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ORDINANCE NO. 69

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE MIDWAY CITY SANITARY DISTRICT OF ORANGE
COUNTY, CALIFORNIA, ESTABLISHING CONSOLIDATED
UPDATED SOLID WASTE 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, pursuant to Public Resources Code section 40059, the District has the authority to award a nonexclusive, partially exclusive or wholly exclusive franchise, contract, license, or permit for solid waste handling services; and

WHEREAS, the Integrated Waste Management Act requires that a specified percentage of solid waste be diverted from landfills and that businesses and multi-family residential facilities that generate specified amounts of solid waste ensure the recycling and/or diversion of recyclable materials and organic waste they generate; and

WHEREAS, the District has previously enacted Ordinances 44, 45, 46, 47 52, and 53 regulating the collection, transfer, and removal of solid waste and establishing an automated curbside collection program for solid waste; and

WHEREAS, the District has also previously approved design and construction standards for commercial and multi-family residential solid waste enclosures;

WHEREAS, the District provides curbside collection services to residents of the District for source separated recyclable materials, organic waste, and non-recyclable solid waste; and

WHEREAS, the District has entered into an exclusive franchise agreement with a franchisee for the provision of refuse, recyclable materials, and organic waste collection and disposal services to business establishments and residents in the District that require bin service and that do not receive curbside collection services directly from the District; and

WHEREAS, the Board of Directors of the District desires to update the District's regulations pertaining to the collection and disposal of solid waste, the provision of solid waste handling services, and the design and construction standards for solid waste container enclosures and to codify such regulations in a single location for the convenient reference of District staff and the public; and

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WHEREAS, the Board of Directors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility that the adoption of the activity in question will have a significant effect on the environment].


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

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

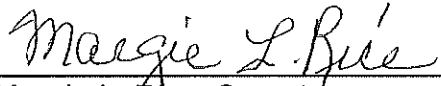
SECTION 2. REPEAL OF INCONSISTENT ORDINANCES AND REGULATIONS. Ordinance Nos. 44, 45, 46, 47 52, and 53, and any other prior ordinance or regulation inconsistent with the regulations and standards adopted herein are hereby repealed.

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

ADOPTED, SIGNED AND APPROVED this 7th day of December, 2018.



Chi Charlie Nguyen, President

ATTEST:


Margie L. Rice, Secretary

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CERTIFICATION

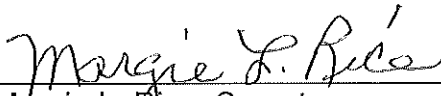
I, Margie L. Rice, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 69 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 7th day of December, 2018, by the following vote of the members of the Board:

AYES: Cobo, Krippner, Nguyen and Rice

NOES:

ABSENT:

and I further certify that Chi Charlie Nguyen, as President and Margie L. Rice, as Secretary, signed and approved said Ordinance on the 7th day of December, 2018.



Margie L. Rice, Secretary

(District Seal)

STATE OF CALIFORNIA)
) §§
COUNTY OF ORANGE)

I, Margie L. Rice, Secretary of Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 69, passed and adopted by the Board of Directors of said District at a regular meeting thereof held on the 7th day of December, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 7th day of December, 2018.



Margie L. Rice, Secretary

(District Seal)

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

MIDWAY CITY SANITARY DISTRICT SOLID WASTE REGULATIONS

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.

The purpose of these Regulations is to codify the District's regulations pertaining to the Collection and disposal of Solid Waste, the provision of Solid Waste Handling Services, and the design and construction standards for Solid Waste 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:

<u>TERM</u>	<u>DEFINITION</u>
AB 1826	Those provisions of the Act pertaining to the Recycling of Organic Waste codified in Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, as they may be amended from time to time.
Act	That State legislation commonly known as the California Integrated Waste Management Act (Stats 1989, Chapter 1095, as amended) as codified in Public Resources Code Section 40000, et seq., as it may be amended from time to time.
Adequate Service	The combination of the number of Collections, the number of Containers, and the size of Containers necessary so as not to cause 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.

<u>TERM</u>	<u>DEFINITION</u>
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.
Board	The Board of Directors of the Midway City Sanitary District.
Business	A commercial entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.
Bulky Item(s)	Solid Waste that cannot and/or would not typically be accommodated within a Container, such as furniture (including chairs, sofas, mattresses, and area rugs) 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 or items that cannot reasonably be loaded and unloaded by personnel operating a truck Collecting Bulky Items.
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 Premises	Premises upon which business activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding Residential Premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary herein, Premises upon which hotels and motels are operated shall be deemed to be Commercial Premises.
Compactor	Any Container that has a compaction mechanism, whether stationary or mobile.

