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ORDINANCE NO. 71

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MIDWAY CITY SANITARY DISTRICT OF ORANGE
COUNTY, CALIFORNIA, AMENDING SOLID WASTE
REGULATIONS TO COMPLY WITH SB 1383 ORGANICS
RECYCLING REGULATIONS**

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 Midway City 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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code), places requirements on businesses and multi-family residential property owners that generate a specified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

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

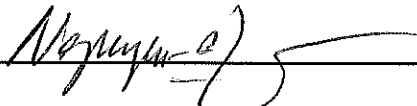
5 **NOW, THEREFORE**, the Board of Directors of the Midway City Sanitary District
6 does hereby ordain as follows:


7 **SECTION 1. ADOPTION OF REGULATIONS.** The "Midway City Sanitary District
8 Solid Waste Regulations" attached hereto as Exhibit "A" are hereby adopted and shall
9 become effective within the District upon the effective date of this Ordinance.

10 **SECTION 2. REPEAL OF INCONSISTENT ORDINANCES AND**
11 **REGULATIONS.** Ordinance No. 69, and any other prior ordinance or regulation
12 inconsistent with the regulations and standards adopted herein are hereby repealed.

13 **SECTION 3. EFFECTIVE DATE.** These regulations shall take effect immediately
14 upon their adoption and after a summary shall have been published in a newspaper of
15 general circulation as provided by law.

16 **ADOPTED, SIGNED AND APPROVED** this 7th day of December, 2021.

17 
18 _____
19 Andrew Nguyen, President

20 **ATTEST.**
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22 _____
23 Sergio Contreras, Secretary

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EXHIBIT "A"
"Midway City Sanitary District Solid Waste Regulations"

MIDWAY CITY SANITARY DISTRICT SOLID WASTE REGULATIONS

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CHAPTER 1—PURPOSE, AUTHORITY, RULES OF CONSTRUCTION & DEFINITIONS

Sections:

- 1.010 Purpose.**
- 1.020 Authority.**
- 1.030 Construction.**
- 1.040 Effect of Headings.**
- 1.050 Reference to Acts or Omissions Within the District.**
- 1.060 Prohibited Acts, Including Causing, Permitting or Suffering.**
- 1.070 Reference Applies to Amendments.**
- 1.080 Tenses.**
- 1.090 Gender.**
- 1.100 Number.**
- 1.110 Shall and May.**
- 1.120 Acts by Deputy.**
- 1.130 Severability.**
- 1.140 Definitions.**

1.010 Purpose.

A. The purpose of these Regulations 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 of 1989 (Public Resources Code Sections 40,000 et seq. as amended from time to time) (Hereinafter the "Act").

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 Commercial 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 Commercial 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 Commercial 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 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 these Regulations 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.

H. These Regulations codify the District's regulations pertaining to the Collection and disposal of Solid Waste, including Recyclables, the provision of Solid Waste Handling Services, including Recycling, and the design and construction standards for Solid Waste and Recyclables Container enclosures in a single location for the convenient reference of District staff and the public.

1.020 Authority.

The Midway City Sanitary District was established pursuant to the authority of the Sanitary District Act of 1923, Health and Safety Code Section 6400 et seq. These Regulations, and any amendments thereto, shall constitute an ordinance/general regulation pursuant to the authority provided by Health and Safety Code Section 6490.

1.030 Construction.

Unless the provisions or the context otherwise require, these general provisions, rules of construction and definitions shall govern the construction of these Regulations. The provisions of these Regulations and all proceedings under them are to be construed with a view to affect the Regulation's objectives and to promote justice.

1.040 Effect of Headings.

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

1.050 Reference to Acts or Omissions Within the District.

These Regulations shall refer only to the omission or commission of acts within the territorial limits of the District and to that territory over which the District has jurisdiction or control by virtue of any law, or by reason of ownership or control of property.

1.060 Prohibited Acts, Including Causing, Permitting or Suffering.

Whenever in these Regulations any act or omission is made unlawful, it shall be unlawful to cause, permit, aid, abet, suffer or conceal such act or omission.

1.070 Reference Applies to Amendments.

Whenever a reference is made to any portion of these Regulations, or to any ordinance or resolution of the District, the reference applies to all amendments and additions now or hereafter made.

1.080 Tenses.

Words used in the present tense include the past and future tenses, and vice versa.

1.090 Gender.

Whenever any provision of these Regulations references a gender, that provision shall apply to all genders equally and not solely to the specific gender referenced.

1.100 Number.

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

1.110 Shall and May

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

1.120 Acts by Deputy.

Whenever a power is granted to, or is duly imposed upon a public officer or employee of the District, the power may be exercised or the duty may be performed by a deputy of such officer or employee, or by a person otherwise duly authorized, pursuant to Law, or by an officer of the County or City, or by a deputy or employee of such officer when, by contract with the District, such officer is obligated and has agreed to perform certain duties on behalf of the District, unless these Regulations expressly provide otherwise.

1.130 Severability.

If any section, subsection, sentence, clause, phrase, part, or portion of these Regulations is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of these Regulations. The Board of Directors of the Midway City Sanitary District hereby declares that it would have adopted these Regulations and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

1.140 Definitions.

The following terms and phrases as used in these Regulations or in any ordinance, resolution, or regulations adopted hereby shall have the following meanings. Certain words and phrases shall have the same meaning as established in the Act, 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.

<u>TERM</u>	<u>DEFINITION</u>
Act	That State legislation commonly known as the California Integrated Waste Management Act of 1989 (Stats 1989, Chapter 1095, as amended) as codified in Public Resources Code Section 40000, et seq., as it may be amended from time to time and as implemented by the regulations of the California Department of Resources Recycling and Recovery, or its successor.
Adequate Service	The combination of the number of Collections, the number of Containers, and the size of Containers necessary so as prevent the accumulation of Solid Waste outside Containers or for Solid Waste deposited in a Container to exceed the lowest top edge thereof, such that the lid can be completely closed.
Authorized Waste Handling Facility	A site or facility for the disposal, processing, and/or handling of Solid Waste that is licensed, permitted or approved by all governmental bodies and agencies having jurisdiction. An Authorized Waste Handling Facility may include, without limitation, a sanitary landfill, a transfer station, a material recovery facility, a waste processing/separation center, a recycling facility, a composting facility, or an anaerobic digestion facility.
Bin	A metal or plastic Container, commonly referred to as a dumpster, including a compactor and any such similar device, with a capacity of under ten cubic yards.

<u>TERM</u>	<u>DEFINITION</u>
Blue Container	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 paper products (including paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling), 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).
Board	The Board of Directors of the Midway City Sanitary District.
Bulky Item(s)	Solid Waste that cannot and/or would not typically be accommodated within a Container, such as furniture (including chairs, sofas, and area rugs excluding mattresses and box springs) and appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, small household appliances and other similar items, commonly known as "white goods"). Bulky Items do not include car parts, exercise equipment, landscaping debris, Construction and Demolition Waste, mattresses and box springs, or items that cannot reasonably be loaded and unloaded by personnel operating a truck Collecting Bulky Items.
California Code of Regulations or CCR	The State of California Code of Regulations. CCR references in these Regulations 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, with a hinged lid and wheels, which is serviced by an automated or semi-automated process, as opposed to a manual process of lifting and dumping.
City	City of Westminster.
Collect or Collection or Collecting	To take physical possession of, transport, and/or remove Solid Waste from a Premises.
Commercial Business or Commercial	A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Large Multi-Family Residential Facility. A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing these Regulations.

TERM

DEFINITION

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 Commercial activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, and Large Multi-Family Residential Facility but excluding Residential Premises upon which Commercial 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 hotels and motels are operated shall be deemed to be Commercial Premises.

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.

<u>TERM</u>	<u>DEFINITION</u>
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.
Compactor	Any Container that has a compaction mechanism, whether stationary or mobile.
Construction and Demolition Waste	Solid waste generated, produced or discarded in connection with construction, demolition, landscaping, or general clean-up activities of a premises, including, without limitation, concrete, plaster, drywall, wood scraps, metals, dirt, rock and rubble.
Container	Any type of Solid Waste receptacle, including a Cart, Bin, Roll-off Box, or Compactor.
County	County of Orange.
Curbside Container Service	A service provided to Premises within the District whereby District personnel remove Recyclable Materials, Organic Waste, and Non-Recyclable Waste in District-provided Containers through use of purpose-built vehicles.
Dead Animals	Animals or parts of animals which have died from any cause except those killed by man for human or animal consumption.
District	Midway City Sanitary District.
Dwelling Unit	A building, mobile home, or other form of housing, or portion thereof, designed for the independent residential occupancy of one or more persons living as a household unit.
Edible Food	Food intended for human consumption. For the purposes of these Regulations, Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in these Regulations require or authorize the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
Enforcement Officer	The General Manager or his/her designee, and all of the following County of Orange and City of Westminster officials: police officers, code enforcement officers, community service officers, the building official, building inspectors, the community development director, the county/city engineers, the fire marshal and all persons designated by the CEO/city manager to serve as enforcement officers.
Engage in	To carry on, keep, conduct, maintain, or cause to be kept or maintained.

<u>TERM</u>	<u>DEFINITION</u>
Food Distributor	A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.
Food Recovery	Actions to collect and distribute food for human consumption that otherwise would be disposed.
Food Recovery Organization	<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"> (1) A food bank as defined in Section 113783 of the Health and Safety Code; (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and, (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code. <p>A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of these Regulations.</p>
Food Recovery Service	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 these Regulations.
Food Service Provider	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.
Food Waste	<p>All of the following:</p> <ol style="list-style-type: none"> (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 (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 (3) Compostable Plastics, including plastic materials that meet the ASTM D6400 standard for compostability.

