

**GARDEN GROVE
SANITARY DISTRICT**



**CODE OF
REGULATIONS**

2021

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

Covering ordinances through Ordinance No. 11 (2021).

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TITLE 1

GENERAL PROVISIONS

Chapters:

1.10 Code Adoption

1.20 Definitions and Rules of Construction

**CHAPTER 1.10
CODE ADOPTION**

Sections:

1.10.010	Short Title, Reference to Code.
1.10.020	Codification Authority.
1.10.030	Effective Date.
1.10.040	Severability and Validity of Code.
1.10.050	Distribution of Code.
1.10.060	Notation of Amendments.
1.10.070	Amendments.
1.10.080	Prior Ordinances and Regulations.
1.10.090	District Fee Resolution.

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

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

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

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

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

1.10.060 Notation of Amendments. Upon the adoption of any amendment or addition to this Code, or upon the repeal of any of its provisions, the District Secretary shall certify thereto and shall make an appropriate notation in the volumes of said Code of the taking of such action, noting thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such Code shall be filed in the office of the District Secretary in books for such purpose, duly indexed for ready reference.

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

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

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

CHAPTER 1.20

DEFINITIONS AND RULES OF CONSTRUCTION

Sections:

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

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

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

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

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

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

1.20.060 Service of Notices. Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail

in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of the County or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

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

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

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

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

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

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

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

TERM

DEFINITION

AB 939

That State legislation commonly known as the California Integrated Waste Management Act of 1989 (Stats 1989, Chapter 1095, as amended) as codified in part at Public Resources Code section 40000, et seq., as it may be amended from time to time and as implemented by the regulations of the California Department of Resources Recycling and Recovery, or its successor.

<u>TERM</u>	<u>DEFINITION</u>
Bin	A metal Container, commonly referred to as a dumpster, including a compactor and any such similar device, with a capacity of under ten cubic yards.
Blue Container	A Container where either: (a) the lid of the Container is in blue color, or (b) the body of the Container is blue in color and the lid is either blue, gray, or black in color. Hardware such as hinges and wheels on a blue Container may be any color. Blue Containers shall be used for the purpose of storage and collection of Source Separated Recyclable Materials, which includes non-putrescible and non-hazardous recyclable wastes such as cans, metals, plastics and glass, or as otherwise defined in 14 CCR section 18982(a)(43).
Board	The Board of Directors of the Garden Grove Sanitary District.
Brown Container/ Brown Container Waste	A Container where either: (a) The lid of the container is brown in color, or (b) the body of the container is brown in color and the lid is either brown, gray, or black in color. Hardware such as hinges and wheels on a Brown Container may be any color. Brown Containers shall be used for the purpose of storage and collection of Source Separated Food Waste.
Bulky Items	Solid waste that cannot and/or would not typically be accommodated within a Cart including specifically: furniture (including chairs, sofas, mattresses, and rugs); appliances (including refrigerators with and without Freon, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as "white goods"); residential waste (including wood waste, tree branches, scrap wood, in the aggregate not exceeding one cubic yard per collection); and clothing. Notwithstanding any provision hereof to the contrary, bulky items shall specifically include items commonly known in the waste industry as "brown goods," "e-waste" and "universal waste" (including, without limitation all types of electronic waste, stereos, televisions, computers and monitors, cellular phones, VCRs, microwaves and other similar type of equipment and products). Bulky items do not include car bodies, construction and demolition debris or (with the exception of appliances/white goods described above) items that cannot reasonably be moved with equipment of the type which, pursuant to industry standards, would normally be carried in a truck collecting bulky items.
California Code of Regulations or CCR	The State of California Code of Regulations. CCR references in Chapter 5.10 (Solid Waste and Recycling) are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
Cart	A plastic Container provided by a Franchisee for collection, with a hinged lid and wheels serviced by an automated or semi-automated process, as opposed to a manual process of lifting and dumping.

<u>TERM</u>	<u>DEFINITION</u>
Change in Operations	Any modification in the operational procedures of a Commercial kitchen which has the potential to significantly increase the amount of grease generated by food preparation, including, without limitation, any substantial increase in the net public area, any substantial increase in the hours of operation, any significant increase in the size of the kitchen or the number of food service or food preparation employees, or any significant change in the size or type of food preparation equipment.
City	City of Garden Grove.
Collect or Collection or Collecting	To take physical possession of, transport, and remove Solid Waste from a Premises.
Commercial Kitchen	Any business operating in the District as a full service or take-out restaurant, catering kitchen, employee cafeteria, or any other facility engaged in preparing and heat-processing food for consumption by the public or employees and which uses any equipment that produces grease vapors, steam fumes, smoke or odors that are required to be removed by a Type I or Type II hood. Establishments engaged only in assembling or serving food that is prepared entirely off site, and whose kitchen equipment consists only of beverage warmers and microwaves are not considered Commercial kitchens.
Commercial Business or Commercial	A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing Chapter 5.10 (Solid Waste and Recycling).

TERM

DEFINITION

Commercial Edible Food Generator

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

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

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

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

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

Commercial Premises

Premises upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations and Multi-Family Residential Facilities, but excluding Residential Premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary herein, Premises upon which Multi-Family Residential Facilities, hotels and motels are operated, shall be deemed to be Commercial Premises.

Commercial Waste

Solid Waste generated, produced or discarded by or at Commercial Premises. Includes any and all liquid or Solid Waste substance not sewage from any producing, manufacturing or processing operation of whatever nature. Notwithstanding the foregoing, it shall include sewage mixed with Commercial or industrial waste; however, it shall not include domestic sewage from residences, business buildings and institutions containing only waste from waterclosets, wash water, baths and kitchens.

<u>TERM</u>	<u>DEFINITION</u>
Community Composting	Any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.
Compost	The product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
Construction and Demolition Waste	Solid waste generated, produced or discarded in connection with construction, demolition, landscaping, or general clean-up activities of Premises, including, without limitation, concrete, plaster, drywall, wood scraps, metals, dirt, rock and rubble.
Container	Any type of Solid Waste receptacle, including a Cart, Bin, and Rolloff Box.
County	County of Orange.
District	Garden Grove Sanitary District.
Dwelling Unit	A residential structure containing one or more habitable rooms, having one and only one kitchen, and arranged for or occupied by one or more Persons living as a household unit with common access to all living, eating and food preparation areas.
Edible Food	Food intended for human consumption. For the purposes of Chapter 5.10 (Solid Waste and Recycling), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in Chapter 5.10 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
Enforcement officer	All of the following City of Garden Grove officials: police officers, Code enforcement officers, community service officers, the Building Official, building inspectors, the Community Development Director, the City Engineer, the Fire Marshal and all Persons designated by the City Manager/General Manager, Community Development Director or Fire Chief to serve as enforcement officers.
Engage in	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
Food Distributor	A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.
Food Recovery	Actions to collect and distribute food for human consumption that otherwise would be disposed.