<u>TERM</u>	<u>DEFINITION</u>
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	A Cart provided by the District for use in conjunction with the District's Curbside Container Service.
Curbside Container Service	A service provided to Premises within the District whereby District personnel remove Recyclable Materials, Organic Waste, and Non-Recyclable Waste in Curbside 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.
Engage in	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
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.
Food Waste	All animal and vegetable refuse resulting from the preparation, handling or dispensing of food, including every accumulation of animal and vegetable matter that attends the preparation, consumption, decay, dealings in, or storage of meats, fish, fruits, vegetables, tallow, bones or meat trimmings that are rejected as useless by the owner or producer thereof.
General Manager	The District Manager of the Midway City Sanitary District, or his or her designee.
Generator	Any Person who generates, produces or discards Solid Waste.

<u>TERM</u>	<u>DEFINITION</u>
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.
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.
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.
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.
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	All Solid Waste set out by the service recipient for Collection by a Franchisee, excluding Recyclable Materials or Organic Waste that is Source Separated.
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	Green Waste, Food Waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with Food Waste.
Owner	When used in reference to a Premises, a Person holding fee title to the Premises.
Person	Any person, firm, association, organization, partnership, business trust, company or corporation.
Premises	Any land, building and/or structure within the District where Solid Waste is generated or accumulated.
Recyclable Materials	That Solid Waste, other than Organic Waste, capable of being Recycled, including but not limited to glass, newsprint, paper, aluminum, cardboard, certain plastics or metal.
Recycle or Recycling	The process of Collecting, sorting, cleansing, treating, and reconstituting or otherwise processing materials that are or would otherwise become Solid Waste, 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. 69, including any amendments thereto, and any resolutions, rules or other regulations promulgated thereunder.
Residential Premises	Any Premises within the District upon which Dwelling Units exist.
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.

<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 California Code of Regulations, 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 Collection, transfer, transport, recycling, processing, and/or disposal of Solid Waste.
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	The State of California.
Street	Any street, highway, avenue, lane, alley, court, place, square, sidewalk, parkway, curb, or other public way in the District that has been or may hereafter be dedicated and open to public use and accepted by the City or County, 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.

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, 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 Recyclable Materials Containers, Organic Waste Containers, Non-

Recyclable Solid Waste Containers, or Mixed Waste Containers, as required or appropriate.

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 or Mixed 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 or Mixed 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 make arrangements in accordance with Section 2.020.C, 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 2.130, 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, mattresses and box springs, 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. 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. This prohibition 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. 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 Business that Self-Hauls Recyclable Materials, Organic Waste, or other Solid Waste generated on its Commercial Premises in the course of its own business, provided the 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 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 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 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.

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 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).

2.040 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 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.

2.050 District's Curbside Container Service.

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 Curbside Container.

B. Use of Curbside 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, green, and black colored Curbside Containers 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.
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 Curbside Containers intended for the Collection and disposal of Recyclable Materials; (ii) green Curbside Containers intended for the Collection and disposal of Organic Waste; and (iii) black Curbside 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 black Curbside Containers, respectively, and the types of materials that may not be deposited in Curbside 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 Curbside Container, or (ii) place or cause the placement of Solid Waste other than Organic Waste in any green Curbside Container.

3. Prohibited Waste. No Person shall place or cause the placement of the following items or types of materials in any Curbside Container:
 - (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 Curbside 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 Curbside Containers.

1. Provision of Curbside 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 Curbside Container for the Collection of Recyclable Materials, one approximately sixty-five (65) gallon green Curbside Container for the Collection of Organic Waste, and one approximately sixty-five (65) gallon black Curbside Container for the Collection of Non-Recyclable Solid Waste. Additional Curbside 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 black Curbside Containers and no more than one (1) additional green Curbside 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 Curbside Containers. All Curbside 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 Curbside Container maintained thereon in a clean and sanitary condition. The District shall not be responsible for sanitizing Curbside Containers. If a Curbside 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 Curbside Container.
3. Repair and Replacement of Curbside Containers. Curbside 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 Curbside Container has been damaged, is in disrepair, and is in need of repair or replacement, and the District will repair or replace the Curbside Container as needed. However, if the General Manager reasonably determines that the need to repair or replace the Curbside Container is due to the abuse, misuse, or neglect of the Curbside 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 Curbside Container.

D. Placement, Removal and Storage of Curbside Containers.

1. Placement of Curbside Containers for Collection. Curbside 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. Curbside 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 Curbside Container.
2. Removal of Curbside Containers Following Collection. All Curbside Containers must be removed from the Street location within twelve (12) hours after Collection.

3. Storage of Curbside Containers. When not set out for Collection, all Curbside 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 Curbside Containers and/or fees for the reasonable cost of non-standard size Curbside 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 Curbside Containers, non-standard sized Curbside Containers, or for the repair or replacement of Curbside Containers shall be paid directly to the District in advance by the responsible Person.

2.060 Franchisee's Solid Waste Handling Services.

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.

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. This requirement shall not apply where less than four (4) cubic yards of Solid Waste per week is Generated on the Premises or where the General Manager determines, in his or her reasonable discretion, which determination may be delegated to the Franchisee, that the maintenance of one or more separate Recyclable Materials Containers on the Premises is unnecessary or impractical due to the lack of available space for such Containers or the amount and type of Solid Waste and/or Recyclable Materials Generated. In such instances, Mixed Waste Containers may be utilized.