<u>TERM</u>	<u>DEFINITION</u>
Franchisee	Any person, persons, firm or corporation to whom a franchise has been granted by the District for the Collection, processing, Recycling, and disposal of Solid Waste.
General Manager	The General Manager of the Midway City Sanitary District, or his or her designee.
Generator	Any Person who generates, produces or discards Solid Waste.
Gray Container	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.
Gray Container Waste	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). Gray Containers shall be used for the purpose of storage and collection of Source Separated Non-Recyclable Solid Waste.
Green Container	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 Green 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.
Green Waste	Organic Waste generated from any landscape, including but not limited to, grass clippings, leaves, prunings, tree trimmings, weeds, branches and brush in sizes that can be placed in Containers designated for Organic Waste.
Grocery Store	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>TERM</u>	<u>DEFINITION</u>
Hazardous Waste	All substances defined as “hazardous waste,” “acutely hazardous waste,” or “extremely hazardous waste” by the State of California in Health and Safety Code, Division 20, Chapter 6.5, including but not limited to Sections 25110.02, 25115, and 25117, or as defined in any amendments to, or recodifications of such statutes, or which are identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), and any amendments to, or recodifications thereof, as well as any 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 or its Franchisee reviews records, Containers, and an entity’s collection, handling, recycling, or landfill disposal of Solid Waste or Edible Food handling to determine if the entity is complying with requirements set forth in these Regulations.
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 Multi-Family Residential Facility	Any Premises containing five (5) or more Dwelling Units, which may include, without limitation, condominium complexes, apartment houses, hotels, motels, mobile home parks, travel trailer parks, and recreational vehicle parks.

<u>TERM</u>	<u>DEFINITION</u>
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 these Regulations 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 these Regulations 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, statutes, and regulations of the State of California, the ordinances, resolutions, and policies of the County of Orange and the City of Westminster, the ordinances and resolutions of the District, 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, County or City Regulations related to Solid Waste.
Medical Waste	All wastes defined as “medical waste,” “sharps waste,” or “home-generated sharps waste” by the State of California in the Medical Waste Management Act, as codified in Part 14 of Division 104 of the Health and Safety Code (commencing with Section 117600), including but not limited to Sections 117671 and 117690-117700 and any 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.
Non-Organic Recyclables	Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass.
Non-Recyclable Solid Waste	That Solid Waste other than Recyclable Materials or Organic Waste required to be Source Separated and deposited in Containers designated specifically for Recyclable Materials or Organic Waste pursuant to these Regulations or other applicable Law.

<u>TERM</u>	<u>DEFINITION</u>
Nuisance	Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or other condition specified in sections 3479 or 3480 of the Civil Code of the State of California. Any violation of these Regulations, or any rule or regulation promulgated hereunder, shall also be deemed to constitute a nuisance.
Occupant	Any Person who occupies the whole or part of a Premises, whether alone or with others.
Organic Waste	Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to Green Waste, Food Waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with Food Waste. Organic Waste does not include paper that is coated in a plastic material that will not breakdown in the composting process.
Owner	When used in reference to a Premises, a Person holding fee title to the Premises.
Person	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 Midway City Sanitary District, County of Orange, and City of Westminster.
Premises	Any land, building and/or structure within the District where Solid Waste is generated or accumulated.
Prohibited Container Contaminants	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 not identified as acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the Green Container and/or Blue Container; and, (iv) Hazardous Waste placed in any Container.
Recovery or Organic Waste Recovery	Any activity or process described in 14 CCR Section 18983.1(b).

<u>TERM</u>	<u>DEFINITION</u>
Recyclable Solid Waste or Recyclable Materials	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 products (including paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling), and plastic.
Recycle or Recycling	The process of Collecting, sorting, cleansing, treating, and reconstituting or otherwise processing materials that are or would otherwise become Solid Waste, for the purpose of diverting them from disposal in a landfill and reusing them and/or returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products.
Regulations	The Regulations adopted by the District via Ordinance No. 71, including any amendments thereto, and any resolutions, rules or other regulations promulgated thereunder.
Remote Monitoring	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.
Residential Premises	Any Premises within the District upon which Dwelling Units exist.
Responsible Person	Any person, whether as a real property owner or otherwise, that allows, causes, creates, maintains or permits a violation of these Regulations 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 these Regulations to occur, exist, or continue in existence.
Restaurant	An establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.
Roll-off Box	A Container of ten cubic yards or larger.
Self-Haul	To personally transport Solid Waste generated on one's own Premises to an Authorized Waste Handling Facility for disposal or processing.
Self-Hauler	A person, who hauls Solid Waste, including Organic Waste or Recyclable Material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste. Back-haul means generating and transporting Solid Waste to a destination owned and operated by the generator using the generator's own employees and equipment.

<u>TERM</u>	<u>DEFINITION</u>
Single Family Dwelling	A Premises containing one Dwelling Unit and/or each Dwelling Unit within a Small Multi-Family Residential Facility.
Small Multi-Family Residential Facility	Any Premises containing more than one (1), but less than five (5), Dwelling Units, including, but not limited to, a duplex, tri-plex, or four-plex.
Solid Waste	All discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, Construction and Demolition Waste, industrial 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 CCR, as they may be amended from time to time. For purposes of these Regulations, Solid Waste includes Recyclable Materials and Organic Waste. Solid Waste does not include Hazardous Waste, low-level radioactive waste, untreated Medical Waste, or Special Wastes.
Solid Waste Handling Services	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 Generators, originators, users or customers.
Source Separated	Materials, including commingled Recyclable Materials, 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 these Regulations, Source Separated shall include separation of materials by the Generator, Owner, 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.

<u>TERM</u>	<u>DEFINITION</u>
Source Separated Recyclable Materials	Source Separated Non-Organic Recyclables.
Source Separation	The division of Solid Waste at the place of discard generation, prior to Collection, into separate Containers that are designated for Recyclable Materials, Organic Waste, or Non-Recyclable Solid Waste or Mixed Waste.
Special Wastes	Wastes other than Solid Waste, including sewage sludge (biosolids), industrial sludge, asbestos, auto bodies, tires, used motor oil, hazardous waste, Dead Animals, explosive substances, radioactive materials, and other materials which may not be disposed of at a Class III landfill or which require special handling. It shall also mean and include universal waste (or U-Waste), which are those wastes listed in Section 66261.9 of Division 4.5, Title 22, California Code of Regulations.
State Street	The State of California. 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 County or City, or such other public property designated as a street pursuant to any Law of this State. For purposes of these Regulations, 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.
Wholesale Food Vendor	A Commercial 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.

CHAPTER 2—SOLID WASTE

Sections:

- 2.010 Waste Removal Responsibility, Handling and Storage.**
- 2.020 Collection Authority.**
- 2.030 Arrangements for Removal of Solid Waste Mandatory.**
- 2.040 Solid Waste Containers.**
- 2.050 District's Curbside Container Service.**
- 2.060 Franchisee's Solid Waste Handling Service.**
- 2.070 Commercial Recycling of Organic Waste.**
- 2.080 Solid Waste as Franchisee Property.**
- 2.090 Recycling by Private Individuals or Organizations.**
- 2.100 Tampering with Solid Waste Prohibited.**
- 2.110 Littering and Dumping Prohibited.**
- 2.120 Disposal of Hazardous Waste in Solid Waste Containers Prohibited.**
- 2.130 Procedures for Disposing of Hazardous Waste.**
- 2.140 Unauthorized Containers.**
- 2.150 Franchisee Requirements.**
- 2.160 General Penalty—Misdemeanor.**
- 2.170 Public Nuisance Declaration.**
- 2.180 Franchisee/District's Civil Remedies.**
- 2.190 Right of Further Regulation Reserved.**

2.010 Waste Removal Responsibility, Handling and Storage.

Every Owner, Occupant, or Person in charge or control of any Premises or construction or demolition site in the District shall cause all Solid Waste, including Organic Waste, Recyclable Materials, Construction and Demolition Waste, Hazardous Waste, Special Wastes, Untreated Medical Waste, or other waste generated on or brought onto the Premises or site to be removed to an Authorized Waste Handling Facility in accordance with these Regulations and other applicable Law. Except as otherwise expressly provided in these Regulations, the requirements of this Section shall apply to the handling and storage of waste generated on Premises in the District:

- A. Every Owner or other Person in charge or control of any Premises shall ensure that a sufficient number of approved Containers are available to properly store all Solid Waste, including Recyclable Materials and Organic Waste, generated at said Premises.
- B. Except as otherwise provided herein, all Solid Waste, including Recyclable Materials, Organic Waste, and Non-Recyclable Solid Waste, shall be placed directly into Containers provided by the District or its Franchisee in compliance with the Source Separation and Recycling requirements of these Regulations.

C. 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, and fly and rodent infestation, before being placed in Non-Recyclable Solid Waste Containers.

D. Ashes and dust shall be placed in disposable bags which are securely sealed to prevent leakage before being placed in Non-Recyclable Solid Waste Containers.

E. 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.

F. Construction and Demolition Waste 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. Any Person who generates Construction and Demolition 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 Services with the use of Containers from a Franchisee, or Self-Haul in compliance with Section 2.030 and shall comply with all applicable Law pertaining to diversion of Recyclable Materials.

G. 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.

H. Hazardous Waste shall be disposed of as provided in Section 2.180, 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.

I. Bulky Items shall be disposed of by the Generator thereof either through Self-Haul of such Bulky Items or by arranging and paying for special Collection of such Bulky Items with the District or a Franchisee as follows:

1. Household Bulky Item Collection Program. The Household Bulky Item Collection Program entitles Occupants of Premises utilizing the District's Curbside Container Service to the periodic Collection of household Bulky Items Generated on the Premises. Upon request, the District will collect up to two (2) Bulky Items per Premises within a thirty (30) day period. An Occupant requesting the District to Collect a Bulky Item must schedule the Collection with the District at least one week in advance and must place the item to be Collected

at the curb or other location acceptable to the General Manager on the day scheduled for pickup. Bulky Items eligible for Collection by the District generally include, but may not be limited to, furniture, appliances, patio furniture, large plastic toys, lawn care equipment, television sets, computer monitors and water heaters. Bulky Items not eligible for Collection by the District include, without limitation, carpet, glass or mirrors, Construction and Demolition Waste, wood or fencing, doors, pallets, exercise equipment, automobile parts, tree stumps, earth, turf, sod, sand, clay, gravel, concrete, and Hazardous Waste. The District does not Collect Bulky Items or other items of personal property that are abandoned in the public right-of-way. The General Manager is authorized to establish rules and regulations governing the Collection and disposal of Bulky Items, including the schedule for Collections and the types and sizes of materials that will be Collected.

2. Commercial Bulky Item Collection. The Owners, Occupants, or Persons in charge or control of Commercial Premises or Large Multi-Family Residential Facilities within the District who subscribe to Solid Waste Handling Services with a Franchisee must arrange for the Collection of Bulky Items by the Franchisee or otherwise dispose of such items in a manner authorized by these Regulations.