<u>TERM</u>	<u>DEFINITION</u>
Food Recovery Organization	<p>An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) A food bank as defined in section 113783 of the Health and Safety Code; (2) A nonprofit charitable organization as defined in section 113841 of the Health and Safety code; and, (3) A nonprofit charitable temporary food facility as defined in section 113842 of the Health and Safety Code. <p>A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).</p>
Food Recovery Service	<p>A Person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery. A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of Chapter 5.10 (Solid Waste and Recycling).</p>
Food Service Provider	<p>An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations.</p>
Food Waste	<p>All of the following:</p> <ol style="list-style-type: none"> (1) Food scraps, including all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps; and (2) Food-soiled Paper, including compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons; and (3) Compostable plastics, including plastic materials that meet the ASTM D6400 standard for compostability.
Franchisee	<p>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.</p>
Garbage	<p>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.</p>

<u>TERM</u>	<u>DEFINITION</u>
General Manager	The City Manager of the City of Garden Grove, or his or her designee.
Generator	Any Person who generates, produces or discards Solid Waste.
Gray Container	A Container where either: (a) the lid of the Container is gray or black in color, or (b) the body of the Container is entirely gray or black in color and the lid is gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Gray Containers shall be used for the purpose of storage and collection of Gray Container Waste.
Gray Container Waste	Solid Waste that is collected in a Gray Container that is part of a three-Container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b).
Grease	Any oil, fat, or oily, fatty substance such as vegetable or animal fat that runs or may turn viscous or solidifies with a change in temperature or other conditions.
Green Container	A Container where either: (a) the lid of the Container is green in color, or (b) the body of the Container is green in color and the lid is green, gray or black in color. Hardware such as hinges and wheels on a gray Container may be any color. Green Containers shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste, which includes Green Waste and Organic Waste.
Green Waste	Organic waste generated from any landscape, including but not limited to, grass clippings, leaves, prunings, tree trimmings, weeds, branches and brush in sizes that can be placed in Containers designated for Green Waste.
Grocery Store	A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.
Hazardous Waste	All substances defined as “hazardous waste,” “acutely hazardous waste,” or “extremely hazardous waste” by the State of California in Health and Safety Code, Division 20, Chapter 6.5, including but not limited to Sections 25110.02, 25115, and 25117, or in the future amendments to or recodifications of such statutes or identified and listed as Hazardous Waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.) (RCRA), all future amendments thereto, and all rules and regulations promulgated thereunder.

<u>TERM</u>	<u>DEFINITION</u>
High Diversion Organic Waste Processing Facility	A facility that is in compliance with the reporting requirements of 14 CCR section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR section 17402(a)(11.5).
Inspection	A site visit where the District reviews records, Containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in Chapter 5.10 (Solid Waste and Recycling).
Large Event	An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.
Large Venue	A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of Chapter 5.10 (Solid Waste and Recycling) and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of Chapter 5.10 and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
Law	Denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the City of Garden Grove, California, and any and all rules and regulations which may be promulgated hereunder.
Local Education Agency	A school district, charter school, or county office of education that is not subject to the control of the District, City or County regulations related to Solid Waste.
Medical Waste	All wastes defined as “Medical Waste,” “sharps waste,” or “home-generated sharps waste” by the State of California in the Medical Waste Management Act, as codified in Part 14 of Division 104 of the Health and Safety Code (commencing with section 117600), including but not limited to Sections 117671, 117690-117700, and 117755, or in the future amendments to or recodifications of such statutes.

<u>TERM</u>	<u>DEFINITION</u>
Mixed Waste Organic Collection Stream or Mixed Waste	Organic Waste collected in a Container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility.
Multi-Family Dwelling	A building or lot containing more than one dwelling unit at which the District and/or a Franchisee determines that each dwelling unit can receive Solid Waste Handling Services through the use of Carts.
Multi-Family Residential Facility	Any building or lot containing five (5) or more dwelling units at which the District and/or a Franchisee determines the dwelling units must receive Solid Waste handling service through the use of shared Bins, as they are not reasonably able to store Carts or otherwise receive individualized Solid Waste handling service through the use of the automated collection system utilizing Carts. Multi-Family Residential Facilities do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
Non-Organic Recyclables	Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass.
Nuisance	Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or other condition specified in section 3479 of the Civil Code of the State of California.
Occupant	As used in reference to a building or land shall include any Person who occupies the whole or part of such building or land, whether alone or with others.
Operate	To carry on, keep, conduct, maintain, or cause to be kept or maintained.
Organic Waste	Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges. Organic Waste does not include paper that is coated in a plastic material that will not breakdown in the composting process.
Organic Waste Generator	A Person or entity that is responsible for the initial creation of Organic Waste.
Paper Products	Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling.

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

<u>TERM</u>	<u>DEFINITION</u>
Recovery or Organic Waste Recovery	Any activity or process described in 14 CCR section 18983.1(b).
Recyclable Solid Waste or Recyclable Materials	All Solid Waste which can be recycled and which is separated from other Solid Waste for the purpose of being recycled such as, but not limited to, aluminum, cardboard, glass, grass, and yard cuttings, metal, newspaper, paper, and plastic.
Recycle Or Recycling	The process of collecting, sorting, cleansing, treating, and reconstituting or otherwise processing materials that are or would otherwise become Solid Waste and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.
Refuse	All non-recyclable Solid Waste, trash, Garbage, rubbish, offal, animal waste, and any other non-recyclable matter rejected as useless by the owner or producer thereof, whether combustible or non-combustible, except said term shall not include Hazardous Waste or Medical Waste as defined herein.
Remodeling	Any physical change to a building that requires a building permit.
Remote Monitoring	The use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in Containers (level of fill) and/or presence of Prohibited Container Contaminants.
Residential Premises	Premises within the District upon which single family and Multi-Family Dwelling units exist; except, notwithstanding any provision to the contrary herein, for purposes of Title 5, Premises upon which Multi-Family Residential Facilities, hotels, and motels are operated shall be deemed Commercial Premises.
Residential Waste	Solid waste, including Recyclable Materials, originating from Residential Premises.
Responsible Person	Any Person, whether as a real property owner or otherwise, that allows, causes, creates, maintains or permits a violation of the Municipal Code to occur, exist, or continue in existence. “Responsible Person” shall include the parent or legal guardian of any Person under the age of 18 years who allows, causes, creates, maintains, or permits a violation of this Code to occur, exist, or continue in existence.

<u>TERM</u>	<u>DEFINITION</u>
Restaurant	An establishment primarily engaged in the retail sale of food and drinks for on-Premises or immediate consumption.
Rolloff Box	A Container of ten cubic yards or larger, including compactors.
Self-Hauler	A Person, who hauls Solid Waste, Organic Waste or Recyclable Material he or she has generated to another Person. Self-Hauler also includes a landscaper, or a Person who back-hauls waste. Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator's own employees and equipment.
Sewage	The water borne wastes from dwellings, kitchens, restaurants, institutions, stables, dairies, Commercial or industrial buildings and other similar structures, but excluding any stormwater, rainwater, surface water, ground water, roof or yard drainage.
Single Family Dwelling	A building or lot containing one dwelling unit and/or each dwelling unit within a Multi-Family Dwelling.
Solid Waste	All discarded putrescible and nonputrescible solid, semisolid, and liquid wastes, including Garbage, trash, Refuse, rubbish, construction and demolition waste, industrial waste, Commercial Solid Waste, bulky items (other than those bulky items defined as Special Wastes), and any other discarded solid, semisolid, and liquid waste permitted to be disposed of at a Class III landfill and which are included within the definition of "Nonhazardous Solid Waste" set forth in the California Code of Regulations, as they may be amended from time to time. Solid Waste does not include hazardous (Class I) waste, low-level radioactive waste, untreated Medical Waste, or Special Wastes as defined herein.
Solid Waste Handling Services	The transportation, storage, transfer, processing, disposal or collection (whether from the curbside, Bins, roll-off box or any other type of Solid Waste Container or location) of Solid Waste for residential, Commercial, institutional, industrial or any other originators, users or customers.

