable, as described in 14 CCR section 18995.4 including the following:
1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters,
  2. Delays in obtaining discretionary permits or other government agency approvals; or,
  3. Deficiencies in Organic Waste recycling infrastructure or Edible Food recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR section 18996.2 due to those deficiencies.
- B. The District will conduct Inspections, route reviews or waste evaluations and compliance reviews, depending upon the type of regulated entity, to determine compliance with this chapter, and if the District determines that an owner, responsible party, Generator, self-hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service or other entity is not in compliance, it may provide educational materials to the entity describing its obligations under this chapter during calendar year 2022 and 2023 and a notice that compliance is required, rather than issuance a notice of violation and assessment of penalties. Commencing January 1, 2024, violations may be subject to criminal and administrative civil penalties, except that the District may assess criminal and administrative civil penalties in the event that the Enforcement Officer determines that prosecution is warranted to deter egregious conduct.
- C. In addition, in the event any violation of Chapter 5.10 (Solid Waste) constitutes an imminent danger to public health, safety or the environment, the General Manager or any

agent or Person designated by the General Manager, may enter upon the Premises from which the violation emanates, abate the violation and danger created to the public safety or the environment, and restore any Premises affected by the alleged violation, without notice to or consent from the owner or Occupant of the Premises. An imminent danger shall include, but is not limited to, circumstances created by a disposal of Solid or Hazardous Waste where such disposal creates a significant and immediate threat to the public health or safety, or the environment.

- D. Violations of Chapter 5.10 (Solid Waste) are deemed public nuisances, which may be abated by administrative, civil, or criminal action in accordance with the terms and provisions of this Code and state law. All costs and fees incurred by the District because of any violation of this chapter, which constitutes a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject Premises from which the nuisance emanated, and a personal obligation against the owner. The owner of record of the Premises subject to any lien shall receive notice of the lien prior to recording. The General Counsel is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the Premises.
- E. The District may utilize any and all other remedies as otherwise provided by Chapter 6.10 (General Penalty), Chapter 6.20 (Enforcement), Chapter 6.15 (Administrative Citations) of this Code and California law to enforce the provisions of Chapter 5.10 (Solid Waste).

**SECTION 4.** Chapter 6.15 (Administrative Citations) is hereby added to Title 6 (Enforcement) of the Garden Grove Sanitary District Code of Regulations to read as follows:

#### **Chapter 6.15 ADMINISTRATIVE CITATIONS**

##### **Sections:**

<b>6.15.010</b>	<b>Authority and Fines</b>
<b>6.15.020</b>	<b>Service of Citation</b>
<b>6.15.030</b>	<b>Appeal of Administrative Citation</b>
<b>6.15.040</b>	<b>Hearing Officer</b>
<b>6.15.050</b>	<b>Hearing Procedure</b>
<b>6.15.060</b>	<b>Hearing Officer Decision</b>
<b>6.15.070</b>	<b>Failure to Pay and Collection of Fines</b>
<b>6.15.080</b>	<b>Right to Judicial Review</b>
<b>6.15.090</b>	<b>Notices</b>
<b>6.15.100</b>	<b>Collection by Lien</b>
<b>6.15.110</b>	<b>Miscellaneous Provisions</b>

##### **6.15.010 Authority and Fines.**

- A. Any Person violating any provision of this Code may be issued an administrative citation by an Enforcement Officer and shall thereby be subject to an administrative fine as provided for in this chapter. For purposes of this chapter, a violation of this Code shall include any violation of the Code, any code adopted by reference by the Board of

Directors, including, but not limited to, all codes adopted by reference in Chapter 4.20 (California Plumbing Code Adopted), and the failure to comply with any condition of approval imposed pursuant to any permit, license, or other authorization issued or approved pursuant to the Board of Director adopted ordinances. The violations referred to in this section are collectively referred to in this chapter as Code violations. For purposes of this chapter, an administrative citation for an administrative fine may be issued to any responsible Person for any violation referred to in this chapter.

- B. Each and every day a violation of the Code exists constitutes a separate and distinct offense.
- C. An administrative fine shall be assessed by means of an administrative citation issued by an Enforcement Officer and shall be payable directly to the Garden Grove Sanitary District through the City of Garden Grove Finance Department. Except as set forth in subsection D, a citation may be issued by an Enforcement Officer upon the determination by such officer that a violation of the Code exists.
- D. Continuing Violations. When a continuing violation exists pertaining to a plumbing or other similar building issue that does not create an immediate danger to health or safety, a citation for such a violation shall not be issued pursuant to this chapter unless the responsible Person has first been provided with a reasonable period as determined by the enforcement officer, but in no event less than five calendar days, in which to correct or otherwise remedy the violation. When such a violation creates an immediate danger to health or safety, a citation may be issued immediately.
- E. Except as otherwise specified for those Code violations referred to in subsections F through H, in the case of administrative citations issued for violation of the Code, administrative fines shall be assessed in the amount of \$1,000.00 for each violation.
- F. For each violation of Chapter 5.10 (Solid Waste) the Code, administrative fines shall be in the following amounts:
  - 1. A fine of \$100.00 for a first violation;
  - 2. A fine of \$200.00 for a second violation of the same Code provision within one year from the date of the first violation; and
  - 3. A fine of \$500.00 for each additional violation of the same Code provision within one year from the date of the first violation.
- G. In the case of an administrative citation issued for violation of Chapter 4.20 (California Plumbing Code Adopted), administrative fines shall be assessed in the following amounts:
  - 1. A fine of \$130.00 for a first violation;
  - 2. A fine of \$700.00 for a second violation of the same provision within one year from the date of the first violation; and

3. A fine of \$1,300.00 for each additional violation of the same provision within one year from the date of the first violation; and
  4. A fine of \$2,500.00 for each additional violation of the same provision within two years from the date of the first violation if the property is a Commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible Refuse or failure to prohibit unauthorized use of the property.
- H. In addition to the administrative fine schedule as set forth above, and pursuant to Government Code section 38773.5(b), the District may recover, at its discretion, attorneys' fees and costs in any action, administrative proceeding, or special proceeding to abate any nuisance arising out of a Code violation. The recovery of attorneys' fees and costs shall be by the prevailing party, and limited to those individual actions or proceedings in which the District elects, by direction of the General Manager at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to the prevailing party exceed the amount of reasonable fees incurred by the District in such matters.
- I. Nothing in this chapter shall require the District to proceed with an administrative citation and fine in lieu of the penalty provisions set forth in Title 6 (Enforcement) or any other legal options available to the District. An administrative citation may be utilized in place of, or in addition to, any other remedy allowed by the Code or state law.

**6.15.020 Service of Citation.**

- A. An administrative citation may be served upon the recipient either by personal delivery or by first class mail through the United States Postal Service. If served by first class mail, the citation shall be sealed in an envelope with postage prepaid and addressed to the recipient of an administrative citation at his or her last known business or residence address as the same appears in public records of the District. Service by mail shall be deemed to have been completed on the date of deposit with the United States Postal Service. The date of personal service or the date a citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- B. If an agent, manager, or representative of a responsible Person is personally served with a citation, a copy thereof shall also be served by first class mail on the responsible Person at his or her last known business or residence address as the same appears in public records of the District. In such instances, the date a copy of the citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- C. If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the Code, the Enforcement Officer shall post the citation on such real property in the District in which the Person cited is known to have a legal interest in, or possession, dominion, and control of, such property, or a portion thereof. The date of posting shall constitute the issuance date of the citation.



- D. Any notice or order given pursuant to any provision of this chapter shall be served in the manner provided for in this section, unless otherwise stated.
- E. Failure of a recipient of an administrative citation to receive a citation or notice by mail, shall not invalidate any fine, late charge, action, or proceeding, if service was given in a manner stated in this section.
- F. An administrative citation should contain the following information:
  - 1. Name of the Person who is cited for the violation(s);
  - 2. Date, approximate time, and address or brief description of the location where the violation(s) was observed;
  - 3. The Code section(s) or condition(s)/provision(s) violated and a brief description of the violation(s);
  - 4. The amount of the fine for the violation(s);
  - 5. An explanation of how the fine shall be paid and the time period by which it shall be paid;
  - 6. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for a hearing form to contest the administrative citation; and
  - 7. The name and signature of the enforcement officer.
- G. Failure of an administrative citation to contain all the required information shall not affect the validity of the administrative citation.

**6.15.030 Appeal of Administrative Citation.**

- A. Any recipient of an administrative citation may contest that there was a violation of the Code, or that he or she is the responsible Person, or may contend that the amount of the fine is disproportionate in light of mitigating factors, by completing a request for hearing form, together with an advance deposit of the fine, and returning both to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail. Any administrative citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the Person charged in the administrative citation was not responsible for the violation(s), or that there was no violation(s) as alleged in the administrative citation or any amendments thereto. The hearing officer may reduce the fine amount if the hearing officer finds, based on the totality of the circumstances, the fine is clearly disproportionate to the violation in light of mitigating factors. Any administrative citation fine that has been deposited shall be reduced, and the difference refunded, if it is determined, after a hearing, that the amount of the fine is clearly disproportionate to the violation in light of mitigating factors.

- B. A request for a hearing shall contain the following:
1. The citation number;
  2. The name, address, telephone, and any facsimile numbers of each Person contesting the citation;
  3. A statement of any and all reasons why the citation is being contested, including any mitigating factors; and
  4. The date and signature of the Person(s) cited.
- C. A timely request for a hearing shall not excuse a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
- D. Waiver of Advanced Deposit of Fine.
1. A recipient of an administrative citation who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a District-approved application form for an advance deposit hardship waiver (hereafter the "hardship waiver"). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail.
  2. To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the District to reasonably determine that the recipient of an administrative citation has a present inability to deposit the fine. Documents suitable for consideration may include, without limitation, accurate, complete, and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income, and expense records for 12 months preceding submittal of the hardship waiver form, as well as other documentation demonstrating the financial hardship of the recipient of an administrative citation. The District may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a recipient of an administrative citation for a hardship waiver without prior notice to the recipient of an administrative citation.
  3. In the absence of advance payment of the fine pursuant to subsection A of this section, the failure to submit a completed, signed hardship waiver form, along with records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the recipient of an administrative citation shall have waived the right to a hearing, and the citation shall be deemed final.

4. The District shall issue a written decision specifying the reasons for issuing or not issuing the hardship waiver. This decision is final and non-appealable. The decision shall be served upon the Person requesting the hardship waiver by first class mail.
5. Approval of a hardship waiver shall result in the District setting a hearing pursuant to this section.
6. If the District determines that the recipient of an administrative citation is not entitled to a hardship waiver, he or she shall tender the full amount of the administrative fine to the City of Garden Grove Finance Department within seven calendar days of the date the decision is deposited with the United States Postal Service. In the event the City of Garden Grove Finance Department does not receive the full amount of the fine in the required period: (a) a late charge shall be imposed; (b) the request for a hearing shall be deemed incomplete and untimely; and (c) the recipient of an administrative citation shall have waived the right to a hearing and the citation shall be deemed final.

**6.15.040 Hearing Officer.** The General Manager shall designate, in accordance with applicable law, the hearing officer for the administrative citation hearing. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld, reduced, or overturned by the hearing officer.