2.020 Collection Authority.

A. The District shall provide for the Collection and disposal of Solid Waste from all Premises within the District, either by providing such Collection and disposal with its own agents and/or employees, by granting one or more franchises to a Franchisee for such Collection and disposal, or by such other methods as the Board may authorize.

B. The Board may grant one or more non-exclusive, partially exclusive, or wholly exclusive franchises for Solid Waste Handling Services related to Solid Waste generated within the District and pursuant thereto, may, with or without inviting bids or proposals, enter into one or more franchise agreements or other contracts with one or more Franchisees. Where such an agreement has been entered into between the District and a Franchisee, the District may, without inviting bids or proposals, either prior to or after the expiration of such agreement, extend or renew the agreement for such period and on such terms and conditions as the Board may provide. No franchise issued pursuant to these Regulations shall be transferable, except as otherwise provided in a franchise agreement between the District and Franchisee and pursuant to the terms thereof.

C. Except as otherwise provided in these Regulations, 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 Organic Waste, Recyclable Materials, and other Solid Waste from all

Premises within the District in accordance with the provisions of these Regulations. Except for Self-Haulers subject to Section 2.030 below, it shall be unlawful for any Person other than the District and its duly authorized agents and employees, or a Franchisee and its duly authorized agents and employees, to Collect any Recyclable Materials, Organic Waste, and other Solid Waste from any Premises within the District, or to otherwise provide Solid Waste Handling Services within the District.

D. The General Manager shall have the charge and supervision of Collection and disposal described herein and shall establish or approve the routes and days of Collection and disposal.

1. Curbside Container Service may be provided by the District between the hours of 7:00 A.M. and 5:00 P.M. of any day, Monday through Saturday. The General Manager shall have the charge and supervision of the District's Curbside Container Service and shall establish the routes and Collection schedule. When such routes and/or Collection schedule are established or changed, the General Manager shall give appropriate notice thereof to the public. The District is under no obligation to provide Collection services, other than in accordance with the schedule established by the General Manager.
2. A Franchisee's Solid Waste Handling Services may be provided any day, Monday through Saturday, pursuant to such routes and collection schedules as may be established by the Franchisee and approved by the General Manager, provided that collection from Residential Premises shall only occur between the hours of 7:00 a.m. to 5:00 p.m. unless otherwise authorized by written approval of the Board. When such routes and/or collection schedules are established or changed, the Franchisee shall give appropriate notice thereof to the affected customers.

E. The General Manager is authorized to make rules not inconsistent with the provisions of these Regulations as may be necessary and proper to affect the Collection and removal of Solid Waste from Premises by the District and/or Franchisee(s).

2.030 Self-Haulers

A. The Collection prohibition in Section 2.020 shall not apply to any of the following:

1. An Owner or Occupant of a Residential Premises who personally Self-Hauls Recyclable Materials, Organic Waste, or other Solid Waste generated on his or her Premises in compliance with this Section. This exemption does not permit the hiring of any Person,

other than the District or a Franchisee, to haul Recyclable Materials, Organic Waste, or other Solid Waste from one's own Premises.

2. A Commercial Business that Self-Hauls Recyclable Materials, Organic Waste, or other Solid Waste generated on its Commercial Premises in the course of its own business in compliance with this Section, provided the Commercial Business utilizes only its own employees and equipment, and the equipment used to transport Solid Waste is designed to be leakproof and to prevent the loss, spillage, or blowing away of contents and is otherwise acceptable to the General Manager. The General Manager is authorized to establish minimum standards for equipment used by Commercial Businesses to Self-Haul Solid Waste. This exemption does not permit the hiring of any Person, other than the District or a Franchisee, to haul Recyclable Materials, Organic Waste, or other Solid Waste from Commercial or Residential Premises.
3. The Collection, transportation and disposal of Construction and Demolition Waste in compliance with this Section by a contractor, handyman, repairman or other similar service provider as an incidental part of the services provided to its customers rather than as a hauling service; provided that such materials are not Collected or transported by a third party hired for the primary purpose of Collecting and transporting said materials, and further provided that such services comply with these Regulations and all other applicable Law relating to the Collection, Recycling, and disposal of such materials.
4. The Collection, transportation and disposal of Green Waste in compliance with this Section by a gardener or landscaper as an incidental part of the gardening or landscaping services provided to its customers, rather than as a hauling service; provided that such Green Waste is not Collected or transported by a third party hired for the primary purpose of Collecting and transporting said materials and further provided that such services comply with these Regulations and all other applicable Law relating to the Collection, Recycling, and disposal of such materials.
5. The Collection, transportation or disposal of any Hazardous Waste, Special Wastes, biohazardous waste, untreated Medical Waste, infectious waste, Dead Animals, used cooking fats, oils, grease and similar waste, or other materials which do not constitute Solid Waste by the Generator thereof; provided that the Collection, transportation or disposal of said waste is carried out in a manner consistent with these Regulations and other applicable Law.

6. Any Person otherwise authorized by Law to collect, transport, and/or dispose of Solid Waste, Organic Waste, or Recyclable Materials within the District.

B. Self-Haulers that Collect and transport materials pursuant to subdivision (A) of this Section shall:

1. Source separate all Recyclable Materials and Organic Waste 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.
2. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
3. Self-Haulers that are Commercial Businesses (including Large Multi-Family Residential Dwellings) 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:
 - (a) Delivery receipts and weight tickets from the entity accepting the waste.
 - (b) The amount of material in cubic yards or tons transported by the generator to each entity.
 - (c) 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.

2.040 Arrangements for Removal of Solid Waste Mandatory.

A. Solid Waste Handling Services Required. Except as otherwise provided in these Regulations, every Owner, Occupant, or Person in possession, charge or control of every Residential Premises or Commercial Premises where Solid Waste is generated or accumulates shall utilize the Solid Waste Handling Services of the District or a Franchisee, as applicable, at a frequency of at least once per week, or

more often as may be required to ensure Adequate Service. Reduced Collection frequency may be allowed upon written approval of the Board.

B. Exception for Vacant Premises. The requirement to provide for Solid Waste Handling Services as set forth in subsection A of this section shall not apply to any Residential Premises at which all Dwelling Units are vacant, nor to Commercial Premises which are completely vacant; provided, however, that this exception shall only apply during the time period during which such Premises are vacant, and only after written notice of the vacancy has been received by the District and/or Franchisee, as applicable, confirming 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 of vacancy to the satisfaction of the District and/or Franchisee, pursuant to such regulations or guidelines as developed or approved by the General Manager. Premises shall not be deemed vacant for purposes of this exception during any period of time that the Premises are unoccupied due only to a temporary absence of the Owner(s) or Occupant(s) (e.g. a period during which the Owner(s) or Occupant(s) are merely away on vacation).

2.050 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 Recyclable Materials, Organic Waste, and Non-Recyclable Solid Waste generated or accumulated on such Premises, and intended for Collection and disposal, in leak-proof Containers that are either provided by, or acceptable to, the District or a Franchisee, as applicable. Except as otherwise provided in these Regulations, no Owner, Occupant or Person in possession, charge or control of any Premises shall utilize a Container not in conformance with the requirements hereof for the Collection, accumulation or storage of Solid Waste.

B. Container lids shall remain closed at all times that a Container is unattended. If the Recyclable Materials, Organic Waste, or Non-Recyclable Solid Waste contained within a Cart, Bin, Roll-off Box, or other Container exceeds the actual capacity of the Container, then a larger Container or multiple Containers must be utilized. The Owner, Occupant and/or Person in possession, charge or 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.

C. It is unlawful for any Person to share, place Solid Waste in, or to otherwise use a Bin, Cart, Roll-off Box or other Container designated for use by another Person or Commercial 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 Large Multi-Family Residential

Facility exists may arrange for Bins, Roll-off Boxes or other Containers for shared use by the Occupants, or Persons in possession of the Dwelling Units on such Premises, subject to the following requirements:

- a. A minimum ratio of three (3) cubic yards of Container space for each ten (10) Dwelling Units shall be provided. For good cause, this ratio may be increased to three (3) cubic yards of Container space for each twelve (12) Dwelling Units, subject to approval of the General Manager, in his or her sole discretion.
- b. Notwithstanding the provisions of Subsection C.1.a., above, a sufficient number of Containers shall be provided, even if in excess of the minimum number required in Subsection C.1.a., so that there is a minimum of three hundred (300) linear feet from the access door of any Dwelling Unit to the nearest Container.
- c. Notwithstanding the provisions of Subsections C.1.a. and C.1.b., above, the number of Containers and frequency of Collection provided for shall be sufficient to ensure Adequate Service.

2. The Occupants of a single Commercial Premises or contiguous and adjacent Commercial Premises may share one or more Bins, Roll-off Boxes or other Containers for Solid Waste Handling Services at a common location, subject to approval of the General Manager. 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 Collection needed to ensure Adequate Service. The approval authority of the General Manager pursuant to this subsection may be delegated to a Franchisee.

D. It is unlawful for any Person to use any 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.

2.060 District's Curbside Container Service-Single Family Generators.

A. Use of District's Curbside Container Service. The District's Curbside Container Service shall be utilized for all Single-Family Dwellings and each Dwelling Unit within a Small Multi-Family Residential Facility; provided, however, that occasional usage of a Franchisee's Solid Waste Handling Services may occur in connection with construction, yard work, renovation or other large-scale disposal

needs of the Owner(s) or Occupant(s). The District is under no obligation to collect Solid Waste in any type of Container other than a District-provided Container.

B. Use of Containers.

1. Disposal of Solid Waste. Every Owner, Occupant or Person in possession, charge or control of any Premises within the District utilizing the District's Curbside Container Service shall cause all Recyclable Materials, Organic Waste, and Non-Recyclable Solid Waste that is Generated or accumulates on the Premises, and is intended for disposal, to be deposited and removed in the Blue Container, Green Container, and Gray Container provided by the District at a frequency of at least once a week or more frequently upon specific arrangement with the District for additional Collection services. The General Manager 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 General Manager. 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).