<u>TERM</u>	<u>DEFINITION</u>
Source Separated	Materials, including commingled Recyclable Materials and Organic Waste, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR section 17402.5(b)(4). For the purposes of Chapter 5.10 (Solid Waste and Recycling), Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different Containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.
Source Separated Green Container Organic Waste	Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the Generator, excluding carpets, Non-Compostable Paper, and textiles.
Source Separated Recyclable Materials	Recyclable Materials that are Source Separated and placed in the Blue Container..
Special Wastes	Wastes other than Solid Waste, including sewage sludge (biosolids), industrial sludge, asbestos, auto bodies, tires, used motor oil, hazardous waste, animal body parts, explosive substances, radioactive materials, and other materials which may not be disposed of at a Class III landfill or which require special handling. It shall also mean and include universal waste (or U-Waste), which are those wastes listed in section 66261.9 of Division 4.5, Title 22, California Code of Regulations.
State	The State of California.
Street	Any street, highway, avenue, lane, alley, court, place, square, sidewalk, parkway, curb, or other public way in the District that has been or may hereafter be dedicated and open to public use and accepted by the city in which it is located, or such other public property designated as a street pursuant to any law of this State. For purposes of Title 5, the term street shall also include any privately owned and/or maintained right of way.
Supermarket	A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

TERM

DEFINITION

Tenant

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

**Wholesale
Food Vendor**

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

TITLE 2

ADMINISTRATION

Chapters:

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

**CHAPTER 2.10
DISTRICT BOARD**

Sections:

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

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

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

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

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

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

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

**CHAPTER 2.20
OFFICERS AND EMPLOYEES**

Sections:

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

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

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

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

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

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

CHAPTER 2.30
CONFLICT OF INTEREST CODE

Sections:

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

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

TITLE 3
REVENUE AND FINANCE

- Chapters:**
- 3.10 Annexation Charges**
 - 3.20 Sewer Service Charges**

**CHAPTER 3.10
ANNEXATION CHARGES**

Sections:

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

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

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

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

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

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

3.10.060 Exclusion of Public Street. For the purpose of determining acreage to establish the costs referred to herein, it is further provided that no existing public street or area required by a City or County to be dedicated for widening any such street shall be included in the acreage computation for the purpose of arriving at the amount to be paid by such petitioner.

3.10.070 Benefit Adjustments.

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

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

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

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

**CHAPTER 3.20
SEWER SERVICE CHARGES**

Sections:

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

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

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

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

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

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

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

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

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

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

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

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

3.20.110 Variances, Credits.

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

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

3.20.120 Agreements.

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

TITLE 4
SEWERS REGULATIONS

Chapters:

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

**CHAPTER 4.10
SEWERS**

Sections:

4.10.010	Connections to Sewer Lines, Permit Required.
4.10.020	Connection through adjoining property.
4.10.030	Residential sewer in undedicated street.
4.10.040	Septic Tank or Cesspool Discharges Prohibited.
4.10.050	Discharge of objectionable materials—Regulations.
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4.10.190	Commercial Waste Disposal—Compliance tests and inspections.
4.10.200	Sewer closing procedure.
4.10.210	Connection Approvals.

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

4.10.020 Connection through adjoining property.

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

easement which includes the right-of-way and maintains such connection and is appurtenant to the lot to be served by such sewer connection.

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

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

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

- A. Any oil, petroleum, gasoline, naphtha, liquid asphaltum or petroleum product, or any fatty matter, benzene, fuel, or other flammable or explosive liquid, solid or gas;
- B. Dead animals, fish, fruit or vegetable matter in any form.
- C. Any commercial waste other than domestic sewage that will not readily disintegrate in the sewage treatment plant or that will cause or tend to cause obstructions in the sewer system or the sewage treatment plant or interfere with or tend to interfere with the efficient and successful operation of the system or the plant, or cause a potential hazard or objectionable odor;
- D. Any chemicals or wastes destructive to masonry or portland cement concrete;
- E. Grease, except in quantities commonly contained in domestic sewage, or commercial waste which may contain more than two hundred (200) parts per million, by weight, of fat, oil or grease;
- F. Any effluent of a temperature exceeding one hundred forty degrees Fahrenheit (140°), or that would cause the temperature of wastewater entering the headworks of any wastewater treatment plant to exceed one hundred four degrees Fahrenheit (104°);
- G. Any radioactive waste, which exceeds the limits specified in Title 17, Chapter 5, Subchapter 4, Group 3, Article 5, Section 30287 of the California Code of Regulations;

- H. Any commercial waste, including but not limited to mineral salts, molds or wastes resulting from their manufacture and other products which will tend to sterilize activated sludge, trickling filter slimes, or slime growth on artificial or natural slow sand and filters;
- I. Any solids or viscous substances of such size or in such quantity that may cause obstruction to the flow in the sewer or to be detrimental to proper wastewater treatment plant operation;
- J. Any wastes with odors of such strength that the discharge of the wastes to any wastewater treatment plant results in, as determined by the District, an odor violation of the treatment plant's waste discharge requirements, where without the discharge no odor violation would have been anticipated;
- K. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between fifty (50°) degrees and one hundred (100°) degrees Fahrenheit;
- L. Any waste capable of passing through the waste water treatment works and producing discoloration of treatment plant effluent;
- M. Any water added for purposes of diluting wastes which would otherwise exceed applicable maximum concentration limitations;
- N. Any waste which may create a fire or explosion hazard in the wastewater collection or treatment system;
- O. Any waste prohibited by federal standards from being discharged to the sewer system.
- P. Any ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, rags, earth or stone dust or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works;
- Q. Any commercial waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- R. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- S. Any liquid or vapor having a temperature higher than 85 degrees Fahrenheit unless properly treated for scale inhibition;

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

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

4.10.080 Automobile washing areas regulated. No person engaged in washing motor vehicles or other equipment exclusive or incidental to any other business, shall permit any water or effluent from such operations to flow into any District sewer unless the washing area is equipped with an approved sand and grease control device. Such washing areas shall be roofed over and shall be so constructed as to prevent any water from flowing over any street or public property, and to prevent any storm or surface water from entering any District sewer.

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

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

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

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

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

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

4.10.150 Commercial Waste Disposal—Limitations. The General Manager may incorporate in any permit issued pursuant to this chapter, such limitations or conditions as may

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

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

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

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

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

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

4.10.210 Connection Approvals. The General Manager may suspend, condition, or deny any or all applications for connections or permits for additional fixtures as provided under Section 4.10.010 of this Code where the General Manager determines that such action is necessary to remain within the aggregate operation capacity of the sanitary sewer system available to the

affected property for which the connection or permit is sought or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the Santa Ana Region. The decision of the General Manager to suspend, condition, or deny an application shall be subject to appeal to the District Board as provided in Section 2.10.050.