**6.15.050 Hearing Procedure.**

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted to the City of Garden Grove Finance Department, and, except as set forth in section 6.15.030(B), the fine has been deposited in advance.
- B. A hearing before the hearing officer shall be set for a date that is not less than 15 and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The Person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing. The date for the hearing may be continued beyond 60 days from the date of the request for hearing is filed upon written stipulation of both the District and the Person requesting the hearing.
- C. The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the Person cited has caused, maintained, or is otherwise responsible for the violation(s) of the Code on the date(s) specified in the administrative citation, and the existence of mitigating factors, if any.
- D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

- E. Administrative hearings are informal, and rules of evidence and discovery do not apply. The District bears the burden of proof to establish a violation and responsibility thereof by a preponderance of evidence. The citation is prima facie evidence of the violation and the enforcement officer who issued the citation is not required to attend or participate at the hearing. The recipient of any administrative citation and the enforcement officer or other District or City of Garden Grove official, if present, shall have an opportunity to testify, present witnesses and evidence, and to cross-examine witnesses presented by the District in support of the administrative citation. The hearing officer may question any Person who presents evidence or who testifies at the hearing.
- F. At least 10 days prior to the hearing, the recipient of an administrative citation shall be served by mail with copies of any reports and other documents submitted or relied upon by the enforcement officer.
- G. If the enforcement officer or other District or City official submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the Person requesting the hearing at least five days prior to the date of the hearing.
- H. The hearing officer may continue the hearing and request additional information from the enforcement officer, another District or City official, or the recipient of the administrative citation prior to issuing a written decision.

**6.15.060 Hearing Officer Decision.**

- A. After considering all of the relevant evidence submitted at the hearing, the hearing officer shall issue a written decision within 10 days of the hearing to uphold, reduce, or overturn the administrative citation/fine and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the administrative citation/fine should be upheld, then the fine amount on deposit with the District shall be retained by the District.
- C. If the hearing officer determines that the administrative citation/fine should be reduced, then the fine amount on deposit with the District shall be retained by the District, except that the difference between the deposit and the reduced fine shall be promptly refunded.
- D. If the hearing officer determines that the administrative citation/fine should be overturned and the fine was deposited with the District, then the District shall promptly refund the amount of the deposited fine.
- E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision by first class mail.

**6.15.070 Failure to Pay and Collection of Fines.**

- A. In the absence of a timely appeal, the due date for the District's receipt of an administrative fine shall be 45 calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.
- B. Failure to pay an administrative fine within the period required from the issuance date of a citation shall result in a late charge as established by a resolution of the Board of Directors. The amount of a late charge may be modified from time to time by a resolution of the Board of Directors.
- C. Administrative fines and any late charges due shall be paid to the District at such location or address as stated in the citation, or as may otherwise be designated by the General Manager.
- D. Payment of an administrative fine shall not excuse or discharge a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
- E. Abatement of a violation shall not excuse the obligation of a recipient of an administrative citation to pay an administrative fine, or any late charge.
- F. Unpaid administrative fines and/or late charges shall constitute a debt that may be collected in any manner allowed by law.
- G. If, pursuant to section 6.15.030(D), a hardship waiver is granted and the fine is not deposited prior to the appeal hearing, the fine shall be due and payable in full 45 calendar days following the hearing officer's mailing of the written decision if the citation is upheld, unless review is timely sought pursuant to section 6.15.080. The failure of any Person to pay the administrative fine assessed by an administrative citation within the time specified on the citation or otherwise required by this chapter may result in the matter being referred to the City of Garden Grove Finance Department to file a claim in small claims court. Alternatively, the District may pursue any other legal remedy to collect the past due administrative fines and related costs.
- H. Any Person who fails to pay any fine shall be liable in any action or collection procedure brought by the District for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorney's fees.
- I. Collection costs shall be in addition to any penalties, interest, and late charges imposed upon the delinquent obligation. Interest on overdue fines and on late charges shall accrue at the rate of six percent per annum.
- J. Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally responsible party if the violation or violations persist.

**6.15.080 Right to Judicial Review.** Any Person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an appeal with the Orange County Superior Court within 20 days after service of the administrative decision, in accordance with the provisions of California Government Code section 53069.4. The Superior Court is the sole reviewing authority, and a hearing officer's decision is not appealable to the Board of Directors.

**6.15.090 Notices.**

- A. All notices to be given by this chapter shall be served on the responsible Person either by Personal delivery or by first class mail.
- B. Failure to receive any notice specified in this chapter shall not affect the validity of proceedings conducted hereunder.

**6.15.100 Collection by Lien.**

- A. If the fine owed by a cited party is for one or more Code violations on the cited party's property, and the citation was issued to abate a nuisance as defined by the Code or District ordinance, and the amount has been delinquent 90 days or more, the delinquent amount shall become a lien on the property on which the violation(s) occurred.
- B. Notice of Lien Hearing. The District shall give written notice to the cited party of a hearing before the Board of Directors regarding the delinquent fine amount and related costs. The notice shall be mailed by first class mail at least 14 days before the hearing. The notice shall state:
  - 1. The citation or citations resulting in the delinquent fine amount;
  - 2. The total of the delinquent fine amount and related costs;
  - 3. The date the delinquent fine amount was due;
  - 4. The street address, assessor's parcel number, and legal description of the property upon which the violations occurred;
  - 5. The date, hour, and place of the hearing;
  - 6. A statement that the cited party or other legally responsible Person may appear and be heard; and
  - 7. A statement that unless the fine amount is paid by the date specified in a resolution by the Board of Directors, the total amount due will become a lien and special assessment on the property.
- C. Lien Hearing. At the lien hearing, the Board of Directors shall hear and consider all competent evidence about the delinquent fine amount. If it finds the amount is delinquent, it shall make a finding of fact confirming that the delinquent fine amount and related costs

are due the District as costs of nuisance abatement. If the delinquent amounts are affirmed, the total amount due is to be paid to the District within five days, after which the amount due will become a lien on the property.

- D. Recorded Lien. If the amount due is not paid within five days after the Board of Directors confirms it and orders it paid, the amount due shall constitute a lien upon the real property upon which the nuisance violations existed and shall be a special assessment against the property. The lien shall continue until the amount due and interest, computed at six percent per annum from the date of the Board of Directors' confirmation, is paid, or until it is discharged of record. If the amount due is not paid as required by the Board of Directors' order, a notice of lien shall be recorded in the office of the County Recorder and delivered to the County Tax Collector. The notice of lien shall substantially be in the following form:

#### NOTICE OF LIEN

##### CLAIM OF THE GARDEN GROVE SANITARY DISTRICT

By the authority of Chapter 6.15 of Title 6 of the Garden Grove Sanitary District Code of Regulations, an Administrative Citation or Citations were issued regarding nuisance abatement at the real property described below. Fines were assessed for the nuisance. By action of the Board of Directors, recorded in its official minutes, the fines and related costs were confirmed as delinquent and assessed against the property as costs of nuisance abatement.

The delinquent amount was not paid, therefore the District claims a lien on the real property for the costs of abatement in the amount of \$ \_\_\_\_\_, which shall be a lien on the real property until it is paid, with interest at the rate of six percent per annum from the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ [insert the date the Board confirmed the delinquent fines and related costs]. The lien shall continue until paid in full and discharged of record. It shall also be a Personal obligation against [insert name of property owner].

The real property upon which a lien is claimed is that certain parcel of land in the [City of Garden Grove,] County of Orange, State of California, described as follows:

[Insert legal description.]

Dated this \_\_\_\_ day of \_\_\_\_\_, 2\_\_.

Garden Grove Sanitary District

By: \_\_\_\_\_  
General Manager

- E. Special Assessment.

1. After the lien is confirmed and recorded, a certified copy of it shall be filed with the County Recorder. The description of the parcel reported to the County Recorder

shall be the one used by the County Assessor's map book for the current year. The County Recorder shall enter each assessment on the County tax roll for the reported parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes.

2. If delinquent, the amount is subject to the same penalties and procedure of foreclosure provided for ordinary municipal taxes. As an alternative method, the County Tax Collector, in his or her discretion, may collect the assessment without reference to the general taxes, by issuing separate bills and receipts for the assessment. Laws relating to the levy, collection, and enforcement of County taxes shall apply to such special assessment.
3. The District may receive the amount due on the abatement costs and issue receipts at any time after the confirmation of the statement, before August 1st of that current year. The Board of Directors may order a refund of any lien or assessment paid under this section if it finds that all or part of the assessment has been erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with the office of the Secretary on or before March 1st after taxes become due and payable. The claim shall be verified by the Person who pays the tax, or his or her guardian, executor, or administrator.

**6.15.110 Miscellaneous Provisions.** The General Manager is authorized to promulgate procedural rules and regulations governing the civil administration citation and hearing process consistent with this chapter and applicable law.

**SECTION 5. 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 6. 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.

Adopted this 14<sup>th</sup> day of December 2021.

ATTEST:

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STEVE JONES  
PRESIDENT

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TERESA POMEROY  
SECRETARY



STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE                    ) §§  
CITY OF GARDEN GROVE                )

I, TERESA POMEROY, Secretary of the Garden Grove Sanitary District, hereby certify that the foregoing Ordinance No. 11 was duly adopted by the Board of the Garden Grove Sanitary District at an Special Meeting held on the 14<sup>th</sup> day of December 2021, by the following vote:

AYES:           MEMBERS:  
NOES:           MEMBERS:  
ABSENT:        MEMBERS:

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TERESA POMEROY  
SECRETARY

GGSD ~~2010~~-CODE OF REGULATIONS

CHAPTERS/SECTIONS ~~TO BE~~ REVISED

FOR

SB 1383 REGULATIONS COMPLIANCE

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Amend Section 1.20.130 (Definitions) of Chapter 1.20 (Definitions and Rules of Construction) of Title 1 (General Provisions):

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## CHAPTER 1.20-DEFINITIONS AND RULES OF CONSTRUCTION

**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: Certain words and phrases used in Chapter 5.10 pertaining to Solid Waste and Recycling shall have the same meaning as established in AB 939, the California Integrated Waste Management Act of 1989, as amended from time to time, and the regulations of the California Department of Resources Recycling and Recovery (CalRecycle) codified at Title 14 of the California Code of Regulations, Division 7 (commencing with section 17000), as amended from time to time, which definitions shall take precedence to be consistent with State law and regulations.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>AB 939</b>	That State legislation commonly known as the California Integrated Waste Management Act <u>of 1989</u> (Stats 1989, Chapter 1095, as amended) as codified in <u>part at</u> Public Resources Code <del>Section</del> <u>section</u> 40000, et seq., as it may be amended from time to time <u>and as implemented by the regulations of the California Department of Resources Recycling and Recovery, or its successor.</u>
<b>Bin</b>	A metal <del>container</del> <u>Container</u> , commonly referred to as a dumpster, including a compactor and any such similar device, with a capacity of under ten cubic yards.
<b><u>Blue Container</u></b>	<u>A Container where either: (a) the lid of the Container is in blue color, or (b) the body of the Container is blue in color and the lid is either blue, gray, or black in color. Hardware such as hinges and wheels on a blue Container may be any color. Blue Containers shall be used for the purpose of storage and collection of Source Separated Recyclable Materials, which includes non-putrescible and non-hazardous recyclable wastes such as cans, metals, plastics and glass, or as otherwise defined in 14 CCR section 18982(a)(43).</u>
<b>Board</b>	The Board of Directors of the Garden Grove Sanitary District.
<b><u>Brown Container/ Brown Container Waste</u></b>	<u>A Container where either: (a) The lid of the container is brown in color, or (b) the body of the container is brown in color and the lid is either brown, gray, or black in color. Hardware such as hinges and wheels on a Brown Container may be any color. Brown Containers shall be used for the purpose of storage and collection of Source Separated Food Waste.</u>
<b>Bulky Items</b>	Solid waste that cannot and/or would not typically be accommodated within a <del>cart</del> <u>Cart</u> 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

**TERM****DEFINITION**

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.