2. Permitted Solid Waste. The District's Curbside Container Service utilizes a system comprised of three (3) different colored Containers for the disposal and Collection of different types of Solid Waste: (i) Blue Containers intended for the Collection and disposal of Recyclable Materials; (ii) Green Containers intended for the Collection and disposal of Organic Waste, including Food Waste and food-soiled paper waste; and (iii) Gray Containers intended for the Collection and disposal of Non-Recyclable Solid Waste. The General Manager is authorized to determine and shall develop, maintain and publish a written list describing the types and categories of Solid Waste that may be deposited in the Blue, Green, and Gray Containers, respectively, and the types of materials that may not be deposited in Containers. Said list shall be consistent with applicable State Law. The General Manager may, from time to time, update and/or revise such list. Said list shall be published on the District's website and made available to the public upon request. Except as otherwise described on the current list developed and published by the General Manager pursuant to this section, no Person shall (i) place or cause the placement of Solid Waste other than Recyclable Materials in any Blue Container, or (ii) place or

cause the placement of Solid Waste other than Organic Waste and Food Waste in any Green Container.

3. Prohibited Waste. No Person shall place or cause the placement of shall not place Prohibited Container Contaminants in Containers and/or the following items or types of materials:
 - (a) Hazardous Waste;
 - (b) Untreated Medical Waste;
 - (c) Special Wastes;
 - (d) Dead Animals;
 - (e) Construction and Demolition Waste;
 - (f) Bulky Items; or
 - (g) Any other type of waste or material that the General Manager determines is inappropriate for disposal in a Container and which is described on the current list developed and published by the General Manager pursuant to this section.

C. Provision, Maintenance and Replacement of Containers.

1. Provision of Containers. Basic Curbside Container Service for each Premises or Dwelling Unit includes the provision and weekly Collection of one up to ninety-five (95) gallon Blue Container for the Collection of Recyclable Materials, one approximately sixty-five (65) gallon Green Container for the Collection of Organic Waste, and one approximately sixty-five (65) gallon Gray Container for the Collection of Non-Recyclable Solid Waste. Additional Containers may be rented at the rates, and in accordance with policies, established by the Board from time to time. Unless otherwise expressly provided pursuant to a policy established by the Board, no additional Gray Containers and no more than one (1) additional Green Container will be provided unless the General Manager determines, in his or her discretion, that the Owner or Occupant of the Premises has made a reasonable good faith effort to Recycle all Recyclable Materials generated on the Premises and/or that the health, safety, and public welfare will be best served by the provision of additional Containers. All Containers shall remain the property of the District.
2. Sanitary Maintenance Required. Each Owner, Occupant or Person in possession, charge or control of Premises utilizing the District's Curbside Container Service shall be responsible, at his or her own cost and expense, for keeping each Container maintained thereon in a clean and sanitary condition. The District shall not be responsible for sanitizing Containers. If a Container must be replaced because it has not been kept in a sanitary condition, the Owner, Occupant or

Person in possession, charge or control of the Premises shall be liable to the District for the District's cost to replace the Container.

3. Repair and Replacement of Containers. Containers shall not be subjected to unusual abuse, above and beyond normal wear and tear. The Owner tenant, Occupant, or Person in charge of each Premises utilizing the District's Curbside Container Service shall notify the District whenever any Container has been damaged, is in disrepair, and is in need of repair or replacement, and the District will repair or replace the Container as needed. However, if the General Manager reasonably determines that the need to repair or replace the Container is due to the abuse, misuse, or neglect of the Container by an Owner or Occupant of the Premises, the Owner, Occupant or Person in possession, charge or control of the Premises shall be liable to the District for the District's cost to repair or replace the Container.

D. Placement, Removal and Storage of Containers.

1. Placement of Containers for Collection. Containers shall be set out for Collection no more than twenty-four (24) hours prior to the designated Collection time, at locations that are adjacent to the Street or alley and which are acceptable to the General Manager, do not create a traffic or safety hazard, and permit Collection by the District's automated Collection vehicles. Containers must be placed at curbside or alley side with the wheels facing the dwelling or building and must be located at least three (3) feet from any vehicle or other obstructing object. There must be one (1) foot between each individual Container.
2. Removal of Containers Following Collection. All Containers must be removed from the Street location within twelve (12) hours after Collection.
3. Storage of Containers. When not set out for Collection, all Containers shall be stored and maintained in an area not visible from the Street and in compliance with all applicable City or County Laws.

E. Rates, Fees and Charges. The Board shall from time to time establish applicable rates, fees, and charges for the use of the District's Curbside Container Service, including, but not limited to, fees for the reasonable cost of additional Containers and/or fees for the reasonable cost of non-standard size Containers. Pursuant to an ordinance heretofore adopted, the Board has adopted the procedure set forth in California Health and Safety Code Section 5473 for the collection of charges for standard use of the District's Curbside Container Service on the tax roll on an annual basis along with the general taxes collected by the tax

collector. Any fees or charges associated with District's Curbside Container Service that are due and payable to the District and which are not collected on the tax roll, including, but not limited to, fees or charges for additional Containers, non-standard sized Curbside Containers, or for the repair or replacement of Containers shall be paid directly to the District in advance by the responsible Person.

2.070 Franchisee's Solid Waste Handling Services-Commercial Businesses.

A. Use of Franchisee's Solid Waste Handling Services. Except as otherwise provided in these Regulations, a Franchisee's Solid Waste Handling Services shall be used for all Commercial Premises and all Large Multi-Family Residential Facilities. Utilization of the District's Curbside Container Service may be allowed for Dwelling Units within a Large Multi-Family Residential Facility or for Commercial Premises for good cause, but subject to the sole discretion and only upon written approval of the General Manager. Generators that are Commercial Businesses shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green 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 or Blue Container.

B. Source Separation of Recyclable Materials. It is the policy of the District to promote the Source Separation and Recycling of Recyclable Materials, where feasible. Accordingly, except as otherwise provided in these Regulations, the Owner and/or other Person in possession, charge or control of each Commercial Premises and Large Multi-Family Residential Facility in the District that utilizes a Franchisee's Solid Waste Handling Services shall cause to be maintained on the Premises a sufficient number of Containers designated solely for the placement and Collection of Recyclable Materials to accommodate the volume of Recyclable Materials that are Generated on the Premises and disposed of by the Occupants of the Premises. The General Manager 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 General Manager.

C. Permitted Solid Waste. A Franchisee providing Solid Waste Handling Services is authorized to determine and shall develop, maintain and publish a written list describing the types and categories of Solid Waste that may be deposited in Recyclable Materials Containers (including Organic Waste) and Non-Recyclable Solid Waste Containers, respectively, and the types of materials that may not be deposited in the Franchisee's Containers. Said list shall be consistent with applicable State Law. The Franchisee may, from time to time, update and/or revise such list. Said list shall be published on the Franchisee's and/or the District's website and made available to the public upon request. Except as otherwise described on the current list developed and published by the Franchisee

pursuant to this Section, no Person shall (i) place or cause the placement of Solid Waste other than Recyclable Materials in any Franchisee Container designated solely for Recyclable Materials, or (ii) place or cause the placement of Solid Waste other than Organic Waste in any Franchisee Container designated solely for Organic Waste.

D. Prohibited Waste. No person shall place or cause the placement of the following items or types of materials in any Franchisee Container:

- (1) Hazardous Waste;
- (2) Untreated Medical Waste;
- (3) Special Wastes;
- (4) Dead Animals;
- (5) Bulky Items; or
- (6) Any other type of waste or material that the Franchisee determines is inappropriate for disposal in a Container and which is described on the current list developed and published by the Franchisee pursuant to this section.

E. Containers. It shall be the responsibility of the user of a Franchisee's Containers to provide a clean and safe area for the storage thereof and to maintain such area and Containers in a clean and safe condition acceptable to the District.

1. Storage of Containers. All Containers shall be stored in enclosures designed for such purpose or in other locations acceptable to the District and Franchisee. Containers shall be promptly returned to such enclosures or storage areas after being serviced by a Franchisee.
2. Sanitary Maintenance of Containers Required. Each Owner, Occupant or Person in possession, charge or control of Premises utilizing a Franchisee's Solid Waste Handling Services shall be responsible, at his or her own cost and expense, for keeping each Container maintained thereon in a clean and sanitary condition. Except as otherwise provided in an agreement between the District and a Franchisee, the expense for exchanging and sanitizing a Container shall be borne by the Owner, Occupant or Person in possession, charge or control of the Premises where the unsanitary Container is located.

F. Excluding Large Multi-Family Residential Dwellings, 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 Commercial 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 Commercial 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 Commercial Business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the Franchisee, 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.

G. Large Multi-Family Residential Dwellings are not required to comply with Container placement requirements or labeling requirement in subdivision (F) pursuant to 14 CCR Section 18984.9(b).

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

I. Excluding Large Multi-Family Residential Dwellings, Commercial Businesses shall periodically inspect Blue Containers, Green 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).

J. 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 and Source Separated Recyclable Materials.

K. 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 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.

L. Commercial Businesses shall provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with Section 2.130 of these Regulations to confirm compliance with the requirements of this Section.

M. 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, and Gray Containers.

N. At Commercial Business's option and subject to any approval required from the General Manager, Commercial Businesses shall implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green 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, and Gray Containers subject to written notification to or approval by the General Manager or its designee.

O. If a Commercial Business wants to Self-Haul, the Commercial Business must meet the Self-Hauler requirements in Section 2.030 of these Regulations.

P. 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).

Q. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 2.110 of these Regulations.

2.080 Waivers for Generators.

A. De Minimis Waivers. 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 2.030 of these Regulations are exempt from the Organic Waste requirements of these regulations. Furthermore, the General Manager may waive a Commercial Business's obligation (including Large Multi-Family

Residential Dwellings) to comply with some or all of the Organic Waste requirements of these Regulations 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 Commercial 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 Commercial Business's total waste.
- (3) Notify the General Manager 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 General Manager 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 Green Containers including documentation from the hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to the General Manager that it is still eligible for physical space waiver every five years, if the General Manager has approved application for a physical space waiver.

2.090 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 General Manager annually on or before March 31st identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, and Source Separated Green Container Organic Waste.
- B. Transport Source Separated Recyclable Materials, and Source Separated Green Container Organic 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 General Manager 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, Chapter 15.20 of the Westminster Municipal Code, Chapter 7-1-12 of the Orange County Code, and Section 2.010.F of these Regulations.
- 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.

2.100 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 General Manager 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 General Manager shall respond within 60 days.
- B. Community Composting operators, upon General Manager 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 General Manager shall respond within 60 days.