CHAPTER 4.20
CALIFORNIA PLUMBING CODE ADOPTED

Sections:

4.20.010 Adoption of California Plumbing Code as Adopted by City.

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

TITLE 5

SOLID WASTE REGULATIONS

Chapters:

5.10 Solid Waste and Recycling

5.20 Franchises

**CHAPTER 5.10
SOLID WASTE AND RECYCLING**

Sections:

5.10.005	Declaration of Purpose
5.10.010	Collection Authority.
5.10.020	Collection Service Required.
5.10.030	Solid Waste Containers.
5.10.040	Requirements for Single-Family Organic Waste Generators.
5.10.050	Requirements for Commercial Businesses.
5.10.060	Organic Waste Waivers.
5.10.070	Self-Hauler Permits.
5.10.080	Organic Waste Self-Hauler Requirements.
5.10.090	Handling and Storage of Solid Waste and Recyclable Materials.
5.10.100	Frequency of Solid Waste Removal.
5.10.110	Removal of Heavy Objects.
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5.10.130	Recyclable Materials as Franchisee or District Property.
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5.10.230	Sanitary Maintenance Required.
5.10.240	Organic Waste Haulers.
5.10.250	Organic Waste Facility Operators.
5.10.260	Organic waste Commercial Edible Food Generators.
5.10.270	Food Recovery Organizations and Services; Regional Agencies.
5.10.280	Inspection and Investigation.
5.10.290	Unlawful Containers - Notice of Violation.
5.10.300	Franchisee Remedies.

5.10.005 Declaration of Purpose.

- A. The purpose of this chapter is to regulate Solid Waste handling in order to protect the public health, safety and welfare and to meet the District's obligations under the California Integrated Waste Management Act 1989 (Public Resources Code Sections 40,000 et seq. as amended from time to time) (Hereinafter "AB 939").

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

5.10.010 Collection Authority.

- A. The District shall provide for the collection and disposal of Solid Waste from all Premises within the District either by granting one or more franchises to a public or private entity or entities for such collection and disposal or by such other methods as the Board may authorize.
- B. Except as otherwise provided herein, the District and its duly authorized agents and employees, or Franchisee(s) and their duly authorized agents and employees, shall have the

exclusive right to gather, collect and dispose of Solid Waste from all Premises within the District in accordance with the provisions of this Code, except that Self-Haulers registered in accordance with this chapter shall have the right, in a lawful manner, to dispose of Solid Waste generated from their own activities.

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

5.10.020 Collection Service Required.

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

5.10.030 Solid Waste Containers.

- A. Every owner, Occupant or Person in possession, charge or control of any Premises within the District shall deposit or cause to be deposited all Solid Waste generated or accumulated on such Premises, and intended for collection and disposal, in sealed, watertight Bins, Carts, Rolloff Boxes or other Containers that are either (1) provided by, or acceptable to, a Franchisee; or (2) approved by the General Manager for self-hauling purposes pursuant to this chapter. No owner, Occupant or Person in possession, charge or control of any Premises shall utilize a Bin, Cart, Rolloff Box or other Container not in conformance with the requirements hereof for the collection, accumulation or storage of Solid Waste.
- B. It is intended that Solid Waste generated at the Premises will be separated according to its character and placed in the applicable colored Container as provided in Sections 5.10.040, 5.10.050, and 5.10.090.

- C. Container lids shall remain closed at all times that the Container is unattended. If the Solid Waste contained within a Bin, Cart, Rolloff Box or other Container exceeds the actual capacity of the Container, then a larger Container or multiple Containers must be utilized. The owner, Tenant, Occupant and/or Person or entity in control of a Premises shall be responsible for the clean-up of any Solid Waste spilled, dumped or scattered as a result of a Container overflow.
- D. It is unlawful for any Person to share, place Solid Waste in, or to otherwise use the Bin, Cart, Rolloff Box or other Container of another Person or business. Notwithstanding anything contained herein to the contrary, the sharing of Containers shall be permitted under the following conditions:
 - 1. The owner, property manager or Person in charge or control of a Premises upon which a Multi-Family Dwelling or multi-family residential facility exists may arrange for Bins, Carts, Rolloff Boxes or other Containers for shared use by the Occupants, Tenants or Persons in possession of the dwelling units on such Premises.
 - 2. The Occupants of a single Commercial building or contiguous and adjacent Commercial building may share a Bin, Cart, Rolloff Box or other Container for Solid Waste Handling Services at a common location, subject to approval of the General Manager, which may be delegated to a Franchisee. Approval by the General Manager shall be based upon (a) the type of Solid Waste generated by each Commercial Premises; and (b) the number of Containers and frequency of Solid Waste collection needed to protect the public health, welfare and safety.
- E. It is unlawful to use any Bin, Cart, Rolloff Box or other Container furnished by the District or a Franchisee for any purpose other than the collection, accumulation and storage of Solid Waste; or to convert or alter such Containers for other uses; or to intentionally damage such Containers.

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

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

Containers as described in subdivision (C) of this section and shall not place Prohibited Container Contaminants in collection Containers.

- C. Organic Waste Generators at Single-Family Dwelling Premises shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; if applicable, Source Separated Food Waste which is not commingled with Green Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container, Brown Container or Blue Container. District may require additional segregation of a Generator's Green Container for the purposes of separating Food Waste from Green Waste. The following Containers will be provided as directed by the General Manager or designee when additional segregation of a Generator's Green Container is required:

- (1) A Brown Container that is limited to the Collection of Food Waste only.
- (2) A Green Container that is limited to the Collection of Green Waste only.

5.10.050 Requirements for Commercial Businesses.

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

- D. Generators shall supply and allow access to adequate number, size and location of collection Containers with sufficient labels or colors for employees, contractors, Tenants, and customers, consistent with the District's Blue Container, Green Container, and Gray Container collection service.
- E. Excluding Multi-Family Residential Facilities, generators shall provide Containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. Pursuant to 14 CCR section 18984.9(b), the Containers provided by the business shall have either:
- (1) A body or lid that conforms with the Container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that Container, or Containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the Container. Pursuant 14 CCR section 18984.8, the Container labeling requirements are required on new Containers commencing January 1, 2022.
- F. Multi-Family Residential Facilities are not required to comply with Container placement requirements or labeling requirement in subdivision (E) pursuant to 14 CCR section 18984.9(b).
- G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Facilities, Commercial Businesses shall prohibit employees from placing materials in a Container not designated for those materials per the District's Blue Container, Green Container, Brown Container and Gray Container collection service.
- H. Excluding Multi-Family Residential Facilities, Commercial Businesses shall periodically inspect Blue Containers, Green Containers, Brown Containers and Gray Containers for contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers pursuant to 14 CCR section 18984.9(b)(3).

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

5.10.060 Organic Waste Waivers.

- A. De Minimis Waivers. The District may waive the Organic Waste Recycling requirements of this chapter for residential development with minimal individual open space and greenspace

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

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

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

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the Premises lack adequate space for Blue Containers and/or Brown or Green Containers including documentation from the Franchisee, hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