**California  
Code of  
Regulations  
or CCR**

The State of California Code of Regulations. CCR references in Chapter 5.10 (Solid Waste and Recycling) are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

**Cart**

A plastic ~~container~~Container provided by a ~~franchisee~~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~~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~~Solid Waste from a ~~premises~~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~~Commercial kitchens.

**Commercial**

A firm, partnership, proprietorship, joint-stock company, corporation, or association,

**TERM****DEFINITION****Business or Commercial**

whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing Chapter 5.10 (Solid Waste and Recycling).

**Commercial Edible Food Generator**

Includes a Tier One or a Tier Two Commercial Edible Food Generator as defined below. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

A. Tier One Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

B. Tier Two Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

**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~~Multi-Family Residential Facilities, but excluding ~~residential premises~~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~~Premises upon which ~~MFRFs~~Multi-Family Residential Facilities, hotels and motels are operated, shall be deemed to be ~~commercial-premises~~Commercial Premises.

**Commercial Waste**

Solid ~~waste~~Waste generated, produced or discarded by or at ~~commercial premises~~Commercial Premises. Includes any and all liquid or ~~solid waste~~Solid Waste

**TERM****DEFINITION**

substance not sewage from any producing, manufacturing or processing operation of whatever nature. Notwithstanding the foregoing, it shall include sewage mixed with ~~commercial~~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.

**Community Composting**

Any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.

**Compost**

The product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

**Construction and Demolition Waste**

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

**Container**

Any type of ~~solid-waste~~Solid Waste receptacle, including a ~~cart~~Cart, ~~bin~~Bin, and ~~rolloff box~~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~~Persons living as a household unit with common access to all living, eating and food preparation areas.

**Edible Food**

Food intended for human consumption. For the purposes of Chapter 5.10 (Solid Waste and Recycling), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in Chapter 5.10 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

**Enforcement officer**

All of the following City of Garden Grove officials: police officers, Code enforcement officers, community service officers, the Building Official, building inspectors, the Community Development Director, the City Engineer, the Fire Marshal and all Persons designated by the City Manager/General Manager, Community Development Director or Fire Chief to serve as enforcement officers.

**Engage in**

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

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<del>Ex-officio</del> <b><u>Food Distributor</u></b>	<del>By virtue of office</del> <u>A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.</u>
<b><u>Food Recovery</u></b>	<u>Actions to collect and distribute food for human consumption that otherwise would be disposed.</u>
<b><u>Food Recovery Organization</u></b>	<u>An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities, including, but not limited to:</u> <ol style="list-style-type: none"> <li><u>(1) A food bank as defined in section 113783 of the Health and Safety Code;</u></li> <li><u>(2) A nonprofit charitable organization as defined in section 113841 of the Health and Safety code; and,</u></li> <li><u>(3) A nonprofit charitable temporary food facility as defined in section 113842 of the Health and Safety Code.</u></li> </ol> <u>A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).</u>
<b><u>Food Recovery Service</u></b>	<u>A Person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery.</u> <u>A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).</u>
<b><u>Food Service Provider</u></b>	<u>An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations.</u>
<b><u>Food Waste</u></b>	<u>All of the following:</u> <ol style="list-style-type: none"> <li><u>(1) Food scraps, including all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps; and</u></li> <li><u>(2) Food-soiled Paper, including compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons; and</u></li> <li><u>(3) Compostable plastics, including plastic materials that meet the ASTM D6400 standard for compostability.</u></li> </ol>
<b>Franchisee</b>	Any <del>person, persons</del> <u>Person, Persons</u> , firm or corporation to whom a franchise has been granted by the District for the collection, processing, recycling and disposal of <del>solid waste</del> <u>Solid Waste</u> .



<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Garbage</b>	All animal and vegetable <del>refuse</del> <u>Refuse</u> 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.
<b>General Manager</b>	The City Manager of the City of Garden Grove, or his or her designee.
<b>Generator</b>	Any <del>person</del> <u>Person</u> who generates, produces or discards <del>solid waste</del> <u>Solid Waste</u> .
<b><u>Gray Container</u></b>	<u>A Container where either: (a) the lid of the Container is gray or black in color, or (b) the body of the Container is entirely gray or black in color and the lid is gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Gray Containers shall be used for the purpose of storage and collection of Gray Container Waste.</u>
<b><u>Gray Container Waste</u></b>	<u>Solid Waste that is collected in a Gray Container that is part of a three-Container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b).</u>
<b>Grease</b>	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.
<b><u>Green Container</u></b>	<u>A Container where either: (a) the lid of the Container is green in color, or (b) the body of the Container is green in color and the lid is green, gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Green Containers shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste, which includes Green Waste and Organic Waste.</u>
<b>Green Waste</b>	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 <del>containers</del> <u>Containers</u> designated for <del>green waste</del> <u>Green Waste</u> .
<b><u>Grocery Store</u></b>	<u>A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.</u>
<b>Hazardous Waste</b>	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),

**TERM****DEFINITION**

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.

**High Diversion Organic Waste Processing Facility**

A facility that is in compliance with the reporting requirements of 14 CCR section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR section 17402(a)(11.5).

**Inspection**

A site visit where the District reviews records, Containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in Chapter 5.10 (Solid Waste and Recycling).

**Large Event**

An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

**Large Venue**

A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of Chapter 5.10 (Solid Waste and Recycling) and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of Chapter 5.10 and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

**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.

**Local Education Agency**

A school district, charter school, or county office of education that is not subject to the control of the District, City or County regulations related to Solid Waste.

**Medical Waste**

All wastes defined as “~~medical—waste~~Medical Waste,” “sharps waste,” or “home-generated sharps waste” by the State of California in the Medical Waste

**TERM****DEFINITION**

Management Act, as codified in Part 14 of Division 104 of the Health and Safety Code (commencing with ~~Section~~section 117600), including but not limited to Sections 117671, 117690-117700, and 117755, or in the future amendments to or recodifications of such statutes.

**Mixed Waste Organic Collection Stream or Mixed Waste** Organic Waste collected in a Container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility.

**Multi-Family Dwelling** A building or lot containing more than one dwelling unit at which the District and/or a ~~franchisee~~Franchisee determines that each dwelling unit can receive ~~solid-waste handling services~~Solid Waste Handling Services through the use of ~~earts~~Carts.

**Multi-Family Residential Facility-or MFRF** Any building or lot containing five (5) or more ~~than one~~ dwelling ~~unit~~units at which the District and/or a ~~franchisee~~Franchisee determines the dwelling units must receive ~~solid-waste~~Solid Waste handling service through the use of shared ~~bins~~Bins, as they are not reasonably able to store ~~earts~~Carts or otherwise receive individualized ~~solid waste~~Solid Waste handling service through the use of the automated collection system utilizing ~~earts~~Carts. Multi-Family Residential Facilities do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

**Non-Organic Recyclables** Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass.

**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~~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~~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.

**Organic Waste** Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and

**TERM****DEFINITION**

	<u>Writing Paper, manure, biosolids, digestate, and sludges. Organic Waste does not include paper that is coated in a plastic material that will not breakdown in the composting process.</u>
<u>Organic Waste Generator</u>	<u>A Person or entity that is responsible for the initial creation of Organic Waste.</u>
<u>Paper Products</u>	<u>Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling.</u>
<b>Parcel</b>	A parcel as designated by the County Assessor.
<b>Person</b>	Any <del>person</del> <u>Person, individual</u> , firm, association, organization, partnership <u>of any kind</u> , business trust, <u>limited liability company, association, joint venture</u> , company or corporation, <del>and</del> <u>or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrator or assigns, or any combination of such Persons.</u> <u>Person includes</u> any municipal, political or governmental corporation, district, body or agency, other than the Garden Grove Sanitary District and City of Garden Grove.
<b>Premises</b>	Any land, building and/or structure within the District where <del>solid waste</del> <u>Solid Waste</u> is generated or accumulated.
<u>Printing and Writing Papers</u>	<u>Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.</u>
<u>Prohibited Container Contaminants</u>	<u>The following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the Green Container and/or Blue Container; discarded materials placed in the Brown Container other than Source Separated Food Waste and, (iv) Hazardous Waste placed in any Container.</u>
<b>Public sewer</b>	The main sewer or trunk sewer, constructed in a street, highway, alley, place or right-of-way dedicated to public use.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b><u>Recovery or Organic Waste Recovery</u></b>	<u>Any activity or process described in 14 CCR section 18983.1(b).</u>
<b><u>Recyclable Solid Waste or Recyclable Materials</u></b>	<del>That solid waste capable</del> <u>All Solid Waste which can be recycled and which is separated from other Solid Waste for the purpose of being recycled such as, including</u> but not limited to <del>glass, newsprint, paper,</del> aluminum, cardboard, <del>certain plastics or metal</del> <u>glass, grass, and yard cuttings, metal, newspaper, paper, and plastic.</u>
<b>Recycle Or Recycling</b>	The process of collecting, sorting, cleansing, treating, and reconstituting or otherwise processing materials that are or would otherwise become <del>solid waste</del> <u>Solid Waste</u> 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.
<b>Refuse</b>	All non-recyclable <del>solid waste</del> <u>Solid Waste</u> , trash, <del>garbage</del> <u>Garbage</u> , 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 <del>hazardous waste or medical waste</del> <u>Hazardous Waste or Medical Waste</u> as defined herein.
<b>Remodeling</b>	Any physical change to a building that requires a building permit.
<b><u>Remote Monitoring</u></b>	<u>The use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in Containers (level of fill) and/or presence of Prohibited Container Contaminants.</u>
<b>Residential Premises</b>	Premises within the District upon which single family and <del>multi-family dwelling</del> <u>Multi-Family Dwelling</u> units exist; except, notwithstanding any provision to the contrary herein, for purposes of Title 5, <del>premises</del> <u>Premises</u> upon which <del>MFRFs</del> <u>Multi-Family Residential Facilities</u> , hotels, and motels are operated shall be deemed <del>commercial premises</del> <u>Commercial Premises</u> .
<b>Residential Waste</b>	Solid waste, including <del>recyclable materials</del> <u>Recyclable Materials</u> , originating from <del>residential premises</del> <u>Residential Premises</u> .
<b><u>Responsible Person</u></b>	<u>Any Person, whether as a real property owner or otherwise, that allows, causes, creates, maintains or permits a violation of the Municipal Code to occur, exist, or continue in existence. "Responsible Person" shall include the parent or legal guardian of any Person under the age of 18 years who allows, causes, creates, maintains, or permits a violation of this Code to occur, exist, or continue in existence.</u>

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b><u>Restaurant</u></b>	<u>An establishment primarily engaged in the retail sale of food and drinks for on-Premises or immediate consumption.</u>
<b>Rolloff Box</b>	A <del>container</del> <u>Container</u> of ten cubic yards or larger, including compactors.
<b>Self-Hauler</b>	<del>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</del> <u>A Person, who hauls Solid Waste, Organic Waste or Recyclable Material he or she has generated to another Person. Self-Hauler also includes a landscaper, or a Person who back-hauls waste. Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator's own employees and equipment.</u>
<b>Sewage</b>	The water borne wastes from dwellings, kitchens, restaurants, institutions, stables, dairies, <del>commercial</del> <u>Commercial</u> or industrial buildings and other similar structures, but excluding any stormwater, rainwater, surface water, ground water, roof or yard drainage.
<b>Single Family Dwelling</b>	A building or lot containing one dwelling unit and/or each dwelling unit within a <del>multi-family dwelling</del> <u>Multi-Family Dwelling.</u>
<b>Solid Waste</b>	All discarded putrescible and nonputrescible solid, semisolid, and liquid wastes, including <del>garbage</del> <u>Garbage</u> , trash, <del>refuse</del> <u>Refuse</u> , rubbish, construction and demolition waste, industrial waste, <del>commercial solid waste</del> <u>Commercial Solid Waste</u> , bulky items (other than those bulky items defined as <del>special wastes</del> <u>Special Wastes</u> ), 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 <del>medical waste</del> <u>Medical Waste</u> , or Special Wastes as defined herein.
<b>Solid Waste Handling Services</b>	The <del>collection</del> <u>transportation, storage</u> , transfer, <del>transport, recycling,</del> processing, <del>and/or disposal of solid waste</del> <u>disposal or collection (whether from the curbside, Bins, roll-off box or any other type of Solid Waste Container or location) of Solid Waste for residential, Commercial, institutional, industrial or any other originators, users or customers.</u>
<b><u>Source Separated</u></b>	<u>Materials, including commingled Recyclable Materials and Organic Waste, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return 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, or as otherwise defined in 14 CCR section 17402.5(b)(4). For the purposes of Chapter 5.10 (Solid Waste and Recycling), Source Separated shall include separation of materials by the Generator, property</u>

**TERM****DEFINITION**

owner, property owner's employee, property manager, or property manager's employee into different Containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.