2.110 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 the 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 these Regulations 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).

2.120 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 General Manager, 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 General Manager shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the General Manager.

2.130 Inspection and investigation.

- A. District representatives and/or its designated entity, including Franchisees and 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 these Regulations by Generators, Commercial Businesses (including Large Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable Law. 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 2.070.A-C, the 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 2.070.M of these Regulations.
- 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 these Regulations. 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 these Regulations 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, and/or designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of these Regulations, 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.

2.140 Solid Waste as Franchisee or District Property.

Once Recyclable Materials, Organic Waste, Mixed Waste, or other Solid Waste is placed in a designated Container for such purpose at a designated Collection location for Collection by a Franchisee or the District, the Recyclable Materials, Organic Waste, Mixed Waste, and/or other Solid Waste shall become the property of the Franchisee or the District, as applicable.

2.150 Recycling by Private Individuals or Organizations.

Nothing in these Regulations shall limit the right of any Generator of Recyclable Materials or Organic Waste to donate or sell such Recyclable Materials or Organic Waste, provided that any such donation or sale is in accordance with the provisions of these Regulations or other applicable Law. A mere discount or reduction in price of the District's or a Franchisee's charges for the handling of such materials is not a sale or donation within the meaning of these Regulations. The materials shall be deemed Solid Waste subject to Collection by the District or a Franchisee exclusively pursuant to these Regulations in any of the following instances: (a) the material is deposited in a Container provided by the District or a Franchisee for Collection by the District or Franchisee, as applicable, or (b) the payment of a fee, charge or other consideration, in any form or amount, is directly or indirectly solicited or received from the Generator by any Person or combination of Persons acting in concert in exchange for Collection, removal, transportation, storage, processing, handling, consulting, Container rental or disposal services, whether or not arranged by or through a subcontractor, broker, agent, consultant, or affiliate of the provider of such service.

2.160 Tampering with Solid Waste Prohibited.

No Person, other than an Owner, Occupant, or Person in possession, charge or control of Premises receiving Solid Waste Handling Services from the District or a Franchisee, 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 a Container provided by the District or a Franchisee or the contents thereof, remove

the contents of any such Container, nor remove any such Container from the location where the Container is placed by the Owner, Occupant, or Person in possession, charge or control of Premises or their agent or employee. This prohibition includes any of the forgoing activities with respect to both segregated and non-segregated Recyclable Materials at Commercial and Residential Premises.

2.170 Littering and Dumping Prohibited.

A. Except with the consent of the General Manager or as otherwise herein authorized, it shall be unlawful for any Person to throw, place, scatter, dump or deposit any Solid Waste, Medical Waste, Special Wastes, or Hazardous Waste in, upon or below the land of another either with or without the consent of the Owner thereof, or upon any public property or right-of-way, 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 in a manner which may otherwise endanger the public health or safety.

B. It shall be unlawful to establish or maintain a place for dumping Solid Waste in the District, or to collect, receive, or dump any Solid Waste on one's own property, save and except such Solid Waste as may reasonably accumulate upon one's own property in the reasonable and lawful use thereof, without the consent of the General Manager.

2.180 Disposal of Hazardous Waste in Solid Waste Containers 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 Collected with Solid Waste. Hazardous Waste material is defined by section 1.140 of these Regulations and 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 & BALLASTS 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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2.190 Procedures for Disposing of Hazardous Waste.

- A. 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, Occupant or Person in possession, charge or control 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, which must be sound and free from leaks, and be labeled clearly. Glass containers must be protected from breakage.
- C. Radioactive materials shall be disposed of by the Owner, Occupant or Person in possession, charge or control 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 Orange County Animal Care.

2.200 Unauthorized Containers.

- A. Unauthorized Containers. No Person other than the District or its authorized representative, a Franchisee or its authorized representative, a Person authorized to Self-Haul, or a Person otherwise authorized to collect or transport Solid Waste pursuant to the provisions of these Regulations shall place or leave standing upon any public or private property within the District, any Container for the purpose of providing Solid Waste Handling Services. In addition to any and all other penalties or remedies provided in these Regulations, the General Manager or his or her designee may, by notice, require the removal of any such unauthorized Container pursuant the provision of this section.
- B. Removal of Unlawfully Placed Container.
 - 1. The General Manager may cause the posting of a notice to remove in a conspicuous place on any Container placed on any public or private property within the District in violation of this section. Notices to remove posted pursuant to the provisions of this section shall

specify the nature of the violation and shall state that the Container must be removed within twenty-four (24) hours, and that it may be removed and stored by the District or Franchisee, 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. The notice shall also indicate that any appeal or challenge of the order for removal must be received by the District 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.

2. If the Container is not removed or an appeal received by the District 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 notified of the impoundment as set forth in this section, and shall be responsible to reimburse the District or Franchisee for the actual cost of removal, storage and disposal. All amounts due to the District or Franchisee 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 or the Franchisee, and the owner shall be liable to the District or Franchisee in an action brought by the District or Franchisee for the recovery of such amounts.
3. 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 (90) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the General Manager, 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 General Manager or Franchisee, they may be processed or disposed of without awaiting the expiration of the ninety (90) day claim period.
4. 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, in writing, to the District within ten (10) calendar days of receipt of notification from the District that the Container was impounded. The General Manager is authorized to 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 these Regulations, the owner shall provide the District with information to substantiate that assertion. Said information shall be submitted with the notice of appeal from the owner and shall include, at a minimum, the following:

(a) A description of the materials of value deposited in the Container and an estimate of their value;

(b) 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;

(c) 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;

(d) 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;

(e) Any additional information as may be deemed necessary or useful by the District in determining the validity of the owner's contest, which information shall be provided to the District by the owner upon request.

If the District, acting through the General Manager or his or her 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 or other activity involving donated or sold materials, the Container shall be returned to the owner without any charge for removal or storage of same.

5. Notwithstanding any provision of this Section to the contrary, the General Manager is authorized to direct the immediate removal, without notice, of any Container placed or left standing 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, or by an inspection of the Container.

2.210 Franchisee Requirements.

Except as otherwise provided in a franchise agreement approved by the District Board, the following requirements apply to Solid Waste Handling Services provided by a Franchisee.

A. Provision of Solid Waste Handling Services. A Franchisee shall provide Solid Waste Handling Services for all Premises on its Collection routes at a frequency as contained in Section 2.040 and in accordance with a schedule proposed and published by the Franchisee and approved by the District. A Franchisee shall be required to Collect all Solid Waste from each Premises on its Collection routes without regard to the amount of Solid Waste which may be placed out for Collection by the Occupants of the Premises. In order to prevent problems of traffic, noise, wear and tear on the highway, or other problems having the potential to adversely affect health, or safety, the Board reserves the right to regulate routes, intervals, delivery points, and times for Collection by each Franchisee.

B. Operation. A Franchisee shall take all steps as may be reasonable and necessary in order to assure that the Collection of Solid Waste is completed in a timely and efficient manner.

C. Customer Relations Phone Lines. A Franchisee shall maintain customer relations phone lines from 8:00 a.m. to 5:00 p.m. Monday through Friday, and during hours of service on Saturdays if any Solid Waste Handling Services are provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public.

D. Handling of Complaints. Each Franchisee shall file with the Board a written procedure to resolve complaints. Each Franchisee shall directly receive and fully process all complaints associated with the service provided. Each Franchisee shall give prompt, courteous attention to all complaints and resolve them to the satisfaction of the Board.

1. Each Franchisee shall maintain a written log of all complaints (oral and written), listing the following information;
 - a. the date and time the complaint was received;
 - b. the complainant's name, address and telephone number;

- c. the date and time of the incident which is being complained of;
- d. the nature of the problem; and
- e. the date and description of the final action taken on the complaint.

2. The complaint log shall be available for inspection by the Board or its designee at all reasonable times. Records of complaints and dispositions shall be kept a minimum of two (2) years and shall be submitted to the Board upon request.

E. Hauling. All Solid Waste Collected by a Franchisee shall be so contained, tied or enclosed to prevent leaking, spilling, or blowing.

F. Disposal. All Solid Waste Collected by a Franchisee shall be hauled to an Authorized Waste Handling Facility. The District reserves the right to designate one or more Authorized Waste Handling Facilities by resolution.

G. Weather and Conditions. A Franchisee shall be responsible for providing Solid Waste Handling Services in all weather and road conditions, provided it can be undertaken safely and within reasonable expectations, and shall make reasonable efforts, including but not limited to, the use of additional trucks and personnel, to continue to provide reliable service. A Franchisee shall advise the Board if Solid Waste Handling Services cannot be carried out as required by these Regulations. Solid Waste Handling Services shall be provided as close to the same time and same day each week as is reasonably possible.

H. Labor Disputes. In the event of war, riot, strike and/or labor disputes, during which time a Franchisee is unable to perform services under the terms of these Regulations and as a result thereof, a public hazard or public nuisance is deemed to exist as determined by the District, then, the Franchisee shall permit the District to temporarily assign or lease, at District's risk, the Franchisee's Collection and disposal vehicles, on such schedules and in such numbers as are determined to be necessary by the District, to continue service and to eradicate the health hazard or nuisance. All costs thereof which would have been incurred by a Franchisee had it not been for the war, riot, strike and/or labor dispute, including cost of the operation, maintenance of the vehicles, insurance, costs of laborers or drivers, other help employed in rendering Collection and disposal services, shall be payable by the Franchisee to the District and may be deducted from any monies due the Franchisee.

I. Equipment and Personnel. Each Franchisee shall provide an adequate number of vehicles and crew members for regular Collection services. Each Franchisee shall designate, on forms supplied by the District, the number of

vehicles to be assigned along with the personnel necessary to operate and support the vehicles.

J. Maintenance Yard. If the Franchisee maintains a storage yard or facility for its vehicles and equipment within the District, such site shall comply with the following standards:

1. Collection and transfer vehicle parking/service yards shall be maintained in a clean and safe condition.
2. Parking areas shall be clearly delineated and vehicles not in service shall be clearly identified.
3. Vehicle and container washing facilities shall adequately drain to an approved subsurface disposal system. The entire lot shall be adequately sloped for drainage control.
4. All Solid Waste Containers stored at the yard shall be kept in a clean and empty condition.