5.10.070 Self-Hauler Permits.

- A. Self-Haulers registered and operating in accordance with this chapter are only permitted to collect, transport and dispose of Solid Waste generated by and upon the Self-Hauler's own Premises. Under no circumstances may a Self-Hauler collect, transport or dispose of Solid Waste generated upon Premises that are not owned, operated or controlled by the Self-Hauler. Notwithstanding any other provision of this chapter, registered Self-Haulers shall not be permitted to share, place Solid Waste in, or to otherwise use the Bin, Cart, Rolloff Box, or other Container of another Person or business.
- B. Registration. All Self-Haulers shall comply with the following registration requirements:
1. Each Self-Hauler shall obtain a registration application form from the General Manager. Self-Haulers must renew their registrations at the commencement of each fiscal year.
 2. The application to register for self-hauling, whether upon initial application or renewal, shall include the following: (a) a list of all Bins, Carts, Rolloff Boxes and other Containers to be used by the Self-Hauler; (b) a list of all transport and disposal equipment to be used by the Self-Hauler; (c) a written explanation of where all Solid Waste will be delivered for disposal and diversion; (d) a written plan explaining to the reasonable satisfaction of the General Manager how not less than fifty percent of Solid Waste collected will be diverted from disposal in compliance with AB 939; and (e) any other information deemed necessary by the General Manager to ensure protection of public health, safety and sanitary needs.
 3. Renewal applications shall additionally include: (a) receipts from self-hauling activities undertaken in the prior year demonstrating that the applicant has effectively diverted the minimum required of all Solid Waste generated at its Premises from landfills in a manner that complies with the requirements of AB 939 and section 5.10.080; and (b) receipts from self-hauling activities undertaken in the prior year demonstrating that the applicant has delivered Solid Waste generated at its Premises to appropriate disposal or recycling facilities at least as frequently as collection is required for such Self-Hauler by the General Manager.
 4. The General Manager shall approve the application if it meets the requirements of this section, and if the equipment, Containers, diversion plan and disposal plan meet with his or her reasonable satisfaction, and if evidence of past diversion and disposal requirements demonstrate the applicant has complied with the minimum diversion requirements and otherwise complied with all laws related to disposal of Solid Waste, including section 5.10.080.
- C. Containers. Each Self-Hauler shall provide its own Bins, Carts, Rolloff Boxes or other Containers. Bins, Carts, Rolloff Boxes or other Containers utilized by a Self-Hauler must conform to industry standards for Solid Waste disposal and must be approved by the General Manager in writing prior to issuance of a Self-Hauler registration. In addition, any Containers utilized by a Self-Hauler shall comply with the following requirements:

1. All Containers shall be maintained in good repair, and any question as to the meaning of this standard shall be resolved by the General Manager;
 2. All Containers shall be maintained in a sealed, watertight condition;
 3. Self-Haulers shall remove any graffiti that appears on Containers within twenty-four hours after becoming aware of it.
- D. **Collection and Transport Equipment.** Collection and transport equipment, including but not limited to transport trucks and vehicles, utilized by a Self-Hauler must be approved by the General Manager in writing prior to issuance of a Self-Hauler registration.
- E. **Non-Commercial Venture.** It is the intent of this chapter to prevent and proscribe self-hauling activities undertaken as a Commercial enterprise. Self-Haulers must obtain all equipment, including Containers and collection and transportation equipment, at a fair market value that does not include any hauling services, “free” or otherwise. A Self-Hauler may utilize its own employees to undertake self-hauling activities, but under no circumstance may a Self-Hauler utilize an independent contractor or any other Person or entity for waste disposal services other than a Franchisee.
- F. **Other Recycling Obligations.** Self-Haulers shall recycle all Recyclable Materials and Organic Waste not otherwise addressed by this section to a degree and in a manner consistent with standards generally applicable to the Solid Waste disposal industry and as required by state law.
- G. **Collection Frequency.** Unless otherwise specifically provided in this chapter, Self-Haulers shall remove Solid Wastes from their Premises at least once per week. However, upon application to the District for registration as a Self-Hauler, the General Manager may determine a different frequency for Solid Waste collection, transport and disposal from the Self-Hauler’s Premises. This determination shall be based upon the nature of the Premises, the type of Solid Waste generated by the Premises, and the collection capacity of the Self-Hauler as demonstrated by information in the application.
- H. **Hazardous and Special Wastes.** Unless lawfully and currently licensed under applicable state, federal and local laws, no Self-Hauler shall engage in the collection, transport or disposal of Hazardous Waste or Special Wastes.
- I. **Revocation.** The General Manager may revoke prior approval of a Self-Hauler registration if the registrant either (1) fails to divert from landfills the minimum required of all Solid Waste generated at its Premises in a manner that complies with the requirements of AB 939 and CalRecycle regulations; or (2) fails to deliver Solid Waste generated at its Premises to appropriate disposal or recycling facilities at least as frequently as collection is required for such Self-Hauler by the General Manager.

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

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

5.10.090 Handling and Storage of Solid Waste, Recyclable Materials and Organic Waste. Solid waste, Recyclable Materials, and Organic Waste shall be placed directly into Solid Waste and Recyclable Materials and Organic Waste Containers respectively, except as hereinafter provided:

- A. Garbage shall first be drained and wrapped to eliminate odor, leakage and fly and rodent infestation before being placed in Solid Waste Containers.
- B. Waste and manure from animals, except that generated from farms or stables, shall first be placed in moisture-resistant bags, securely sealed to prevent leakage, odor, fly and rodent infestation, before being placed in Solid Waste Containers.
- C. Untreated Medical Waste shall be stored, transported and disposed of in accordance with the provisions of the Medical Waste Management Act, California Health and Safety Code section 117600 *et seq.*, as it may be amended, the regulations adopted and promulgated pursuant to such statutes, and any applicable ordinances, regulations, or requirements of the Orange County Health Care Agency, as the same may be amended from time to time.

- D. Ashes and dust shall be placed in disposable bags securely sealed to prevent leakage before being placed in Solid Waste Containers.
- E. Source Separated Green Container Waste shall be placed in Green Containers.
- F. Source Separated Food Waste shall be placed in Brown Containers.
- G. Boxes and crates shall be dismantled or flattened. Boxes and crates constructed of Recyclable Materials shall be placed in approved Containers designated for Recyclable Materials.
- H. Construction and demolition waste or manure from farms and stables shall be stored in approved Containers in a manner so as not to create a nuisance and at a location approved by the Franchisee or the General Manager.
- I. It shall be unlawful for a Person occupying or having control of any Premises to introduce Refuse, contaminated material or any materials which are not recyclable into a Solid Waste Container designed for Recyclable Materials.
- J. Every Person occupying or having control of any Premises shall insure that a sufficient number of approved Containers are available to properly store all Solid Waste, including Recyclable Materials, Organic and Green Waste, generated at said Premises.
- K. Any Solid Waste that does not reasonably fit within a Container (such as furniture or other large bulky items) must be covered and protected, as by a tarp, netting or other secured material, in order to prevent the scattering of debris by natural forces such as wind or animals. Bulky items shall be removed from the Premises at which they are generated pursuant to section 5.10.150 or otherwise in accordance with the provisions of this title.
- L. No Person shall burn any Solid Waste within the District, except in an approved incinerator or other device for which a permit has been issued by the building official, fire marshal, and/or other public agency official having jurisdiction, and which complies with all applicable local, state, and/or federal permit requirements, laws, rules and regulations.
- M. Any Person who generates Solid Waste in connection with the construction of a new building, a building addition, remodel, or the demolition of any structure for which a building permit is required, shall either make arrangements for Solid Waste handling service with the use of Containers from a Franchisee, be registered to self-haul such Solid Waste in the manner required by this chapter, or make arrangements in accordance with section 5.20.030(C).