**Source  
Separated  
Green  
Container  
Organic  
Waste**

Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the Generator, excluding carpets, Non-Compostable Paper, and textiles.

**Source  
Separated  
Recyclable  
Materials**

Recyclable Materials that are Source Separated and placed in the Blue Container..

**Special  
Wastes**

Wastes other than ~~solid waste~~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~~section 66261.9 of Division 4.5, Title 22, California Code of Regulations.

**State**

The State of California.

**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.

**Supermarket**

A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

**Tenant**

As used in reference to a building or land shall include any ~~person~~Person who occupies the whole or part of such building or land, whether alone or with others.

**Wholesale  
Food Vendor**

A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.



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Amend Chapter 5.10 (Solid Waste) of Title 5 (Solid Waste Regulations):

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CHAPTER 5.10  
SOLID WASTE AND RECYCLING

Sections:

<u>5.10.005</u>	<u>Declaration of Purpose</u>
5.10.010	Collection Authority.
5.10.020	Collection Service Required.
5.10.030	Solid Waste Containers.
5.10.040	<del>Self-Haulers.</del> <u>Requirements for Single-Family Organic Waste Generators.</u>
5.10.050	<u>Requirements for Commercial Businesses.</u>
<u>5.10.060</u>	<u>Organic Waste Waivers.</u>
<u>5.10.070</u>	<u>Self-Hauler Permits.</u>
<u>5.10.080</u>	<u>Organic Waste Self-Hauler Requirements.</u>
<u>5.10.090</u>	Handling and Storage of Solid Waste and Recyclable Materials.
<del>5.10.060</del> <u>5.10.100</u>	Frequency of Solid Waste Removal.
<del>5.10.070</del> <u>5.10.110</u>	Removal of Heavy Objects.
<del>5.10.080</del> <u>5.10.120</u>	Tampering with Solid Waste Prohibited.
<del>5.10.090</del> <u>5.10.130</u>	Recyclable Materials as Franchisee or District Property.
<del>5.10.100</del> <u>5.10.140</u>	Recycling by Private Individuals or Organizations.
<del>5.10.110</del> <u>5.10.150</u>	Special Pickup—Bulky Items.
<del>5.10.120</del> <u>5.10.160</u>	Placement of Containers for Collection.
<del>5.10.130</del> <u>5.10.170</u>	Time of Container Placement.
<del>5.10.140</del> <u>5.10.180</u>	Removal of Empty Containers.
<del>5.10.150</del> <u>5.10.190</u>	Littering Prohibited.
<del>5.10.160</del> <u>5.10.200</u>	Public Nuisance.
<del>5.10.170</del> <u>5.10.210</u>	Hazardous Waste Disposal Prohibited.
<del>5.10.180</del> <u>5.10.220</u>	Procedures for Disposing of Hazardous Waste.
<del>5.10.190</del> <u>5.10.230</u>	Sanitary Maintenance Required.
<u>5.10.240</u>	<u>Organic Waste Haulers.</u>
<u>5.10.250</u>	<u>Organic Waste Facility Operators.</u>
<u>5.10.260</u>	<u>Organic waste Commercial Edible Food Generators.</u>
<u>5.10.270</u>	<u>Food Recovery Organizations and Services; Regional Agencies.</u>
<u>5.10.280</u>	<u>Inspection and Investigation.</u>
<del>5.10.200</del> <u>5.10.290</u>	Unlawful Containers - Notice of Violation.
<del>5.10.210</del>	<del>General Penalty—Infraction.</del>
<del>5.10.220</del> <u>5.10.300</u>	Franchisee Remedies.



#### **5.10.005 Declaration of Purpose.**

- A. The purpose of this chapter is to regulate Solid Waste handling in order to protect the public health, safety and welfare and to meet the District's obligations under the California Integrated Waste Management Act 1989 (Public Resources Code Sections 40,000 et seq. as amended from time to time) (Hereinafter "AB 939").
- B. The District is obligated by AB 939 to implement plans for Solid Waste source reduction, reuse, and recycling (including composting) to meet specified achievement milestones.
- C. State recycling law, Assembly Bill 341 of 2011 requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.
- D. State organics recycling law, Assembly Bill 1826 of 2014 requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the District to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the District to implement a Mandatory Commercial Organics Recycling program.
- E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the District, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- F. SB 1383 further requires the District to adopt and enforce an ordinance to implement relevant provisions of SB 1383 Regulations. The ordinance amending this chapter will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.
- G. Pursuant to the Sanitary District Act of 1923, section 6400 et. seq. of the Health and Safety Code of the State of California, the District is authorized to enact ordinances to protect the public health, safety, and welfare. Pursuant to Public Resources Code section 40059 aspects of Solid Waste handling of local concern include, but are not limited to, the frequency of collection, means of collection and transportation, level of service, charges and fees, and whether Solid Waste services are to be provided by means of non-exclusive, partially exclusive, or wholly exclusive franchise, contract, license or permit, and the terms and conditions of such franchise, license or permit.

#### **5.10.010 Collection Authority.**

- A. The District shall provide for the collection and disposal of ~~solid-waste~~Solid Waste from all ~~premises~~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~~Franchisee(s) and their duly authorized agents and employees, shall have the exclusive right to gather, collect and dispose of ~~solid-waste~~Solid Waste from all ~~premises~~Premises within the District in accordance with the provisions of this Code, except that ~~self-haulers~~Self-Haulers registered in accordance with this chapter shall have the right, in a lawful manner, to dispose of ~~solid-waste~~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~~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~~Tenant, Occupant or ~~person~~Person in charge or control of every ~~commercial or residential premises where solid-waste~~Commercial or Residential Premises where Solid Waste is generated or accumulates shall either (1) subscribe to ~~solid-waste-handling-services~~Solid Waste Handling Services with a ~~franchisee~~Franchisee or the District, as applicable; or (2) obtain and maintain registration as a ~~self-hauler~~Self-Hauler pursuant to this ~~Chapter~~chapter in connection with said ~~premises~~Premises.
- B. Exception; Vacant Premises. The above requirement to provide for ~~solid-waste-handling services~~Solid Waste Handling Services shall not apply in connection with any ~~residential premises~~Residential Premises at which all dwelling units are vacant, or ~~commercial premises~~Commercial Premises that are completely vacant; provided, however, that this exception shall only apply during the time period such ~~premises~~Premises are vacant and following receipt of written notice by the District and/or ~~franchisee~~Franchisee, as applicable, that such ~~premises~~Premises have been vacated. Any ~~person~~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~~Franchisee, pursuant to such regulations or guidelines as the General Manager is hereby authorized to develop or approve, demonstrating the ~~premises~~Premises are vacant. Premises shall not be deemed vacant for purposes of this exception during such period of time that such ~~premises~~Premises are unoccupied due only to a temporary absence of the owner(s) or ~~occupant~~Occupant(s), such

as a period during which the owner(s) or ~~occupant~~Occupant(s) are merely away on vacation.

### 5.10.030 Solid Waste Containers.

- A. Every owner, ~~occupant~~Occupant or ~~person~~Person in possession, charge or control of any ~~premises~~Premises within the District shall deposit or cause to be deposited all ~~solid waste~~Solid Waste generated or accumulated on such ~~premises~~Premises, and intended for collection and disposal, in sealed, watertight ~~bins, carts, rolloff boxes~~Bins, Carts, Rolloff Boxes or other ~~containers~~Containers that are either (1) provided by, or acceptable to, a ~~franchisee~~Franchisee; or (2) approved by the General Manager for self-hauling purposes pursuant to this chapter. No owner, ~~occupant~~Occupant or ~~person~~Person in possession, charge or control of any ~~premises~~Premises shall utilize a ~~bin, cart, rolloff box~~Bin, Cart, Rolloff Box or other ~~container~~Container not in conformance with the requirements hereof for the collection, accumulation or storage of ~~solid waste~~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~~Solid Waste generated at ~~residential premises~~the 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.~~Container as provided in Sections 5.10.040, 5.10.050, and 5.10.090.

<b>GREEN CONTAINER—Acceptable</b>	<b>BLACK CONTAINER—Acceptable</b>	<b>BROWN CONTAINER—Acceptable</b>
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	ANIMAL/FOOD WASTE BATHROOM WASTES CARPET/FLOORING CAR PARTS CAT LITTER CIGARETTE BUTS DIRT/CEMENT/ROCK <i>(do not fill more than 1/4 of container)</i> DISPOSABLE DIAPERS DRINKING GLASSES FOOD WASTE FREEZER/ REFRIGERATOR FOOD BOXES	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

<b>GREEN CONTAINER—Acceptable</b>	<b>BLACK CONTAINER—Acceptable</b>	<b>BROWN CONTAINER—Acceptable</b>
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 USED ENVELOPES WRAPPING PAPER	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	

<b>GREEN CONTAINER—Not Acceptable</b>	<b>BLACK CONTAINER—Not Acceptable</b>	<b>BROWN CONTAINER—Not Acceptable</b>
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~~Container is unattended. If the ~~solid waste~~Solid Waste contained within a ~~bin, cart, rolloff box~~Bin, Cart, Rolloff Box or other ~~container~~Container exceeds the actual capacity of the ~~container~~Container, then a larger ~~container~~Container or multiple ~~containers~~Containers must be utilized. The owner, ~~tenant, occupant~~Tenant, Occupant and/or ~~person~~Person or entity in control of a

~~premises~~Premises shall be responsible for the clean-up of any ~~solid-waste~~Solid Waste spilled, dumped or scattered as a result of a ~~container~~Container overflow.

- D. It is unlawful for any ~~person~~Person to share, place ~~solid-waste~~Solid Waste in, or to otherwise use the ~~bin, cart, rolloff box~~Bin, Cart, Rolloff Box or other ~~container~~Container of another ~~person~~Person or business. Notwithstanding anything contained herein to the contrary, the sharing of ~~containers~~Containers shall be permitted under the following conditions:
1. The owner, property manager or ~~person~~Person in charge or control of a ~~premises~~Premises upon which a ~~multi-family dwelling~~Multi-Family Dwelling or multi-family residential facility exists may arrange for ~~bins, carts, rolloff boxes~~Bins, Carts, Rolloff Boxes or other ~~containers~~Containers for shared use by the ~~occupants, tenants or persons~~Occupants, Tenants or Persons in possession of the dwelling units on such ~~premises~~Premises.
  2. The ~~occupants~~Occupants of a single ~~commercial~~Commercial building or contiguous and adjacent ~~commercial~~Commercial building may share a ~~bin, cart, rolloff box or other container for solid waste handling services~~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~~Franchisee. Approval by the General Manager shall be based upon (a) the type of ~~solid-waste~~Solid Waste generated by each ~~commercial~~Commercial ~~premises~~Commercial Premises; and (b) the number of ~~containers~~Containers and frequency of ~~solid-waste~~Solid Waste collection needed to protect the public health, welfare and safety.
- E. It is unlawful to use any ~~bin, cart, rolloff box~~Bin, Cart, Rolloff Box or other ~~container~~Container furnished by the District or a ~~franchisee~~Franchisee for any purpose other than the collection, accumulation and storage of ~~solid-waste~~Solid Waste; or to convert or alter such ~~containers~~Containers for other uses; or to intentionally damage such ~~containers~~Containers.