K. Containers.

1. A Franchisee is responsible for providing Containers to customers utilizing its Solid Waste Handling Services. A Franchisee shall not place in service any Container found to be in a deteriorated condition as determined by the General Manager.
2. A Franchisee shall place and maintain, on the outside of all Containers of more than one (1) cubic yard, in legible letters and numerals, not less than three (3) inches in height, the Franchisee's firm name or DBA and telephone number.
3. A Franchisee shall, at all times, keep such Containers and lids leak-proof and in good repair.

L. Vehicles.

1. Each vehicle or piece of equipment utilized in the District by a Franchisee shall have clearly visible, on each side, the identity and telephone number of the Franchisee, in a size of not less than four (4) inches.
2. All Franchisee vehicles shall be kept in good repair, good serviceable order, recently painted with an acceptable appearance, not leaking oil or other fluids and maintained in a condition acceptable to the District.

3. All Franchisee vehicles must meet OSHA requirements (including backup alarms) and be equipped with communication equipment capable of communicating with the Franchisee's office.
4. Franchisee vehicles shall carry a shovel, broom, fire extinguisher and first aid kit.
5. A Franchisee shall cause its Collection vehicles to be inspected by the California Highway Patrol annually, and a report of said inspection shall be provided to the Board upon request.

M. Independent Contractor. A Franchisee shall, at all times, act as an independent contractor, and neither a Franchisee nor its agents or employees shall be considered agents or employees of the District. Further, a Franchisee and its agents and employees shall have no authority to bind the District, in any manner or on any manner, whatsoever.

N. Licenses and Taxes. A Franchisee shall maintain at its own expense, all required licenses and permits and shall promptly pay all taxes required by the City, County, State and Federal government.

O. Indemnity, Insurance, and Bonds. Requirements for indemnity, insurance, and surety bonds shall be as specified in the franchise agreement between the Franchisee and the District.

P. Failure to Perform.

1. A Franchisee shall be deemed to have failed to perform in the following circumstances:
 - a. Failure to provide the services indicated; or
 - b. Bonafide complaints, by phone or in writing, and subsequent District investigation that verifies significant failure to provide adequate service; or
 - c. Failure to comply with the terms of this section, a District regulation, state or federal Law; or
 - d. A decision by the Board, after a meeting with the Franchisee, outlining problems deemed to be unacceptable.
2. A Franchisee shall be given a specified three (3) month probationary period during which the problems, outlined in writing by the District, must be resolved to the satisfaction of the Board. The criteria used

by the District in evaluating a Franchisee's performance during this probationary period shall be the following:

- a. Continuing complaints (has the Franchisee solved the problem?); or
- b. Responsiveness by a Franchisee (how quickly and with what quality and degree of effort did a Franchisee resolve the problem?).

Q. Insolvency. If, at any time during the term of the franchise agreement, a Franchisee becomes "insolvent", as hereinafter defined, then the franchise and the rights and privileges granted thereby, shall immediately cease without notice and without suit or other proceedings. For purposes of this section, "insolvent" shall mean any one of the following events:

1. Bankruptcy proceedings as commenced by or against a Franchisee, its parent corporations or owners;
2. The appointment of a receiver for any property of a Franchisee, its parent corporations or owners; or
3. Assignment, whether voluntary or involuntary, for the benefit of a Franchisee's creditors or creditors of the Franchisee's parent corporations or owners.

R. Transferability of Franchise. No assignment or transfer, whether voluntary or involuntary, of a franchise agreement permitted by these Regulations or any right thereunder, shall be made in whole or in part by a Franchisee without the express, prior written views and consent of the Board. A decision on such transferability by the Board shall rest within the sole discretion of the Board and shall be rendered within sixty (60) calendar days of receipt of such request by a Franchisee.

S. Hazardous Waste.

1. A franchise granted under these Regulations shall not authorize the collection, handling, or disposal of Hazardous Waste.
2. In the event that a Franchisee collects or hauls Hazardous Waste, the Franchisee shall immediately notify, by telephone and in writing, the Board, the Orange County Health Officer and the local fire agency. The following information shall be provided:
 - a. Name, address, and telephone numbers of the collector.

- b. Name, address, and telephone number of the facilities from which the Hazardous Waste was collected.
 - c. A description of the type of Hazardous Waste collected.
 - d. Location at which the Hazardous Waste is being held.
3. Cost of removal shall be borne by the generator of and/or party placing Hazardous Waste out for removal as determined by the Board. Where the generator of and/or party placing Hazardous Waste out for removal cannot be identified, cost of removal, transportation and disposal shall be in accordance with applicable Hazardous Waste and materials laws and regulations.

T. Financial Records.

1. A Franchisee shall make its financial records available to the Board, or its designee, at reasonable times for purposes relevant to performance under a franchise or these Regulations.
2. A Franchisee shall provide audited financial statements by a Certified Public Accountant as may be requested by the Board for purposes relevant under a franchise or these Regulations.

U. Rates.

1. The Board may establish rates for the Solid Waste Handling Services provided by Franchisees from time to time by resolution of the Board. Where no such rates have been established by the Board, a Franchisee may charge and collect fees from customers utilizing its services as provided pursuant to the terms of the franchise agreement between the Franchisee and the District.
2. A Franchisee may deny services to a customer for non-payment of the customer's billing or the customer's failure to substantially comply with requirements of these Regulations. No such service shall be terminated until an account is at least sixty (60) days delinquent and at least one written warning of possible termination has been sent to the customer at least fifteen (15) prior to such termination. This subsection does not preclude a Franchisee from obtaining other remedies such as delinquent charges and interest. The Franchisee shall notify the Board, in writing, of any service termination, including a copy of the written notice to the customer.

2.220 General Penalty-Enforcement.

- A. **General Penalty—Misdemeanor.** It is unlawful for any Person to violate any provision or fail to comply with any of the requirements of these Regulations, or any rule or regulation promulgated hereunder, or to violate or fail to comply with the terms of any permit, license, approval or entitlement issued pursuant to the provisions of these Regulations. Pursuant to Section 6523 of the Health and Safety Code, a violation of these Regulations shall constitute a misdemeanor, punishable by thirty (30) days in jail, a fine of up to \$1,000.00, or by both such fine and imprisonment. Each day that any violation of these Regulations is committed, continued or permitted is punishable as a separate offense. Unless otherwise authorized by Law, pursuant to Section 6492 of the Health and Safety Code, at the request and direction of the Board, all actions and proceedings necessary or proper to enforce violations of these Regulations shall be commenced and prosecuted by the district attorney of the County.

- B. **Administrative Citations.** In addition to the enforcement authority provide for under State law and these Regulations, the Enforcement Officer may enforce these Regulations by administrative citation as provided for in Chapter 4.

- C. **SB 1383 Organic Waste Regulations Enforcement.**
 - 1. Except for violations of contamination of Container contents with Prohibited Container Contaminants which will be addressed through non-collection of Containers and noticing by the District or Franchisee, and violations subject to immediate administrative citation, the Enforcement Officer shall issue a notice to abate violations in accordance with Chapter 4 of these Regulations requiring compliance within a maximum of 60 days of issuance of the notice. The Enforcement Officer 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:
 - a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters,
 - b. Delays in obtaining discretionary permits or other government agency approvals; or,
 - c. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the city is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

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

2.230 Public Nuisance Declaration.

In addition, any violation of these Regulations which constitutes a public nuisance may be abated by the Board or its designee, irrespective of any other remedy provided herein. Any continuing or repetitive violation of these Regulations, any rule or regulation promulgated hereunder, or any related State, County, or City Law is declared to be a public nuisance, and the District's authorized legal representative may with approval of the Board commence an action for abatement thereof or other enforcement relating thereto in the manner provided by Law. A civil action may be filed, whether or not criminal proceedings have been commenced for the same conduct.

2.240 Franchisee/District's Civil Remedies.

Nothing in these Regulations shall be deemed to limit the right of a Franchisee or the District to bring a civil action against any Person that violates any provision this chapter, nor shall a conviction for such violation exempt any Person from a civil action brought by a Franchisee or the District.

2.250 Right of Further Regulation Reserved.

District reserves right to regulate or further regulate aspects of Solid Waste handling including, but not limited to, frequency of Collection, means of Collection and transportation, delivery points, levels of service, charges and fees, nature, location, and extent of providing Solid Waste Handling Services, whether such services are to be by means of non-exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, or, if in the opinion of the Board, the public health, safety and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, etc., either with or without competitive bidding, and authority to provide such Solid Waste Handling Services may be granted under such terms and conditions as prescribed by the Board.

Chapter 3—COMMERCIAL SOLID WASTE ENCLOSURE DESIGN AND CONSTRUCTION STANDARDS

Sections:

- 3.010 Applicability.**
- 3.020 General construction and design standards.**
- 3.030 Multifamily requirements.**
- 3.040 Compactors.**
- 3.050 Permits.**
- 3.060 Exceptions.**

3.010 Applicability.

A. The standards set forth in this chapter are intended to apply to multifamily and commercial development projects in the City of Westminster as provided in Westminster Municipal Code, Section 17.300.045 or as otherwise required by the City, and to development projects in the unincorporated areas of the District when required by the County of Orange. Without limitation, the standards set forth in this chapter may apply as a condition of issuance by the City or County of building or development permits for:

1. New commercial development projects;
2. New multifamily development projects with five (5) units or more that will utilize shared waste and recycling enclosures;
3. A physical change or operational change that exceeds a cost of \$25,000 for improvements to the Premises and/or Commercial Business;
4. Commercial development projects that trigger a planning entitlement (such as a site development review or conditional use permit) including, but not limited to, uses such as grocery stores, restaurants, markets, auto repair uses and daycares that generate food waste, grease and/or vehicle fluids, and packaging material in addition to uses that have the potential to pollute storm water as determined by the local Building Official;
5. Any other project, including but not limited to tenant improvements, where the City or County, as applicable, concludes that the use has the potential to discharge pollution into the storm sewer system. Unless otherwise provided by the City or County, when this chapter applies to a tenant improvement, the property owner or applicant shall be responsible for making improvements only to the Solid Waste enclosure(s) used by the tenant.