5.10.100 Frequency of Solid Waste Removal. With the exception of vacant Premises meeting the provisions of section 5.10.020.B above, each owner, Tenant, Occupant or Person in charge of Commercial or Residential Premises where Solid Waste, Organic Waste, Green Waste or recyclable material accumulates shall cause said Containers to be emptied and all Solid Waste shall be removed at least once each calendar week, except that food processing and food serving establishments shall cause said Containers to be emptied of Garbage at least three times each calendar week. The General Manager may provide written notice to the owner, Occupant, or Person in charge

of any Residential or Commercial Premises that the above minimum removal requirements are not sufficient to satisfy public health and safety needs or avoid the creation of a public nuisance due to unique circumstances at such Premises and may direct that Solid Waste be removed by the owner, Occupant, or Person in charge of any Premises so notified on a more frequent schedule and/or that additional or larger Containers be utilized.

5.10.110 Removal of Heavy Objects. Each owner, Tenant, Occupant or Person in charge of any Premises shall at least once each calendar month collect and dispose of all waste material and debris, such as discarded automobile bodies, similar heavy or bulky objects and all other waste not specifically defined herein which may accumulate on such Premises.

5.10.120 Tampering with Solid Waste Prohibited. No Person other than the owner thereof, his or her agents or employees, an officer, employee, or authorized agent of the District, or the agents or employees of a Franchisee, shall enter, tamper, or meddle with Organic Waste, Green Waste, recycling or Solid Waste Containers or the contents thereof or remove the contents of any such Container or remove any such Container from the location where the same shall have been placed by the owner thereof or the owner's agent. This includes both segregated and non-segregated recyclables at Commercial and Residential Premises.

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

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

5.10.150 Special Pickup—Bulky Items.

- A. Household Bulky Item Collection Program. The Household Bulky Item Collection Program entitles residents of each Single-Family Dwelling within the District who subscribe to Solid Waste Handling Services with a Franchisee to collection of bulky items generated by such residents. Residents of each Residential Premises may schedule with the Franchisee three free bulky item collections within a calendar year. The program shall be limited to ten (10) items maximum per scheduled collection. Requested bulky item collections in excess of three (3) per year may be subject to a charge. Reservations must be made in advance. Items must be placed at the curb or other location acceptable to the Franchisee on the day scheduled for pickup. Items that are to be collected must be bulky, household items only, unable to be serviced by the normal automated curbside collection. Items eligible for collection are heavy discards, such as appliances, furniture, water heaters, large toys and tree trimmings. Items not accepted include automobile parts, tree stumps, earth, turf, sod, sand, clay, gravel, concrete, Refuse from building or construction, and hazardous or toxic waste. Certain types of bulky items requiring special handling may be subject to an additional charge. All loose items eligible for collection must be bagged, bundled or tied. All bagged items may not weigh

more than fifty (50) pounds or measure more than four (4) feet in length and eighteen (18) inches in diameter.

- B. Commercial Bulky Item Collection. The owners, Occupants, or Persons in charge of Commercial Premises within the District, including Multi-Family Residential Facilities, who subscribe to Solid Waste Handling Services with a Franchisee shall also be entitled to arrange for collection of bulky items generated at such Premises by a Franchisee. Such Commercial bulky item collections shall be subject to reasonable charges and limits established by the Franchisee.

5.10.160 Placement of Containers for Collection.

- A. Generally. Except as otherwise agreed upon with the Franchisee and/or determined by the General Manager, where Rolloff Boxes are used, or where collection locations in Commercial or Multi-Family Residential Facility complexes have been approved by the District, all collection of Solid Waste, Recyclable Materials, Organic Waste, Green Waste and Garbage from Commercial and Residential Premises shall be made from the gutter along the street adjacent to the Premises, or the alley in the rear of each premise, provided, however, that no Solid Waste shall be picked up in any alley that has a width of less than fifteen (15) feet or where a truck with an eight (8) foot bed cannot pass with at least three and one-half (3 ½) feet of clearance on each side of the truck bed. Containers may be placed in the parkway next to the curb on arterial streets or as determined by the General Manager. The General Manager may also approve alternate locations which are readily accessible.
- B. Obstructions. Containers must be placed three (3) feet away from any obstruction such as fire plug, mailbox, fence post or lamp post. There must be one (1) foot between each Container and a minimum distance of three (3) feet from any vehicle.

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

5.10.180 Removal of Empty Containers. After Containers have been emptied by the Franchisee, they shall be removed no later than 10:00 p.m. on the day of such collection by the owner, Tenant, Occupant or Person in charge of every Commercial or Residential Premises and placed and kept in an area not visible from the street.

5.10.190 Littering Prohibited.

- A. It shall be unlawful for any Person to throw, place, scatter or deposit any Solid Waste, Medical Waste, or Hazardous Waste in, upon or below the land of another, or upon any public property or right-of-way, except as herein authorized, or to throw, place, scatter or deposit any such waste in, upon or below the surface of any Premises in such a manner that the same is or may become decayed, putrid or a nuisance or may otherwise endanger the public health or safety.

- B. It shall be unlawful for any Person to place, deposit or dump, or cause to be placed, deposited or dumped, or cause or allow to overflow any sewage, sludge, cesspool, waste water, or septic tank effluent, or allow the accumulation of human excreta or any Garbage, Solid Waste materials, debris, rubbish, scrap iron, organic residues resulting from Commercial canning or processing of food products, dead animals, manure, combustible materials, discarded automobiles and similar heavy, bulky objects or any other waste in or upon any public property not designated or set aside for such purpose by the Board or any other competent authority or upon any private property into or upon which the public is admitted by easement, license or otherwise.

5.10.200 Public Nuisance.

- A. The accumulation and existence of Garbage, Solid Waste, Organic Waste, Refuse or Green Waste on any Premises, public or private, within the confines of the District, and/or the keeping of Solid Waste in Containers other than those prescribed by this chapter, is hereby declared to be a public nuisance. No Person who owns, controls, or occupies any Premises within the District shall cause, permit, or allow any such nuisance to exist thereon.
- B. It is unlawful, and a public nuisance, for any Person to occupy or inhabit any property within the District for which arrangements have not been made and kept in full force and effect for Solid Waste Handling Services in a manner consistent with the provisions hereof.

5.10.210 Hazardous Waste Disposal Prohibited. It shall be unlawful for any Person to place or cause to be placed material deemed to be Hazardous Waste in any Container to be picked up with Solid Waste designated to be deposited at a Class III landfill. As a way of example, prohibited material includes, but is not limited to the following:

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

5.10.220 Procedures for Disposing of Hazardous Waste.

- A. Each owner, Tenant, Occupant, or Person in charge of any Premises in the District shall, at least once every ninety (90) days unless more frequent disposal is required, dispose of all Hazardous Waste which has accumulated at such Premises. Hazardous waste shall not be placed for regular collection but shall be disposed of as hereinafter specified or in a lawful manner in accordance with Chapter 6.5 of Division 20 of the California Health and Safety Code and/or other applicable law.
- B. Group I materials such as caustics, toxic acids, chemicals, paints and liquids shall be disposed of by the owner, Tenant, Occupant or Person in charge of any Premises upon which such materials have accumulated only at an approved Class I disposal site. The waste must be in its original Container and labeled clearly. The Containers must be sound and not leaking. Glass Containers must be protected from breakage.
- C. Radioactive materials shall be disposed of by the owner, Tenant, Occupant or Person in charge of any Premises upon which such materials have accumulated under the supervision of the Orange County Health Department.
- D. Explosives or highly flammable material, including small arms ammunition, war souvenirs, or black powder shall be disposed of by, or under the supervision of, the Orange County Fire Authority.
- E. Abandoned, inoperative or dismantled vehicles or major component parts thereof shall be disposed of by a licensed dismantler or towing company.
- F. Dead animals shall be disposed of by, or under the supervision of, the Garden Grove Animal Services.