**5.10.040 Self-Haulers. Requirements for Single-Family Organic Waste Generators.** Organic Waste Generators at Single-Family Dwelling Premises shall comply with the following requirements except Generators that meet the Self-Hauler requirements in section 5.10.070:

- A. Organic Waste Generators at Single-Family Dwelling Premises shall subscribe to the District's Organic Waste collection services for all Organic Waste generated as described in subdivision (B) of this section. The District or its designee shall have the right to review the number and size of a Generator's Containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust their service level for their collection services as directed by the District. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR section 18984.9(c).

- B. Organic Waste Generators at Single-Family Dwelling Premises shall participate in the District's Organic Waste collection service(s) by placing designated materials in designated Containers as described in subdivision (C) of this section and shall not place Prohibited Container Contaminants in collection Containers.
- C. Organic Waste Generators at Single-Family Dwelling Premises shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; if applicable, Source Separated Food Waste which is not commingled with Green Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container, Brown Container or Blue Container. District may require additional segregation of a Generator's Green Container for the purposes of separating Food Waste from Green Waste. The following Containers will be provided as directed by the General Manager or designee when additional segregation of a Generator's Green Container is required:
- (1) A Brown Container that is limited to the Collection of Food Waste only.
- (2) A Green Container that is limited to the Collection of Green Waste only.

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**5.10.050 Requirements for Commercial Businesses.**

- A. Generators that are Commercial Businesses, including Multi-Family Residential Facilities, shall subscribe to the District's three Container collection services and comply with requirements of those services as described in this section.
- B. Generators that are Commercial Businesses shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; if applicable, Source Separated Food Waste which is not commingled with Green Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container, Brown Container or Blue Container. District may require additional segregation of a Generator's Green Container for the purposes of separating Food Waste from Green Waste. The following Containers will be provided as directed by the General Manager or designee when additional segregation of a Generator's Green Container is required:
- (1) A Brown Container that is limited to the Collection of Food Waste only.
- (2) A Green Container that is limited to the Collection of Green Waste only.
- C. The District or its designee shall have the right to review the number and size of a Generator's Containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and

containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.

D. Generators shall supply and allow access to adequate number, size and location of collection Containers with sufficient labels or colors for employees, contractors, Tenants, and customers, consistent with the District's Blue Container, Green Container, and Gray Container collection service.

E. Excluding Multi-Family Residential Facilities, generators shall provide Containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. Pursuant to 14 CCR section 18984.9(b), the Containers provided by the business shall have either:

(1) A body or lid that conforms with the Container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that Container, or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the Container. Pursuant 14 CCR section 18984.8, the Container labeling requirements are required on new Containers commencing January 1, 2022.

F. Multi-Family Residential Facilities are not required to comply with Container placement requirements or labeling requirement in subdivision (E) pursuant to 14 CCR section 18984.9(b).

G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Facilities, Commercial Businesses shall prohibit employees from placing materials in a Container not designated for those materials per the District's Blue Container, Green Container, Brown Container and Gray Container collection service.

H. Excluding Multi-Family Residential Facilities, Commercial Businesses shall periodically inspect Blue Containers, Green Containers, Brown Containers and Gray Containers for



contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers pursuant to 14 CCR section 18984.9(b)(3).

- I. Commercial Businesses shall annually provide information to employees, contractors, Tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste, if applicable Source Separated Brown Container Waste and Source Separated Recyclable Materials.
- J. Commercial Businesses shall provide education information before or within fourteen (14) days of occupation of the Premises to new Tenants that describes requirements to keep Source Separated Green Container Organic Waste, if applicable Source Separated Brown Container Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of Containers and the rules governing their use at each property.
- K. Commercial Businesses shall provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with section 5.10.280 of this chapter to confirm compliance with the requirements of this section.
- L. Commercial Businesses shall accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of Containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate Generator's compliance with subdivision (B). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers.
- M. At Commercial Business's option and subject to any approval required from the District, Commercial Businesses shall implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers for the purpose of monitoring the contents of Containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, if applicable, Brown Containers, and Gray Containers subject to written notification to or approval by the District or its Designee.
- N. If a Commercial Business wants to self-haul, the Commercial Business must meet the Self-Hauler requirements in section 5.10.080 of this chapter.
- O. Nothing in this section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR section 18984.9(c).
- P. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to section 5.10.260 of this chapter.



#### **5.10.060 Organic Waste Waivers.**

A. De Minimis Waivers. The District may waive the Organic Waste Recycling requirements of this chapter for residential development with minimal individual open space and greenspace such as town homes with common-area open space predominantly serviced by gardeners and landscapers subject to section 5.10.080 of this chapter. Furthermore, the District may waive a Commercial Business's obligation to comply with some or all of the Organic Waste requirements of this chapter if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in this section. Commercial Businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subdivision (B) below.
- (2) Provide documentation that either:
  - (a) The Commercial Business's total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container comprises less than 20 gallons per week per applicable Container of the business' total waste; or,
  - (b) The Commercial Business's total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container comprises less than 10 gallons per week per applicable Container of the business's total waste.
- (3) Notify the District if circumstances change such that the Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded.
- (4) Provide written verification of eligibility for de minimis waiver every five years, if the District has approved a de minimis waiver.

B. Physical Space Waivers. A Commercial Business or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the Premises lack adequate space for Blue Containers and/or Brown or Green Containers including documentation from the Franchisee, hauler, licensed architect, or licensed engineer.

- (3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

#### 5.10.070 Self-Hauler Permits.

- A. Self-~~haulers~~Haulers registered and operating in accordance with this chapter are only permitted to collect, transport and dispose of ~~solid waste~~Solid Waste generated by and upon the ~~self hauler~~Self-Hauler's own ~~premises~~Premises. Under no circumstances may a ~~self hauler~~Self-Hauler collect, transport or dispose of ~~solid waste~~Solid Waste generated upon ~~premises~~Premises that are not owned, operated or controlled by the ~~self hauler~~Self-Hauler. Notwithstanding any other provision of this chapter, registered ~~self-haulers~~Self-Haulers shall not be permitted to share, place ~~solid waste~~Solid Waste in, or to otherwise use the ~~bin, cart, rolloff box~~Bin, Cart, Rolloff Box, or other ~~container~~Container of another ~~person~~Person or business.
- B. Registration. All ~~self-haulers~~Self-Haulers shall comply with the following registration requirements:
1. Each ~~self hauler~~Self-Hauler shall obtain a registration application form from the General Manager. Self-~~haulers~~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~~Bins, Carts, Rolloff Boxes and other ~~containers~~Containers to be used by the ~~self hauler~~Self-Hauler; (b) a list of all transport and disposal equipment to be used by the ~~self hauler~~Self-Hauler; (c) a written explanation of where all ~~solid waste~~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~~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~~the minimum required of all ~~solid waste~~Solid Waste generated at its ~~premises~~Premises from landfills in a manner that complies with the requirements of AB 939 and section 5.10.080; and (b) receipts from self-hauling activities undertaken in the prior year demonstrating that the applicant has delivered ~~solid waste~~Solid Waste generated at its ~~premises~~Premises to appropriate disposal or recycling facilities at least as frequently as collection is required for such ~~self hauler~~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~~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~~minimum diversion ~~requirement~~requirements and otherwise complied with all laws related to disposal of ~~solid waste~~Solid Waste, including section 5.10.080.
- C. Containers. Each ~~self-hauler~~Self-Hauler shall provide its own ~~bins, carts, rolloff boxes~~Bins, Carts, Rolloff Boxes or other ~~containers~~Containers. Bins, ~~carts, rolloff boxes~~Carts, Rolloff Boxes or other ~~containers~~Containers utilized by a ~~self-hauler~~Self-Hauler must conform to industry standards for ~~solid waste~~Solid Waste disposal and must be approved by the General Manager in writing prior to issuance of a ~~self-hauler~~Self-Hauler registration. In addition, any ~~containers~~Containers utilized by a ~~self-hauler~~Self-Hauler shall comply with the following requirements:
1. All ~~containers~~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~~Containers shall be maintained in a sealed, watertight condition;
  3. Self-~~haulers~~Haulers shall remove any graffiti that appears on ~~containers~~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~~Self-Hauler must be approved by the General Manager in writing prior to issuance of a ~~self-hauler~~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~~Commercial enterprise. Self-~~haulers~~Haulers must obtain all equipment, including ~~containers~~Containers and collection and transportation equipment, at a fair market value that does not include any hauling services, “free” or otherwise. A ~~self-hauler~~Self-Hauler may utilize its own employees to undertake self-hauling activities, but under no circumstance may a ~~self-hauler~~Self-Hauler utilize an independent contractor or any other ~~person~~Person or entity for waste disposal services other than a ~~franchisee~~Franchisee.
- F. Other Recycling Obligations. Self-~~haulers~~Haulers shall recycle all ~~recyclable materials~~Recyclable Materials and Organic Waste not otherwise addressed by this section to a degree and in a manner consistent with standards generally applicable to the ~~solid waste~~Solid Waste disposal industry and as required by state law.
- G. Collection Frequency. Unless otherwise specifically provided in this chapter, ~~self-haulers~~Self-Haulers shall remove ~~solid—wastes~~Solid Wastes from their ~~premises~~Premises at least once per week. However, upon application to the District for

registration as a ~~self-hauler~~Self-Hauler, the General Manager may determine a different frequency for ~~solid-waste~~Solid Waste collection, transport and disposal from the ~~self-hauler's premises~~Self-Hauler's Premises. This determination shall be based upon the nature of the ~~premises~~Premises, the type of ~~solid-waste~~Solid Waste generated by the ~~premises~~Premises, and the collection capacity of the ~~self-hauler~~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~~Self-Hauler shall engage in the collection, transport or disposal of ~~hazardous waste or special wastes~~Hazardous Waste or Special Wastes.
- I. Revocation. The General Manager may revoke prior approval of a ~~self-hauler~~Self-Hauler registration if the registrant either (1) fails to divert ~~at least fifty percent from landfills the minimum required~~ of all ~~solid-waste~~Solid Waste generated at its ~~premises from landfills~~Premises in a manner that complies with the requirements of AB 939 and CalRecycle regulations; or (2) fails to deliver ~~solid-waste~~Solid Waste generated at its ~~premises~~Premises to appropriate disposal or recycling facilities at least as frequently as collection is required for such ~~self-hauler~~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:~~5.10.080 Organic Waste Self-Hauler Requirements. Self-Haulers that collect and transport materials pursuant to section 5.10.070 shall:

- A. Source separate all Recyclable Materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's Organics and Recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR section 18984.3.
- B. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green or Brown Container Organic Waste to a Solid Waste facility that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Facilities) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the District. The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the waste.