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, Organic Waste Containers, Non-Recyclable Solid Waste Containers, and Mixed 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.

2.070 Commercial Recycling of Organic Waste.

A. Pursuant to AB 1826, Large Multi-Family Residential Facilities and Businesses that generate a specified volume of Solid Waste are required to arrange for Recycling services specifically for Organic Waste. This Section is intended to facilitate implementation of Organic Waste Recycling in accordance with AB 1826 and other applicable Law.

B. The Owner or Person in charge or control of each Business or Large Multi-Family Residential Facility in the District required pursuant to AB 1826 or other applicable Law to provide for the Recycling of Organic Waste shall do so by causing or facilitating Organic Waste generated by the Business or on the Premises of the Business or Large Multi-Family Residential Facility to be Source Separated from other Solid Waste and deposited in a separate Container designated solely for Organic Waste that is collected and processed by a Franchisee pursuant to a subscription with the Franchisee for Solid Waste Handling Services expressly for Organic Waste. This requirement shall not apply to any of the following:

1. Food Waste Generated on the Premises of a Large Multi-Family Residential Facility, unless such Food Waste is otherwise required by Law to be Recycled.
2. Organic Waste that is composted or otherwise Recycled on the Premises, if permitted by, and in compliance with, applicable Law.
3. Organic Waste that is Self-Hauled by the Business or its employees in compliance with these Regulations to an Authorized Waste Handling Facility authorized by Law to receive and process Organic Waste.
4. Organic Waste that is donated or sold in compliance with these Regulations and applicable Law.
5. Organic Waste that is source-separated and collected by the District as part of the District's Curbside Container Service.
6. Organic Waste that is otherwise Recycled, processed, and/or disposed of in a manner authorized by these Regulations.

7. A Business or Large Multi-Family Residential Facility that has been granted an exemption by the District, City or County, as applicable, in accordance with Subsection (e) of Section 42649.82 of the Act, as it may be amended from time to time. The General Manager is delegated authority to grant such exemptions on behalf of the District, to the extent authorized by Law.

2.080 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.

2.090 Recycling by Private Individuals or Organizations.

Nothing in this chapter 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.

2.100 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.

2.110 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.

2.120 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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2.130 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.

2.140 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 this Chapter, 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.

2.150 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 2.030 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.

- Services
1. The Board may establish rates for the Solid Waste Handling 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, or any service termination, including a copy of the written notice to the customer.

2.160 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.

2.170 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.

2.180 Franchisee/District's Civil Remedies.

Nothing in this chapter shall be deemed to limit the right of a Franchisee or the District to bring a civil action against any Person 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.

2.190 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 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 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.

MIDWAY CITY SANITARY DISTRICT

ORDINANCE NO. 69
SUMMARY FOR PUBLICATION

MIDWAY CITY SANITARY DISTRICT SOLID WASTE REGULATIONS

EFFECTIVE ONE WEEK AFTER PUBLICATION

On December 7, 2018 the Board of Directors of the Midway City Sanitary District adopted Ordinance No. 69 establishing consolidated updated solid waste regulations.

Ordinance 69 restates and updates the District's existing regulations pertaining to the collection and disposal of solid waste, the provision of solid waste handling services, and the design and construction standards for solid waste container enclosures, and codifies these updated regulations in a single location.

The regulations provide that property owners and occupants are responsible for causing all waste that is generated or accumulates on their premises to be removed to an authorized waste handling facility and include express handling instructions for different categories of waste. The updated regulations provide that, subject to specified exceptions, the District and the Franchisee have the exclusive right to collect and haul solid waste in the District, and the regulations include provisions for the removal of unauthorized containers.

The regulations require that every owner, occupant, or person in charge of premises in the District subscribe to collection services of the District or Franchisee at a frequency of at least once per week, or more often as may be required to ensure adequate service. The District's existing regulations pertaining to the curbside collection service provided by the District have been updated to reflect implementation of three-cart system for recyclable materials, organic waste, and non-recyclable solid waste. The regulations provide that businesses generating more than four cubic yards of waste per week provide separate bins for recyclable materials, unless otherwise authorized by the General Manager. The regulations also require the source separation and recycling of organic waste by businesses required to do so by state law.

A certified copy of Ordinance No. 69 is posted in the office of the Clerk of the Board located at 14451 Cedarwood Ave., Westminster, CA 92683.

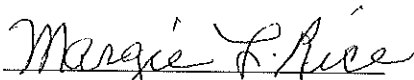
For additional information, contact the District at (714) 893-3553.

I, Margie L. Rice, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that Ordinance No. 69 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 7th day of December, 2018, by the following vote of the members of the Board:

Ayes: Cobo, Krippner, Nguyen and Rice

Noes:

Absent:


Margie L. Rice, Secretary