5.10.230 Sanitary Maintenance Required. Each owner, Tenant, Occupant or Person in charge of all Commercial and Residential Premises shall keep all Containers maintained thereon for the deposit of Solid Waste, Recyclable Materials, and Organic Waste in a clean and sanitary condition. When the General Manager determines that the owner, Tenant, Occupant or Person in charge of any Premises is not maintaining the Containers thereon in a sanitary manner, said owner, Tenant, Occupant or Person in charge shall be notified by Registered Mail to correct the problem within ten (10) days from the receipt of said notice. If the Person fails to take action on the matter within the prescribed time allowed, the General Manager shall order the Franchisee to provide such service. The Containers shall be exchanged and sanitized thereafter as needed with a minimum frequency of four (4) times per year. Except as otherwise provided in an agreement between the District and a Franchisee, the expense for exchanging and sanitizing the Container shall be borne by the owner, Tenant, Occupant or Person in charge.

5.10.240 Organic Waste Haulers. Exclusive and non-exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the District's boundaries shall meet the following requirements and standards as a condition

of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

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

5.10.250 Organic Waste Facility Operators.

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

5.10.260 Organic Waste Commercial Edible Food Generators.

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.

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

4 of Title 2 of the Education Code, and amended section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

5.10.270 Food recovery organizations and services; regional agencies.

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR section 18991.3(b) shall report to the District the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR section 18991.3(b) no later than March 31st.

- D. Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

5.10.280 Inspection and investigation.

- A. District representatives and/or its designated entity, Franchisees, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection Container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Facilities), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow District to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business Containers for compliance with section 5.10.050(B) of this chapter, District may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to section 5.10.050(L) of this chapter.
- B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District’s employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Edible Food Recovery activities, records, or any other requirement of this chapter. Failure to provide or arrange for: (i) access to an entity’s Premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties.
- C. Any records obtained by the District during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code section 6250 et seq.
- D. District representatives, its designated entity, Franchisee, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. District shall receive written complaints from Persons regarding any one entity or Person that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

5.10.290 Unlawful Containers—Notice of Violation.

- A. Unauthorized Containers. No Person other than the District or its authorized representative, a Franchisee or its authorized representative, an authorized Self-Hauler, or Person otherwise authorized to collect or transport Solid Waste pursuant to the provisions of this title shall place or leave standing any Container on any public or private property within the District for the purpose of providing Solid Waste Handling Services.
- B. Removal of Unlawfully Placed Container.
1. The General Manager may cause the posting of a notice to remove, as described below, in a conspicuous place on any Container placed on any public or private property within the District in violation of this title.
 2. Notices to remove posted pursuant to the provisions of this chapter shall specify the nature of the violation and shall state that the Container must be removed within twenty-four (24) hours or it may be removed and stored by the District, and the contents disposed of, at the expense of the owner thereof. The notice shall indicate the time that it was posted and shall include the name and telephone number of a Person designated by the District to hear any appeal or challenge to the requirement that the Container be removed, and, further shall indicate that any appeal or challenge of the order for removal must occur within twenty-four (24) hours of the posting of the notice. The posting of a notice to remove shall constitute constructive notice to the owner and user(s) of the Container of the requirement to remove the Container.
 3. If the Container is not removed or an appeal received within twenty-four (24) hours after the notice to remove is posted, the General Manager may direct the removal and storage of the Container. The owner of the Container shall be responsible to reimburse the District for the actual cost of removal, storage and disposal. All amounts due to the District for the cost of removal, storage and disposal must be paid before the Container may be returned to the owner. Such amounts shall constitute a debt owed by the owner to the District, and the owner shall be liable to the District in an action brought by the District for the recovery of such amounts.
 - a. The owner may contest and request a hearing to appeal the District's claim that the Container was illegally placed or left standing by giving notice to the District within ten (10) calendar days of receipt of notification from the District that the Container was impounded. The General Manager shall establish a procedure for such a hearing and the method for requesting such a hearing shall be included on the notice to remove. Where the owner asserts that the placement or use of the Container was for a legitimate recycling activity or other activity not proscribed by this Code, the owner shall provide the District with information to substantiate that assertion. Said information shall be submitted with the notice from the owner and shall include, at a minimum, the following:

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

of a notice to remove, direct the removal and storage of the unlawfully placed Container and shall, in such case, give notice to the owner to claim the Container. In such event, the owner shall, subject to the provisions of subsection 3 of this section, be responsible to reimburse the District for the actual cost of such removal, storage and disposal, which cost shall be paid by the owner before the Container may be returned to the owner. If the Container is unclaimed after notice is mailed to the owner and the expiration of the period set forth in subsection 4 of this section, the Container and its contents shall be deemed abandoned property and may be disposed of accordingly. The costs incurred by the District for removal, storage and disposal shall constitute a debt owed to the District by the owner, who shall be liable therefor in an action by the District for the recovery of such amounts.

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

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

**CHAPTER 5.20
FRANCHISES**

Sections:

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

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

Effective May 17, 1989, the District provided for the collection and disposal of solid waste, green waste and recyclable material from all premises within the District by granting an exclusive contract and franchise for such collection and removal to Taormina Industries, Inc., dba Garden Grove Disposal, which exclusive franchise shall continue in effect in accordance with the terms of that certain agreement for solid waste handling services, effective July 1, 2010, between the District and Taormina Industries, Inc.'s successor in interest, Republic Waste Services of Southern California, LLC, dba Garden Grove Disposal. Except as otherwise provided herein or in said agreement, while any such agreement shall be in force, said franchisee shall have the exclusive right to gather, collect and remove solid waste, green waste and recyclable material from all premises within the District. No person, other than an authorized franchisee shall gather, collect or remove any solid waste, green waste or recyclable material from any premises or take any such waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container, or remove any such container from any location where the same is placed, or remove the contents of any such container; provided that nothing in this chapter shall be deemed to prohibit the generators or the owners from personally collecting, conveying and disposing of solid waste in a manner consistent with this title and other applicable governing laws. Said license and privilege shall not be exclusive with respect to special removal needs created by demolition or construction projects for which the District or franchisee has no special disposal service available. To the extent that said license and privilege is exclusive, it shall be so only if the District or the franchisee shall be at all times ready, willing and able to collect, transport and dispose of all such solid waste.

5.20.020 Franchise Operation Fee. There is hereby imposed upon any person whose business is the collection of solid waste within the District an annual franchise fee in

the amount specified by the District Board. This Section 5.20.020 is not intended to, and shall not, preclude the imposition and collection by the District from a franchisee of consideration or cost reimbursements pursuant to the terms of a franchise agreement, whether denominated as franchise fees or otherwise, in addition to or in lieu of the franchise fee provided for in this Section 5.20.020.