- (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

**5.10.090 Handling and Storage of Solid Waste, Recyclable Materials and Organic Waste.** Solid waste, Recyclable Materials, and Organic Waste shall be placed directly into Solid Waste and Recyclable Materials and Organic Waste 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~~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~~Solid Waste Containers.
- C. Untreated ~~medical-waste~~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~~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~~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.~~Source Separated Green Container Waste shall be placed in Green Containers.
- F. Source Separated Food Waste shall be placed in Brown Containers.
- G. Boxes and crates shall be dismantled or flattened. Boxes and crates constructed of ~~recyclable materials~~Recyclable Materials shall be placed in approved ~~containers~~Containers designated for ~~recyclable materials~~Recyclable Materials.
- G.H. Construction and demolition waste or manure from farms and stables shall be stored in approved ~~containers~~Containers in a manner so as not to create a nuisance and at a location approved by the ~~franchisee~~Franchisee or the General Manager.

- ~~HI.~~ It shall be unlawful for a ~~person~~Person occupying or having control of any ~~premises~~Premises to introduce ~~refuse~~Refuse, contaminated material or any materials which are not recyclable into a ~~solid-waste-container~~Solid Waste Container designed for ~~recyclable materials~~Recyclable Materials.
- ~~IJ.~~ Every ~~person~~Person occupying or having control of any ~~premises~~Premises shall insure that a sufficient number of approved ~~containers~~Containers are available to properly store all ~~solid-waste~~Solid Waste, including ~~recyclable materials and green waste~~Recyclable Materials, Organic and Green Waste, generated at said ~~premises~~Premises.
- ~~JK.~~ Any ~~solid-waste~~Solid Waste that does not reasonably fit within a ~~container~~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~~Premises at which they are generated pursuant to ~~Section 5.10.110~~section 5.10.150 or otherwise in accordance with the provisions of this title.
- ~~KL.~~ No ~~person~~Person shall burn any ~~solid-waste~~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.
- ~~LM.~~ Any ~~person~~Person who generates ~~solid-waste~~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~~Solid Waste handling service with the use of ~~containers~~Containers from a ~~franchisee~~Franchisee, be registered to self-haul such ~~solid-waste~~Solid Waste in the manner required by this ~~Chapter~~chapter, or make arrangements in accordance with ~~Section~~section 5.20.030(C).

**~~5.10.060~~5.10.100 Frequency of Solid Waste Removal.** With the exception of vacant ~~premises~~Premises meeting the provisions of ~~Section~~section 5.10.020.B; above, each owner, ~~tenant, occupant or person in charge of commercial or residential premises where solid waste, green waste~~Tenant, Occupant or Person in charge of Commercial or Residential Premises where Solid Waste, Organic Waste, Green Waste or recyclable material accumulates shall cause said ~~containers~~Containers to be emptied and all ~~solid-waste~~Solid Waste shall be removed at least once each calendar week, except that food processing and food serving establishments shall cause said ~~containers~~Containers to be emptied of ~~garbage~~Garbage at least three times each calendar week. The General Manager may provide written notice to the owner, ~~occupant~~Occupant, or ~~person~~Person in charge of any ~~residential or commercial premises~~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~~Premises and may direct that ~~solid-waste~~Solid Waste be removed by the owner, ~~occupant~~Occupant, or ~~person~~Person in charge of any ~~premises~~Premises so notified on a more frequent schedule and/or that additional or larger ~~containers~~Containers be utilized.



**~~5.10.070~~5.10.110 Removal of Heavy Objects.** Each owner, ~~tenant, occupant or person~~Tenant, Occupant or Person in charge of any ~~premises~~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~~Premises.

**~~5.10.080~~5.10.120 Tampering with Solid Waste Prohibited.** No ~~person~~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~~Franchisee, shall enter, tamper, or meddle with ~~green waste~~Organic Waste, Green Waste, recycling or ~~solid waste containers~~Solid Waste Containers or the contents thereof or remove the contents of any such ~~container~~Container or remove any such ~~container~~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~~Commercial and Residential Premises.

**~~5.10.090~~5.10.130 Recyclable Materials as Franchisee or District Property.** Once ~~recyclable materials~~Recyclable Materials are placed in a designated ~~container~~Container for such purpose at a designated recycling collection location for collection by a ~~franchisee~~Franchisee or the District, the ~~recyclable materials~~Recyclable Materials shall become the property of the ~~franchisee~~Franchisee or the District, as applicable.

**~~5.10.100~~5.10.140 Recycling by Private Individuals or Organizations.** Nothing in this chapter shall limit the right of an individual ~~person~~Person, organization or other entity to donate, sell or otherwise dispose of ~~recyclable materials~~Recyclable Materials, provided that any such disposal is in accordance with the provisions of this title or of other applicable law.

**~~5.10.110~~5.10.150 Special Pickup—Bulky Items.**

- A. Household Bulky Item Collection Program. The Household Bulky Item Collection Program entitles residents of each ~~single family dwelling~~Single-Family Dwelling within the District who subscribe to ~~solid waste handling services~~Solid Waste Handling Services with a ~~franchisee~~Franchisee to collection of bulky items generated by such residents. Residents of each ~~residential premises~~Residential Premises may schedule with the ~~franchisee~~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~~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~~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~~Occupants, or ~~persons~~Persons in charge of ~~commercial premises~~Commercial Premises within the District, including ~~MFRFs~~Multi-Family Residential Facilities, who subscribe to ~~solid waste handling services~~Solid Waste Handling Services with a ~~franchisee~~Franchisee shall also be entitled to arrange for collection of bulky items generated at such ~~premises~~Premises by a ~~franchisee~~Franchisee. Such ~~commercial~~Commercial bulky item collections shall be subject to reasonable charges and limits established by the ~~franchisee~~Franchisee.

**5.10.1205.10.160 Placement of Containers for Collection.**

- A. Generally. Except as otherwise agreed upon with the ~~franchisee~~Franchisee and/or determined by the General Manager, where ~~rolloff boxes~~Rolloff Boxes are used, or where collection locations in ~~commercial or MFRF~~Commercial or Multi-Family Residential Facility complexes have been approved by the District, all collection of ~~solid waste, recyclable materials, green waste and garbage from commercial and residential premises~~Solid Waste, Recyclable Materials, Organic Waste, Green Waste and Garbage from Commercial and Residential Premises shall be made from the gutter along the street adjacent to the ~~premises~~Premises, or the alley in the rear of each premise, provided, however, that no ~~solid waste~~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~~Container and a minimum distance of three (3) feet from any vehicle.

**5.10.1305.10.170 Time of Container Placement.** Except as otherwise determined by the General Manager, all ~~solid waste~~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.

**5.10.1405.10.180 Removal of Empty Containers.** After ~~containers~~Containers have been emptied by the ~~franchisee~~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~~Tenant, Occupant or Person in charge of every ~~commercial or residential premises~~Commercial or Residential Premises and placed and kept in an area not visible from the street.

**5.10.1505.10.190 Littering Prohibited.**



- A. It shall be unlawful for any ~~person~~Person to throw, place, scatter or deposit any ~~solid waste, medical waste, or hazardous waste~~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~~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~~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~~Garbage, Solid Waste materials, debris, rubbish, scrap iron, organic residues resulting from ~~commercial~~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~~5.10.200 Public Nuisance.**

- A. The accumulation and existence of ~~garbage, solid waste, refuse or green waste~~Garbage, Solid Waste, Organic Waste, Refuse or Green Waste on any ~~premises~~Premises, public or private, within the confines of the District, and/or the keeping of ~~solid waste in containers~~Solid Waste in Containers other than those prescribed by this chapter, is hereby declared to be a public nuisance. No ~~person~~Person who owns, controls, or occupies any ~~premises~~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~~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~~Solid Waste Handling Services in a manner consistent with the provisions hereof.

**~~5.10.170~~5.10.210 Hazardous Waste Disposal Prohibited.** It shall be unlawful for any ~~person~~Person to place or cause to be placed material deemed to be ~~hazardous waste~~Hazardous Waste in any ~~container~~Container to be picked up with ~~solid waste~~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 VARNISH BATTERIES FLORESCENT LIGHT BULBS AND BALLAST COMPRESSED GAS CYLINDERS	CHEMICAL DRAIN CLEANERS FERTILIZER ASBESTOS TIRES DRUMS	DRUGS ACID BIOLOGICAL WASTE RADIOACTIVE WASTE ELECTRONIC WASTE UNIVERSAL WASTE
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**~~5.10.180~~5.10.220 Procedures for Disposing of Hazardous Waste.**

- A. Each owner, ~~tenant, occupant~~Tenant, Occupant, or ~~person~~Person in charge of any ~~premises~~Premises in the District shall, at least once every ninety (90) days unless more frequent disposal is required, dispose of all ~~hazardous waste~~Hazardous Waste which has accumulated at such ~~premises~~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~~Tenant, Occupant or ~~person~~Person in charge of any ~~premises~~Premises upon which such materials have accumulated only at an approved Class I disposal site. The waste must be in its original ~~container~~Container and labeled clearly. The ~~containers~~Containers must be sound and not leaking. Glass ~~containers~~Containers must be protected from breakage.
- C. Radioactive materials shall be disposed of by the owner, ~~tenant, occupant~~Tenant, Occupant or ~~person~~Person in charge of any ~~premises~~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~~Garden Grove Animal ~~Shelter~~Services.

**~~5.10.190~~5.10.230 Sanitary Maintenance Required.** Each owner, ~~tenant, occupant~~Tenant, Occupant or Person in charge of all ~~commercial and residential~~Commercial and Residential Premises shall keep ~~each container~~all Containers maintained thereon for the deposit of ~~solid waste~~Solid Waste, Recyclable Materials, and Organic Waste in a clean and sanitary condition. When the General Manager determines that the owner, ~~tenant, occupant or person~~Tenant, Occupant or Person in charge of any ~~premises~~Premises is not

maintaining the ~~containers~~Containers thereon in a sanitary manner, said owner, ~~tenant, occupant or person~~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~~Person fails to take action on the matter within the prescribed time allowed, the General Manager shall order the ~~franchisee~~Franchisee to provide such service. The ~~containers~~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~~Franchisee, the expense for exchanging and sanitizing the ~~container~~Container shall be borne by the owner, ~~tenant, occupant or person~~Tenant, Occupant or Person in charge.

**5.10.240 Organic Waste Haulers.** Exclusive and non-exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

- A. Through written notice to the District annually on or before March 31st identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Waste.
- B. Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
- C. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting Construction and Demolition Waste in a manner that complies with 14 CCR section 18989.1 and Chapter 18.60 of the Garden Grove Municipal Code (Construction & Demolition Waste Recycling Program).
- D. Comply with education, equipment, signage, Container labeling, Container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, or license issued by the District.

**5.10.250 Organic Waste Facility Operators.**

- A. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon District request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.

- B. Community Composting operators, upon District request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

**5.10.260 Organic Waste Commercial Edible Food Generators.**

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
- (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow District's designated enforcement entity or designated third party enforcement entity to access the Premises and review records pursuant to 14 CCR section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR section 18991.4:
    - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR section 18991.3(b).
    - (b) A copy of all contracts or written agreements established under 14 CCR section 18991.3(b).
    - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

- (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
- (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
- (iii) The established frequency that food will be collected or self-hauled.
- (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (which added Article 13 [commencing with section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and amended section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **5.10.270 Food recovery organizations and services; regional agencies.**

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
- (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
- (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
- (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(2):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

- (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR section 18991.3(b) shall report to the District the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR section 18991.3(b) no later than March 31st.
- D. Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

#### **5.10.280 Inspection and investigation.**

- A. District representatives and/or its designated entity, Franchisees, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection Container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Facilities), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow District to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business Containers for compliance with section 5.10.050(B) of this chapter, District may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to section 5.10.050(L) of this chapter.
- B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Edible Food Recovery activities, records, or any other requirement of this chapter. Failure to provide or arrange for: (i) access to an entity's Premises; or (ii) access

to records for any Inspection or investigation is a violation of this chapter and may result in penalties.