3.020 General construction and design standards.

A. General. The location, design and construction of enclosures for the Containers approved for the holding and collection of Organic Waste, Recyclable Materials, Non-Recyclable Solid Waste, Mixed Waste, or other discarded materials shall conform to all applicable regulations. Commercial Premises and Large Multi-Family Residential Facilities within the District's jurisdiction that receive regular Solid Waste Handling Services from a District Franchisee must provide adequate space for separate Containers for Organic Waste, Recyclable Materials, Non-Recyclable Solid Waste, and/or Mixed Waste in a number to ensure Adequate Service as required by the District's Regulations or other applicable Law. In addition, if a food service establishment or other Commercial Business that will generate grease, fat or tallow is or will be located on the Premises, adequate space for separate Containers for this type of waste is also required. The number, types, and sizes of Containers needed is based on the volume and character of Solid Waste anticipated to be generated by the development activity, as estimated by the District, and with the aim of reducing, as much as possible, the number of service trips per week by the Franchisee. Projects should be designed with enclosures of sufficient size and dimension to accommodate the type, size, and number of Containers anticipated to be needed. A development may have multiple Solid Waste enclosures to meet the required amount of capacity. The General Manager shall review and approve the design of all enclosures. Except as otherwise approved by the General Manager, enclosures shall conform to the District's standard Solid Waste enclosure plans, which are on file with the District.

B. Height Clearance of the Enclosure Approach. The entire approach to and from the front of the enclosure shall have at least eighteen (18) feet of vertical clearance to accommodate Solid Waste Collection truck height. The area immediately in front of the enclosure itself, or the location where a Bin will be serviced, shall have at least thirty-two (32) feet of vertical clearance, and at least fifteen (15) feet of lateral clearance, to accommodate the servicing of the Bin.

C. Driveways. An asphalt or concrete driveway with fifty (50) feet of straight, direct access that leads to and from the enclosure is required and shall be built to withstand trucks weighing up to sixty-two thousand (62,000) pounds gross vehicle weight (GVW). The driveway shall be built in accordance with the City or County standard plans and specifications, as applicable.

D. Concrete Apron at the Approach.

1. The apron surface shall be the same elevation as the enclosure pad threshold and the surrounding surfaces, with a minimum slope of one-eighth (1/8) inch (one percent (1%) grade) per foot away from the enclosure pad so as to direct runoff away from the enclosure.
2. The apron shall extend ten (10) feet from the enclosure pad and be the same width as the enclosure opening. To prevent damage to the

asphalt paving caused by receptacle impact, the enclosure base shall be designed to withstand up to twenty thousand (20,000) pounds of direct force from a single truck axle. A concrete of sufficient strength shall be used to prevent chipping.

D. Concrete Enclosure Pad.

1. The enclosure pad shall be engineered to withstand up to twenty thousand (20,000) pounds of direct force from a single truck axle for any portion of the pad that is subject to vehicle traffic.
2. The enclosure pad surface shall be the same elevation as the apron threshold.
3. On the open side of the enclosure, a grade break line shall be constructed at the inside edge of the wall with the slab sloping inwards on the inside of the structure and away from the structure on the outside.
4. The ground on all other sides of the structure shall be sloped away from the structure.

E. Enclosure Design. Enclosures shall be designed to provide adequate space for collecting and storing the volume of Organic Waste, Recyclable Materials, Non-Recyclable Solid Waste, Mixed Waste, and/or other discarded materials anticipated to be generated. All enclosures shall be designed to provide for adequate capacity for the number, types, and sizes of Containers needed based on the volume and character of Solid Waste anticipated to be generated by the development activity, as estimated by the District, and with the aim of reducing, as much as possible, the number of service trips per week by the Franchisee.

1. Material. The design of the enclosure shall incorporate the same materials used for the primary buildings of the development in order to provide for a coordinated look and feel to the development.
2. Height of Walls. All enclosures shall have walls with a minimum height of six (6) feet.
3. Roof. Roofs may be required for enclosures which include a drain, or to prevent contaminants from washing into the storm drain system. Where a roof is required, the lowest part of the ceiling cannot be lower than nine (9) feet high, and the roof shall extend past any open sides of the enclosure. Additionally, the roof shall not overhang the front gate so that the Collection trucks can access the Containers.
4. Inside Dimension.

- a. All enclosures shall be designed to provide adequate space for collecting and storing the volume of Organic Waste, Recyclable Materials, Non-Recyclable Solid Waste, Mixed Waste, and/or other discarded materials anticipated to be generated on the site.
 - b. The required interior dimensions shall include space required for protective curbs or bumpers and shall allow for pairing of multiple types of Containers in the same enclosure. All Bins must be configured inside the enclosure so as to ensure full access to the entire front area of each Bin.
 - c. If the enclosure will service food service establishments, adequate space must also be provided for waste cooking oil storage containers, which must be placed so that they will not interfere with the Franchisee's ability to service the enclosure, either by blocking access or as a result of leaking oil that creates a hazard for drivers.
 - d. The enclosure shall be large enough to provide a minimum of twelve (12) inches on each side of the Bins, twenty-eight (28) inches between Bins placed side by side, and twenty-four (24) inches from the front of the Bin to the gate. If Bins are placed facing each other, a minimum of twenty-eight (28) inches between Bins is required. A protective buffer consisting of a cement curb, bollards or a wood/rubber bumper, is required around all interior walls, including partial walls on the gated side, to prevent damage to the enclosure during servicing. Enclosure dimensions will increase depending on the size and number of required Containers, which are dependent upon the use. Multiple enclosures may also be required, depending on the size of the development and type(s) of use. If multiple enclosures are required, each enclosure should be large enough to accommodate multiple Containers to allow for source separation of Recyclable Materials and/or Organic Waste in order to ensure optimum diversion, and to minimize contamination of Recyclable Materials and Organic Waste Containers. All enclosures shall conform to the standards listed above.
5. Recycling-Only Enclosures. Smaller "Recycling-only" enclosures may be allowed in certain cases where an existing site has adequate enclosure space for Non-Recyclable Solid Waste, but where it is not possible to locate the required Containers for Recyclable Materials and/or Organic Waste within the same enclosure, based on the

District's estimate of required volume. Drainage requirements for Recycling-only enclosures will depend on the types of materials stored for Recycling. Recycling-only enclosures designated for separated non-putrescible waste (i.e., cardboard-only or mixed Recycling Bins or Carts) may be subject to a site development review or other discretionary permit from the City or County, as applicable.

6. Gates and Pedestrian Doors.

a. Double gates are required for enclosures that contain two (2) or more Bins.

b. Gates shall be free hanging with no center pole. All gates must have a pin at the bottom of the gate to keep gate from swinging open when gate is shut or swinging closed in the open position. The gates/doors shall be designed to ensure access and removal of each Bin from the enclosure without having to move another Bin.

c. Gates shall be constructed of solid metal, painted to incorporate the overall design theme of the development, and be equipped with outside handles on each door and a slide latch to secure the doors. The interior enclosure area should not be visible through the gates. In addition, gates must be approximately the same size as the enclosure walls.

d. The gated opening shall be a minimum of twelve (12) feet wide for enclosures designed to contain two (2) three (3) yard Bins. The required width of the gated opening will increase based on the size and number of Containers to be housed in the enclosure. Gate posts shall be placed outside this span.

e. Bolts shall be used to secure the gate to poles or walls.

f. The gate doors must be constructed with a mechanism that will provide a means of securing the gate doors in both an opened and closed position. All gates must be lockable using a standard padlock.

g. A pedestrian entrance shall be provided for all enclosures. All pedestrian doors shall open outward to avoid interfering with placement of, and access to, Containers. An accessible path of travel shall be provided from the main building to the pedestrian entrance door.

7. Storage Inside the Enclosure. Enclosures are for the storage of Solid Waste and grease Containers only.

8. Waste Water Pollution Prevention.

a. The applicant must contact the District for specific sanitary sewer connection and discharge requirements. Sanitary sewer connections and inclusion of a grease or sand/oil interceptors shall be in accordance with District standard specifications.

b. Grading around the enclosure shall be designed to drain storm water away from the enclosure.

F. Enclosure Location and Accessibility.

1. All Solid Waste Containers shall be placed so as to be readily accessible for removal and emptying by the Franchisee, but they shall not be placed within the vehicle traveled portion of any Street, or at any location so as to constitute a nuisance.

2. All Bins and enclosures are required to have direct access for Collection trucks during normal Collection days and hours. Direct access means the Collection truck can directly access the Bin, and insert the forks into the sides of the Bin without the driver having to get out of the truck to move the Bin. A minimum straight approach of fifty (50) feet is necessary to line up directly with the Bin.

3. A turnaround or separate exit that allows the truck to move forward rather than backwards must be provided. Maximum back-up distance is fifty (50) feet (unless a greater distance is approved by the Franchisee) for any maneuver and shall be in a straight line.

4. Enclosures shall not be placed in front of fire hydrants, and no enclosure shall be placed within five (5) feet of a combustible building wall, opening, or combustible roof eave line.

5. Enclosures shall not be installed behind parking spaces, unless necessary due to unusual site constraints.

6. For safety reasons, the turning radius shall be adequate for a three (3) axle truck, and shall have a minimum outside turning radius of forty-one (41) feet.

7. Truck Specifications.

a. Front end loader vehicles need a minimum of fifty (50) feet of unobstructed clearance to access the Solid Waste enclosure.

Commercial Collection vehicles access the Solid Waste enclosure at the front of the vehicle.

b. Vehicles servicing Roll-off Boxes that are twenty (20) feet in length by eight (8) feet in width, or larger, need a minimum of seventy-five (75) feet to approach and load the Container, and thirty (30) feet of overhead clearance. The weight of such a Roll-off Box cannot exceed ten (10) tons when full.

3.030 Multifamily requirements.

A. Multifamily complex enclosures are required to contain space for separate Collection of mixed Recyclable Materials and Non-Recyclable Solid Waste, and potentially Organic Waste. Front loader Bins shall be used for mixed Recyclable Materials, so that the large quantities of cardboard typically generated at multifamily complexes can be easily Recycled by residents.

B. Solid Waste enclosures at multifamily apartment and condominium housing shall observe the requirements of the California Building Code and the requirements of Title 24 of the California Code of Regulations ("CCR"), regarding accessibility to Solid Waste and Recycling Collection Containers for persons with disabilities (CCR Title 24, Part 2).

3.040 Compactors.

A. Compactors must be preapproved by the General Manager. Inclusion of a Compactor shall not supplant the requirement that a site provide adequate enclosure space for Recycling. If a Compactor is installed, space for Recycling (including for Organic Waste, if applicable) shall be provided in accordance with the requirements of this chapter. A Compactor should be considered for large developments over 50,000 square feet.