- C. Any records obtained by the District during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code section 6250 et seq.
- D. District representatives, its designated entity, Franchisee, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. District shall receive written complaints from Persons regarding any one entity or Person that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **5.10.2005.10.290      Unlawful Containers - Notice of Violation.**

- A. Unauthorized Containers. No ~~person~~Person other than the District or its authorized representative, a ~~franchisee~~Franchisee or its authorized representative, an authorized ~~self-hauler~~Self-Hauler, or ~~person~~Person otherwise authorized to collect or transport ~~solid waste~~Solid Waste pursuant to the provisions of this title shall place or leave standing any ~~container~~Container on any public or private property within the District for the purpose of providing ~~solid-waste handling services~~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~~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~~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~~Person designated by the District to hear any appeal or challenge to the requirement that the ~~container~~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~~Container of the requirement to remove the ~~container~~Container.
  - 3. If the ~~container~~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~~Container. The owner of the ~~container~~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~~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~~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~~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~~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~~Container and an estimate of their value;
  - (ii) The address, telephone number and contact ~~person~~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~~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~~Person, in exchange for service, and that the contents of the ~~container~~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~~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~~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~~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~~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~~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~~Containers. In the event of a subsequent placement of a ~~container~~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~~Container and shall, in such case, give notice to the owner to claim the ~~container~~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~~Container may be returned to the owner. If the ~~container~~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~~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~~Containers of unidentified owners. Notwithstanding any other provision of this ~~Section~~section to the contrary, the General Manager is authorized to direct the immediate removal, without notice, of any ~~container~~Container placed on public or private property within the District in violation of this ~~Section~~section where the owner of the ~~container~~Container is unidentified and cannot be ascertained from the owner or lessee of the property where the ~~container~~Container is placed, and by an inspection of the ~~container~~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~~5.10.300     **Franchisee Remedies.**     Nothing in this chapter shall be deemed to limit the right of a ~~franchisee~~Franchisee or the District to bring a civil action against any ~~person~~Person who violates this chapter, nor shall a conviction for such violation exempt any ~~person~~Person from a civil action brought by a ~~franchisee~~Franchisee or the District.

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Amend Section 6.10.020 (Infractions) of Chapter 6.10 (General Penalty) of Title 6 (Enforcement):

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**CHAPTER 6.10  
GENERAL PENALTY**

**6.10.020      ~~Infractions.~~ Solid Waste Regulations Enforcement.**

- 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.~~ Except for violations of contamination of collection Container contents with Prohibited Container Contaminants which will be addressed through non-collection of Containers and noticing by the Franchisee or District, and violations subject to immediate administrative citation, District may issue a notice to abate violations in accordance with Chapter 6.15 (Administrative Citations) of this Code requiring compliance within a maximum of 60 days of issuance of the notice. The District may extend the compliance deadlines set forth in a notice to abate violations if it finds that there are extenuating circumstances beyond the control of the non-compliant party that make compliance within the deadlines impracticable, as described in 14 CCR section 18995.4 including the following:
1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters,
  2. Delays in obtaining discretionary permits or other government agency approvals; or,
  3. Deficiencies in Organic Waste recycling infrastructure or Edible Food recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR section 18996.2 due to those deficiencies.
- 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.~~ The District will conduct Inspections, route reviews or waste evaluations and compliance reviews, depending upon the type of regulated entity, to determine compliance with this chapter, and if the District determines that an owner, responsible party, Generator, self-hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service or other entity is not in compliance, it may provide educational materials to the entity describing its obligations under this chapter during calendar year 2022 and 2023 and a notice that compliance is required, rather than issuance a notice of violation and assessment of penalties. Commencing January 1, 2024, violations may be subject to criminal and administrative civil penalties, except that the District may

assess criminal and administrative civil penalties in the event that the Enforcement Officer determines that prosecution is warranted to deter egregious conduct.

- C. In addition, in the event any violation of Chapter 5.10 (Solid Waste) constitutes an imminent danger to public health, safety or the environment, the General Manager or any agent or Person designated by the General Manager, may enter upon the Premises from which the violation emanates, abate the violation and danger created to the public safety or the environment, and restore any Premises affected by the alleged violation, without notice to or consent from the owner or Occupant of the Premises. An imminent danger shall include, but is not limited to, circumstances created by a disposal of Solid or Hazardous Waste where such disposal creates a significant and immediate threat to the public health or safety, or the environment.
- D. Violations of Chapter 5.10 (Solid Waste) are deemed public nuisances, which may be abated by administrative, civil, or criminal action in accordance with the terms and provisions of this Code and state law. All costs and fees incurred by the District because of any violation of this chapter, which constitutes a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject Premises from which the nuisance emanated, and a personal obligation against the owner. The owner of record of the Premises subject to any lien shall receive notice of the lien prior to recording. The General Counsel is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the Premises.
- E. The District may utilize any and all other remedies as otherwise provided by Chapter 6.10 (General Penalty), Chapter 6.20 (Enforcement), Chapter 6.15 (Administrative Citations) of this Code and California law to enforce the provisions of Chapter 5.10 (Solid Waste).

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Add Chapter 6.15 (Administrative Citations) to Title 6 (Enforcement):

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**Chapter 6.15 ADMINISTRATIVE CITATIONS**

**Sections:**

<u>6.15.010</u>	<u>Authority and Fines</u>
<u>6.15.020</u>	<u>Service of Citation</u>
<u>6.15.030</u>	<u>Appeal of Administrative Citation</u>
<u>6.15.040</u>	<u>Hearing Officer</u>
<u>6.15.050</u>	<u>Hearing Procedure</u>
<u>6.15.060</u>	<u>Hearing Officer Decision</u>
<u>6.15.070</u>	<u>Failure to Pay and Collection of Fines</u>
<u>6.15.080</u>	<u>Right to Judicial Review</u>
<u>6.15.090</u>	<u>Notices</u>
<u>6.15.100</u>	<u>Collection by Lien</u>
<u>6.15.110</u>	<u>Miscellaneous Provisions</u>

**6.15.010 Authority and Fines.**

- A. Any Person violating any provision of this Code may be issued an administrative citation by an Enforcement Officer and shall thereby be subject to an administrative fine as provided for in this chapter. For purposes of this chapter, a violation of this Code shall include any violation of the Code, any code adopted by reference by the Board of Directors, including, but not limited to, all codes adopted by reference in Chapter 4.20 (California Plumbing Code Adopted), and the failure to comply with any condition of approval imposed pursuant to any permit, license, or other authorization issued or approved pursuant to the Board of Director adopted ordinances. The violations referred to in this section are collectively referred to in this chapter as Code violations. For purposes of this chapter, an administrative citation for an administrative fine may be issued to any responsible Person for any violation referred to in this chapter.
- B. Each and every day a violation of the Code exists constitutes a separate and distinct offense.
- C. ~~Any person convicted of an infraction shall be punishable by:~~ An administrative fine shall be assessed by means of an administrative citation issued by an Enforcement Officer and shall be payable directly to the Garden Grove Sanitary District through the City of Garden Grove Finance Department. Except as set forth in subsection D, a citation may be issued by an Enforcement Officer upon the determination by such officer that a violation of the Code exists.

- D. Continuing Violations. When a continuing violation exists pertaining to a plumbing or other similar building issue that does not create an immediate danger to health or safety, a citation for such a violation shall not be issued pursuant to this chapter unless the responsible Person has first been provided with a reasonable period as determined by the enforcement officer, but in no event less than five calendar days, in which to correct or otherwise remedy the violation. When such a violation creates an immediate danger to health or safety, a citation may be issued immediately.
- E. Except as otherwise specified for those Code violations referred to in subsections F through H, in the case of administrative citations issued for violation of the Code, administrative fines shall be assessed in the amount of \$1,000.00 for each violation.
- F. For each violation of Chapter 5.10 (Solid Waste) the Code, administrative fines shall be in the following amounts:
1. A fine ~~not exceeding of~~ \$100.00 for a first violation;
  2. A fine ~~not exceeding of~~ \$200.00 for a second violation of the same Code provision ~~of this Code~~ within one year; ~~from the date of the first violation; and~~
  3. A fine of \$500.00 for each additional violation of the same Code provision within one year from the date of the first violation.
- G. In the case of an administrative citation issued for violation of Chapter 4.20 (California Plumbing Code Adopted), administrative fines shall be assessed in the following amounts:
1. A fine of \$130.00 for a first violation;
  2. A fine of \$700.00 for a second violation of the same provision within one year from the date of the first violation; and
  3. A fine of \$1,300.00 for each additional violation of the same provision within one year from the date of the first violation; and
  4. A fine of \$2,500.00 for each additional violation of the same provision within two years from the date of the first violation if the property is a Commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible Refuse or failure to prohibit unauthorized use of the property.
- H. In addition to the administrative fine schedule as set forth above, and pursuant to Government Code section 38773.5(b), the District may recover, at its discretion, attorneys' fees and costs in any action, administrative proceeding, or special proceeding to abate any nuisance arising out of a Code violation. The recovery of attorneys' fees and costs shall be by the prevailing party, and limited to those individual actions or proceedings in which the District elects, by direction of the General Manager at the initiation of that individual

action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to the prevailing party exceed the amount of reasonable fees incurred by the District in such matters.

- I. Nothing in this chapter shall require the District to proceed with an administrative citation and fine in lieu of the penalty provisions set forth in Title 6 (Enforcement) or any other legal options available to the District. An administrative citation may be utilized in place of, or in addition to, any other remedy allowed by the Code or state law.

#### **6.15.020 Service of Citation.**

- A. An administrative citation may be served upon the recipient either by personal delivery or by first class mail through the United States Postal Service. If served by first class mail, the citation shall be sealed in an envelope with postage prepaid and addressed to the recipient of an administrative citation at his or her last known business or residence address as the same appears in public records of the District. Service by mail shall be deemed to have been completed on the date of deposit with the United States Postal Service. The date of personal service or the date a citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- B. If an agent, manager, or representative of a responsible Person is personally served with a citation, a copy thereof shall also be served by first class mail on the responsible Person at his or her last known business or residence address as the same appears in public records of the District. In such instances, the date a copy of the citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- C. If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the Code, the Enforcement Officer shall post the citation on such real property in the District in which the Person cited is known to have a legal interest in, or possession, dominion, and control of, such property, or a portion thereof. The date of posting shall constitute the issuance date of the citation.
- D. Any notice or order given pursuant to any provision of this chapter shall be served in the manner provided for in this section, unless otherwise stated.
- E. Failure of a recipient of an administrative citation to receive a citation or notice by mail, shall not invalidate any fine, late charge, action, or proceeding, if service was given in a manner stated in this section.
- F. An administrative citation should contain the following information:
1. Name of the Person who is cited for the violation(s);
  2. Date, approximate time, and address or brief description of the location where the violation(s) was observed;

3. The Code section(s) or condition(s)/provision(s) violated and a brief description of the violation(s);
  4. The amount of the fine for the violation(s);
  5. An explanation of how the fine shall be paid and the time period by which it shall be paid;
  6. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for a hearing form to contest the administrative citation; and
  7. The name and signature of the enforcement officer.
- G. Failure of an administrative citation to contain all the required information shall not affect the validity of the administrative citation.

#### **6.15.030 Appeal of Administrative Citation.**

- A. Any recipient of an administrative citation may contest that there was a violation of the Code, or that he or she is the responsible Person, or may contend that the amount of the fine is disproportionate in light of mitigating factors, by completing a request for hearing form, together with an advance deposit of the fine, and returning both to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail. Any administrative citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the Person charged in the administrative citation was not responsible for the violation(s), or that there was no violation(s) as alleged in the administrative citation or any amendments thereto. The hearing officer may reduce the fine amount if the hearing officer finds, based on the totality of the circumstances, the fine is clearly disproportionate to the violation in light of mitigating factors. Any administrative citation fine that has been deposited shall be reduced, and the difference refunded, if it is determined, after a hearing, that the amount of the fine is clearly disproportionate to the violation in light of mitigating factors.
- B. A request for a hearing shall contain the following:
1. The citation number;
  2. The name, address, telephone, and any facsimile numbers of each Person contesting the citation;
  3. A statement of any and all reasons why the citation is being contested, including any mitigating factors; and



4. The date and signature of the Person(s) cited.
- C. A timely request for a hearing shall not excuse a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
- D. Waiver of Advanced Deposit of Fine.
1. A recipient of an administrative citation who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a District-approved application form for an advance deposit hardship waiver (hereafter the "hardship waiver"). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail.
  2. To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the District to reasonably determine that the recipient of an administrative citation has a present inability to deposit the fine. Documents suitable for consideration may include, without limitation, accurate, complete, and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income, and expense records for 12 months preceding submittal of the hardship waiver form, as well as other documentation demonstrating the financial hardship of the recipient of an administrative citation. The District may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a recipient of an administrative citation for a hardship waiver without prior notice to the recipient of an administrative citation.
  3. In the absence of advance payment of the fine pursuant to subsection A of this section, the failure to submit a completed, signed hardship waiver form, along with records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the recipient of an administrative citation shall have waived the right to a hearing, and the citation shall be deemed final.
  4. The District shall issue a written decision specifying the reasons for issuing or not issuing the hardship waiver. This decision is final and non-appealable. The decision shall be served upon the Person requesting the hardship waiver by first class mail.
  5. Approval of a hardship waiver shall result in the District setting a hearing pursuant to this section.

6. If the District determines that the recipient of an administrative citation is not entitled to a hardship waiver, he or she shall tender the full amount of the administrative fine to the City of Garden Grove Finance Department within seven calendar days of the date the decision is deposited with the United States Postal Service. In the event the City of Garden Grove Finance Department does not receive the full amount of the fine in the required period: (a) a late charge shall be imposed; (b) the request for a hearing shall be deemed incomplete and untimely; and (c) the recipient of an administrative citation shall have waived the right to a hearing and the citation shall be deemed final.

#### **6.15.040 Hearing Officer.**

The General Manager shall designate, in accordance with applicable law, the hearing officer for the administrative citation hearing. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld, reduced, or overturned by the hearing officer.

#### **6.15.050 Hearing Procedure.**

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted to the City of Garden Grove Finance Department, and, except as set forth in section 6.15.030(B), the fine has been deposited in advance.
- B. A hearing before the hearing officer shall be set for a date that is not less than 15 and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The Person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing. The date for the hearing may be continued beyond 60 days from the date of the request for hearing is filed upon written stipulation of both the District and the Person requesting the hearing.
- C. The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the Person cited has caused, maintained, or is otherwise responsible for the violation(s) of the Code on the date(s) specified in the administrative citation, and the existence of mitigating factors, if any.
- D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.
- E. Administrative hearings are informal, and rules of evidence and discovery do not apply. The District bears the burden of proof to establish a violation and responsibility thereof by a preponderance of evidence. The citation is prima facie evidence of the violation and the enforcement officer who issued the citation is not required to attend or participate at the hearing. The recipient of any administrative citation and the enforcement officer or other

District or City of Garden Grove official, if present, shall have an opportunity to testify, present witnesses and evidence, and to cross-examine witnesses presented by the District in support of the administrative citation. The hearing officer may question any Person who presents evidence or who testifies at the hearing.

- F. At least 10 days prior to the hearing, the recipient of an administrative citation shall be served by mail with copies of any reports and other documents submitted or relied upon by the enforcement officer.
- G. If the enforcement officer or other District or City official submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the Person requesting the hearing at least five days prior to the date of the hearing.
- H. The hearing officer may continue the hearing and request additional information from the enforcement officer, another District or City official, or the recipient of the administrative citation prior to issuing a written decision.

#### **6.15.060 Hearing Officer Decision.**

- A. After considering all of the relevant evidence submitted at the hearing, the hearing officer shall issue a written decision within 10 days of the hearing to uphold, reduce, or overturn the administrative citation/fine and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the administrative citation/fine should be upheld, then the fine amount on deposit with the District shall be retained by the District.
- C. If the hearing officer determines that the administrative citation/fine should be reduced, then the fine amount on deposit with the District shall be retained by the District, except that the difference between the deposit and the reduced fine shall be promptly refunded.
- D. If the hearing officer determines that the administrative citation/fine should be overturned and the fine was deposited with the District, then the District shall promptly refund the amount of the deposited fine.
- E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision by first class mail.

#### **6.15.070 Failure to Pay and Collection of Fines.**

- A. In the absence of a timely appeal, the due date for the District's receipt of an administrative fine shall be 45 calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.

- B. Failure to pay an administrative fine within the period required from the issuance date of a citation shall result in a late charge as established by a resolution of the Board of Directors. The amount of a late charge may be modified from time to time by a resolution of the Board of Directors.
- C. Administrative fines and any late charges due shall be paid to the District at such location or address as stated in the citation, or as may otherwise be designated by the General Manager.
- D. Payment of an administrative fine shall not excuse or discharge a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
- E. Abatement of a violation shall not excuse the obligation of a recipient of an administrative citation to pay an administrative fine, or any late charge.
- F. Unpaid administrative fines and/or late charges shall constitute a debt that may be collected in any manner allowed by law.
- G. If, pursuant to section 6.15.030(D), a hardship waiver is granted and the fine is not deposited prior to the appeal hearing, the fine shall be due and payable in full 45 calendar days following the hearing officer's mailing of the written decision if the citation is upheld, unless review is timely sought pursuant to section 6.15.080. The failure of any Person to pay the administrative fine assessed by an administrative citation within the time specified on the citation or otherwise required by this chapter may result in the matter being referred to the City of Garden Grove Finance Department to file a claim in small claims court. Alternatively, the District may pursue any other legal remedy to collect the past due administrative fines and related costs.
- H. Any Person who fails to pay any fine shall be liable in any action or collection procedure brought by the District for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorney's fees.
- I. Collection costs shall be in addition to any penalties, interest, and late charges imposed upon the delinquent obligation. Interest on overdue fines and on late charges shall accrue at the rate of six percent per annum.
- J. Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally responsible party if the violation or violations persist.

#### **6.15.080 Right to Judicial Review.**

Any Person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an appeal with

the Orange County Superior Court within 20 days after service of the administrative decision, in accordance with the provisions of California Government Code section 53069.4. The Superior Court is the sole reviewing authority, and a hearing officer's decision is not appealable to the Board of Directors.

#### **6.15.090 Notices.**

- A. All notices to be given by this chapter shall be served on the responsible Person either by Personal delivery or by first class mail.
- B. Failure to receive any notice specified in this chapter shall not affect the validity of proceedings conducted hereunder.

#### **6.15.100 Collection by Lien.**

- A. If the fine owed by a cited party is for one or more Code violations on the cited party's property, and the citation was issued to abate a nuisance as defined by the Code or District ordinance, and the amount has been delinquent 90 days or more, the delinquent amount shall become a lien on the property on which the violation(s) occurred.
- B. Notice of Lien Hearing. The District shall give written notice to the cited party of a hearing before the Board of Directors regarding the delinquent fine amount and related costs. The notice shall be mailed by first class mail at least 14 days before the hearing. The notice shall state:
  - 1. The citation or citations resulting in the delinquent fine amount;
  - 2. The total of the delinquent fine amount and related costs;
  - 3. The date the delinquent fine amount was due;
  - 4. The street address, assessor's parcel number, and legal description of the property upon which the violations occurred;
  - 5. The date, hour, and place of the hearing;
  - 6. A statement that the cited party or other legally responsible Person may appear and be heard; and
  - 7. A statement that unless the fine amount is paid by the date specified in a resolution by the Board of Directors, the total amount due will become a lien and special assessment on the property.
- C. Lien Hearing. At the lien hearing, the Board of Directors shall hear and consider all competent evidence about the delinquent fine amount. If it finds the amount is delinquent, it shall make a finding of fact confirming that the delinquent fine amount and related costs

are due the District as costs of nuisance abatement. If the delinquent amounts are affirmed, the total amount due is to be paid to the District within five days, after which the amount due will become a lien on the property.

- D. Recorded Lien. If the amount due is not paid within five days after the Board of Directors confirms it and orders it paid, the amount due shall constitute a lien upon the real property upon which the nuisance violations existed and shall be a special assessment against the property. The lien shall continue until the amount due and interest, computed at six percent per annum from the date of the Board of Directors' confirmation, is paid, or until it is discharged of record. If the amount due is not paid as required by the Board of Directors' order, a notice of lien shall be recorded in the office of the County Recorder and delivered to the County Tax Collector. The notice of lien shall substantially be in the following form:

NOTICE OF LIEN

CLAIM OF THE GARDEN GROVE SANITARY DISTRICT

By the authority of Chapter 6.15 of Title 6 of the Garden Grove Sanitary District Code of Regulations, an Administrative Citation or Citations were issued regarding nuisance abatement at the real property described below. Fines were assessed for the nuisance. By action of the Board of Directors, recorded in its official minutes, the fines and related costs were confirmed as delinquent and assessed against the property as costs of nuisance abatement.

The delinquent amount was not paid, therefore the District claims a lien on the real property for the costs of abatement in the amount of \$ \_\_\_\_\_, which shall be a lien on the real property until it is paid, with interest at the rate of six percent per annum from the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ [insert the date the Board confirmed the delinquent fines and related costs]. The lien shall continue until paid in full and discharged of record. It shall also be a Personal obligation against [insert name of property owner].

The real property upon which a lien is claimed is that certain parcel of land in the [City of Garden Grove,] County of Orange, State of California, described as follows:

[Insert legal description.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Garden Grove Sanitary District

By: \_\_\_\_\_  
General Manager

- E. Special Assessment.

1. After the lien is confirmed and recorded, a certified copy of it shall be filed with the County Recorder. The description of the parcel reported to the County Recorder shall be the one used by the County Assessor's map book for the current year. The County Recorder shall enter each assessment on the County tax roll for the reported parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes.

2. If delinquent, the amount is subject to the same penalties and procedure of foreclosure provided for ordinary municipal taxes. As an alternative method, the County Tax Collector, in his or her discretion, may collect the assessment without reference to the general taxes, by issuing separate bills and receipts for the assessment. Laws relating to the levy, collection, and enforcement of County taxes shall apply to such special assessment.

~~3. A fine not exceeding \$500.00 for a third and subsequent violations of the same provision of this Code within one year.~~

3. The District may receive the amount due on the abatement costs and issue receipts at any time after the confirmation of the statement, before August 1st of that current year. The Board of Directors may order a refund of any lien or assessment paid under this section if it finds that all or part of the assessment has been erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with the office of the Secretary on or before March 1st after taxes become due and payable. The claim shall be verified by the Person who pays the tax, or his or her guardian, executor, or administrator.

~~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.~~

#### **6.15.110 Miscellaneous Provisions.**

The General Manager is authorized to promulgate procedural rules and regulations governing the civil administration citation and hearing process consistent with this chapter and applicable law.

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