B. Compactors may require additional space and electrical connections, as well as separate building permits.

C. Compactors are required to be covered, and shall include plumbing to capture possible leaks and spills.

D. Compactors containing Solid Waste must be serviced at least once per week. The applicant must provide written confirmation from the Franchisee that servicing of the Compactor is feasible.

E. In order to allow adequate space to hook and unhook the Compactor from the roll-off truck, a backup distance of three (3) times the length of a twenty-five (25) foot truck is required (minimum seventy-five (75) feet). This distance must extend straight ahead from the end of the Compactor. For safety reasons, a site plan requiring a backup distance less than seventy-five (75) feet to service the

Compactor will not be approved. Width must be at least twelve (12) feet to allow room to maneuver, and to provide clearance from objects/structures/vehicles on either side of the backup length. The immediate approach (minimum thirty (30) feet) to a Compactor or Roll-off Box should consist of a flat, level surface. Adequate room for backing up and turning shall be provided on-site, and shall not require use of the public right-of-way.

3.050 Permits.

All necessary permits shall be obtained from the applicable local jurisdiction prior to the construction of any enclosures within the territorial jurisdiction of the District.

3.060 Exceptions.

The District, through its General Manager or his or her designee, shall have the authority to grant exceptions to the requirements of this chapter including, but not limited to, sanitary sewer connection requirements, enclosure location requirements, and design and construction requirements. The General Manager or his or her designee shall review any requests for an exception to the requirements of this chapter on a case-by-case basis. In instances where the General Manager or his or her designee waives the requirement to connect to the sanitary sewer, alternative options may be required, including, but not limited to, the installation of filters in the storm drain inlets, or such other alternatives as may be required by the General Manager or his or her designee, or by the local Building Official.

CHAPTER 4—ADMINISTRATIVE CITATIONS

4.010 Administrative citations.

- A. Any Person violating any provision of these Regulations may be issued an administrative citation by an Enforcement Officer as provided in this chapter.
- B. Each day a violation of this code exists shall be a separate violation and be subject to a separate fine. An administrative citation may charge a violation for one or more days on which a violation exists, and for violation of one or more chapters/sections of these Regulations.
- C. An administrative citation shall be on a form approved by the General Manager and shall contain the following information:
 - 1. Name of the Person cited;
 - 2. Date, time and address or definite identification of the location where the violation(s) was observed;
 - 3. The chapter/section(s) violated and a description of the violation(s);
 - 4. The amount of the fine for the violation(s);
 - 5. The amount of any processing fees, if applicable;
 - 6. A description of the fine payment process, including a specified time within which and the place to which the fine shall be paid;
 - 7. Notification of the right to appeal, including the time within which the administrative citation may be appealed in writing, and the place to submit a written request for appeal;
 - 8. The name and signature of the Enforcement Officer; and
 - 9. Date the citation was issued.

4.020 Service procedures.

An administrative citation may be issued to a Person by an enforcement officer for violation(s) of these Regulations in the following manner:

- A. **Personal Service.** The Enforcement Officer shall attempt to locate and personally serve the responsible Person and obtain the signature of the responsible Person on the administrative citation. If a responsible Person refuses to sign the

administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

- B. Mail. If the Enforcement Officer is unable to serve the responsible Person by personal service, the administrative citation shall be mailed to the responsible Person by certified mail, return receipt requested and by regular, first class mail. Service by mail shall be deemed effective as of the date of deposit in the U.S. mail.
- C. Posting Notice. If the Enforcement Officer does not succeed in personally serving the responsible Person, by certified mail or regular mail, the Enforcement Officer shall post the administrative citation on any real property within the District, in which the Enforcement Officer has knowledge that the responsible Person has legal interest, and such posting shall be deemed effective service on the date of posting.

4.030 Amount of administrative fines.

The amount of fines imposed for violations imposed pursuant to this chapter shall be as follows:

1. A fine of \$100.00 for a first violation;
2. A fine of \$200.00 for a second violation of the same Regulation 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 Regulation provision within one year from the date of the first violation.

4.040 Payment of administrative fines.

- A. The fine shall be paid in full within thirty (30) days from the date of service of the administrative citation, as indicated on the citation.
- B. A late payment fine of fifty percent (50%) of the citation amount shall accrue if the fine is not paid within thirty (30) days from the date of service of the citation.
- C. Hardship Fine Mitigation. Any Person cited who is financially unable to pay the administrative fine may file a request for a hardship fee mitigation with the General Manager within fifteen (15) days from the date of service of the citation. The request shall be in writing (whether or not on a form provided by the District) and shall describe why the fine cannot be paid, and shall include supporting documents. The request shall be made under penalty of perjury. Once filed, the requirement for payment of an administrative fine shall be stayed while the General Manager determines whether or not to grant the request. The General Manager's determination shall be in writing and served on the responsible Person. If the General Manager does not waive the fine or establish a payment

system, the administrative fine shall be paid within fifteen (15) days of the date of service of the General Manager's decision.

- D. Any administrative citation fine paid pursuant to this Section shall be refunded in accordance with Section 4.070 if it is determined, after a hearing, that the Person cited was not responsible for the violation or that there was no violation as charged in the administrative citation.
- E. Payment of a fine shall not excuse the Person cited from correcting the violation. The issuance of a citation and/or payment of a fine does not bar the District from taking other enforcement action regarding a violation that is not corrected, including but not limited to, issuing additional administrative citations.

4.050 Request for administrative hearing.

- A. Any Person cited may contest the citation by submitting a written request to the General Manager for an appeal hearing, clearly stating the reasons for the appeal, within fifteen (15) days from the date of service of the administrative citation, together with an advanced deposit of the fine.
- B. In lieu of depositing the fine, the Person cited may timely submit an approved hardship waiver outlining the extenuating circumstance(s) that warrants waiver of this requirement. "Extenuating circumstances" include, but are not limited to, the following circumstances: financial hardship; a Person cited issued with incorrect information, such as if the citation was not issued to the responsible Person, the address is incorrect, or the violations cited are incorrect; a legitimate data entry or data processing error. If the Person cited has submitted a hardship waiver, then approval of the hardship waiver shall be required prior to any appeal hearing made pursuant to this chapter. If the General Manager, at his/her sole discretion, rejects the hardship waiver, then the Person cited shall comply with Subdivision (A) prior to the scheduling of any hearing.
- C. A hearing before hearing officer designated by the General Manager shall be set for a date that is not less than fifteen (15), nor more than sixty (60) days from the date the request for hearing is filed. The Person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

4.060 Administrative hearing process.

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless and until a written request for hearing form has been timely submitted and the fine has been deposited. The requirement for a deposit of the fine prior to the holding of a hearing under this chapter may be waived by the General Manager, at his/her sole discretion, if the Person appealing the citation timely submits an approved hardship waiver outlining the extenuating circumstance(s) warranting waiver of the advanced deposit of the fine.

- B. The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the appellant is the responsible Person who caused and/or maintained the violation(s) of the Regulation(s) on the date(s) specified in the administrative citation.
- C. The appellant shall be given the opportunity to testify and present witnesses and any relevant evidence concerning the charges set forth in the administrative citation.
- D. The formal rules of evidence shall not apply. All relevant evidence may be considered, and the hearing officer has the discretion to exclude evidence if he or she finds such evidence to be irrelevant or needlessly repetitive. The hearing officer has the authority to cut off presentation of evidence if he or she reasonably believes that the evidence being presented is irrelevant or needlessly repetitive.
 - 1. The failure of the appellant to appear at the administrative hearing shall constitute a forfeiture of the fine and shall be considered a concession that the citation was properly issued.
 - 2. Notwithstanding the above, upon a showing of good cause by the appellant, the hearing officer may excuse the appellant's failure to appear at the hearing and reschedule the hearing. Under no circumstances shall the hearing be rescheduled more than one time.
- E. The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- F. Neither the enforcement officer nor any other representative of the District shall be required to attend the hearing, nor shall the hearing officer require that there be submitted any evidence, other than the citation, that may exist among the public records of the District on the violation. However, any such appearance and/or submission may be made at the discretion of the Enforcement Officer or any District employee or agent.
- G. If the Enforcement Officer 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 appellant at least five (5) days prior to the date of the hearing.
- H. At least ten (10) days prior to the hearing, the appellant shall be provided with copies of the citations, reports, and other documents submitted or relied upon by the Enforcement Officer. No other discovery disclosure is required, although formal rules of evidence shall not apply.

- I. The hearing officer may continue the hearing and request additional information from the enforcement officer or the appellant prior to issuing a written decision.

4.070 Hearing officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold, modify or revoke the fine amount of the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the decision is to uphold the citation, the District shall retain the fine deposited, if applicable. Where a hardship waiver has been submitted to and approved by the General Manager and the decision is to uphold the citation, then appellant shall pay the fine pursuant to this chapter. If the decision is to revoke the citation, then the District shall refund the fine deposit to the appellant within thirty (30) days of the service of the decision.
- C. The hearing officer's decision shall include that an aggrieved party may file a petition for review with the California Superior Court, County of Orange, pursuant to California Government Code Section 53069.4.
- D. The hearing officer's written decision shall be served on the appellant within twenty (20) days from the date of the hearing by mailing to the appellant by certified mail, return receipt requested, via the U.S. mail. Service of the hearing officer's decision shall be deemed to have been completed on the date of mailing.
- E. The hearing officer shall not be a District employee. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of the fine or number of administrative citations upheld by the hearing officer.

4.080 Right to judicial review.

If the hearing officer's decision is in favor of the District, the appellant may seek judicial review of the hearing officer's decision by doing one of the following:

- A. Any party aggrieved by a decision of the hearing officer on an administrative citation may obtain review of the hearing officer's decision by filing a petition for review with the California Superior Court, County of Orange, in accordance with the timelines and provisions set forth in California Government Code Section 53069.4; or
- B. File a petition for writ of mandate pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

4.090 Collection of unpaid fines.

The District, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines and penalties. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines and penalties owed by a Person under these Regulations have been collected.

4.100 Notices.

Except as specifically provided herein, all notices to be given pursuant to these Regulations shall be served on the Person cited in accordance with the provision set forth in Section 4.020 of these Regulations. Failure to receive any notice specified in these Regulations does not affect the validity of proceedings conducted herein.