5.20.030 Collecting Solid Waste Without Franchise Prohibited—Penalty.

It shall be unlawful for any person other than a franchisee (or its agents and employees) to collect any solid waste, green waste or recyclable material from any premises whatsoever, or otherwise provide solid waste handling services within the District, while there is in existence an exclusive franchise by the District to a person or persons to collect all solid waste, green waste or recyclable material from such premises. Every person who violates or infringes upon any exclusive franchise as heretofore set forth shall be guilty of a misdemeanor and shall be punishable pursuant to Section 6.10.010 of this Code. This prohibition shall not, however, apply to the following:

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

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

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

5.20.050 Franchisee Regulations. Except as otherwise provided in a franchise agreement approved by the District Board, the following regulations apply to all those persons doing business within the District or residing therein who deposit or collect solid waste, green waste or recyclable materials:

- A. Every person doing business within the District for the purpose of collecting solid waste, green waste or recyclable materials shall be adequately covered by public liability insurance. For the purposes of this section, adequate public liability insurance shall be defined to mean a minimum combined single limit of \$10,000,000.00 per occurrence with a \$10,000,000.00 policy aggregate limit of public liability coverage (either commercial general liability or comprehensive general liability) and \$10,000,000.00 property damage coverage with the District named as an additional insured on the policy of insurance. Every person doing business within the District as aforesaid shall furnish the District with a Certificate of Insurance showing said District as an additional named insured on the policy of insurance. Such Certificate must be on file at the office of the District.
- B. Every person doing business within the District for the purpose of collecting solid waste, green waste or recyclable materials shall use waste-collecting vehicles with steel-enclosed bodies.
- C. Every person doing business in the District for the purposes of collecting solid waste, green waste or recyclable materials shall mark each vehicle and container with the name, address and telephone number of the person under which such business is conducted.
- D. Every person maintaining or using equipment within the boundaries of the District for the purposes of collecting or depositing solid waste, green waste or recyclable materials shall keep such equipment in good mechanical condition and in a neat and orderly manner.
- E. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall not bring waste from outside the County on the vehicles collecting solid waste, green waste or recyclable materials within the District.
- F. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall, after each collection, insure that the immediate area

around such collection is left in a clean, neat and orderly manner without any garbage, trash, rubbish or refuse left on the ground. In the event the District, by or through its agents, determines that such person has not left the area of collection in a neat, orderly and clean manner then the District shall after four hours notice to such person cause said collection area to be cleaned and placed in proper order. The cost of cleaning and placing said collection area in proper order shall be determined by the District and billed to the person failing to comply with this regulation. Non-payment of such bill within ten (10) days after mailing shall be sufficient cause for the District to revoke any and all rights and privileges to do business within the District.

- G. Every person doing business within the District for the purposes of collecting solid waste, green waste or recyclable materials shall provide sufficient containers to insure that between each collection of said solid waste, green waste or recyclable materials there shall not be deposited in said container waste that will exceed the height of the top of such container.
- H Any container in which garbage or food residue is deposited shall be provided with a lid to cover said container. Such lid shall be kept on said container at all times and shall be replaced on said container by such person collecting such garbage or food residue after each collection.
- I. Failure to comply with the regulations herein shall be sufficient cause for the District to revoke any and all rights and privileges to do business within the District.

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

TITLE 6
ENFORCEMENT

Chapters:

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

**CHAPTER 6.10
GENERAL PENALTY**

Sections:

- 6.10.010 General Penalty—Misdemeanor.**
- 6.10.020 Solid Waste Regulations Enforcement.**
- 6.10.030 Public Nuisances—Injunctive Relief.**

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

6.10.020 Solid Waste Regulations Enforcement.

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

educational materials to the entity describing its obligations under this chapter during calendar year 2022 and 2023 and a notice that compliance is required, rather than issuance a notice of violation and assessment of penalties. Commencing January 1, 2024, violations may be subject to criminal and administrative civil penalties, except that the District may assess criminal and administrative civil penalties in the event that the Enforcement Officer determines that prosecution is warranted to deter egregious conduct.

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

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

Chapter 6.15

ADMINISTRATIVE CITATIONS

Sections:

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

6.15.010 Authority and Fines.

- A. Any Person violating any provision of this Code may be issued an administrative citation by an Enforcement Officer and shall thereby be subject to an administrative fine as provided for in this chapter. For purposes of this chapter, a violation of this Code shall include any violation of the Code, any code adopted by reference by the Board of Directors, including, but not limited to, all codes adopted by reference in Chapter 4.20 (California Plumbing Code Adopted), and the failure to comply with any condition of approval imposed pursuant to any permit, license, or other authorization issued or approved pursuant to the Board of Director adopted ordinances. The violations referred to in this section are collectively referred to in this chapter as Code violations. For purposes of this chapter, an administrative citation for an administrative fine may be issued to any responsible Person for any violation referred to in this chapter.
- B. Each and every day a violation of the Code exists constitutes a separate and distinct offense.
- C. An administrative fine shall be assessed by means of an administrative citation issued by an Enforcement Officer and shall be payable directly to the Garden Grove Sanitary District through the City of Garden Grove Finance Department. Except as set forth in subsection D, a citation may be issued by an Enforcement Officer upon the determination by such officer that a violation of the Code exists.
- D. Continuing Violations. When a continuing violation exists pertaining to a plumbing or other similar building issue that does not create an immediate danger to health or safety, a citation for such a violation shall not be issued pursuant to this chapter unless the responsible Person has first been provided with a reasonable period as determined by the enforcement officer, but in no event less than five calendar days, in which to correct or otherwise remedy the

violation. When such a violation creates an immediate danger to health or safety, a citation may be issued immediately.

- E. Except as otherwise specified for those Code violations referred to in subsections F through H, in the case of administrative citations issued for violation of the Code, administrative fines shall be assessed in the amount of \$1,000.00 for each violation.
- F. For each violation of Chapter 5.10 (Solid Waste) the Code, administrative fines shall be in the following amounts:
 - 1. A fine of \$100.00 for a first violation;
 - 2. A fine of \$200.00 for a second violation of the same Code provision within one year from the date of the first violation; and
 - 3. A fine of \$500.00 for each additional violation of the same Code provision within one year from the date of the first violation.
- G. In the case of an administrative citation issued for violation of Chapter 4.20 (California Plumbing Code Adopted), administrative fines shall be assessed in the following amounts:
 - 1. A fine of \$130.00 for a first violation;
 - 2. A fine of \$700.00 for a second violation of the same provision within one year from the date of the first violation; and
 - 3. A fine of \$1,300.00 for each additional violation of the same provision within one year from the date of the first violation; and
 - 4. A fine of \$2,500.00 for each additional violation of the same provision within two years from the date of the first violation if the property is a Commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible Refuse or failure to prohibit unauthorized use of the property.
- H. In addition to the administrative fine schedule as set forth above, and pursuant to Government Code section 38773.5(b), the District may recover, at its discretion, attorneys' fees and costs in any action, administrative proceeding, or special proceeding to abate any nuisance arising out of a Code violation. The recovery of attorneys' fees and costs shall be by the prevailing party, and limited to those individual actions or proceedings in which the District elects, by direction of the General Manager at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to the prevailing party exceed the amount of reasonable fees incurred by the District in such matters.

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

6.15.020 Service of Citation.

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

5. An explanation of how the fine shall be paid and the time period by which it shall be paid;
 6. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for a hearing form to contest the administrative citation; and
 7. The name and signature of the enforcement officer.
- G. Failure of an administrative citation to contain all the required information shall not affect the validity of the administrative citation.

6.15.030 Appeal of Administrative Citation.

- A. Any recipient of an administrative citation may contest that there was a violation of the Code, or that he or she is the responsible Person, or may contend that the amount of the fine is disproportionate in light of mitigating factors, by completing a request for hearing form, together with an advance deposit of the fine, and returning both to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail. Any administrative citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the Person charged in the administrative citation was not responsible for the violation(s), or that there was no violation(s) as alleged in the administrative citation or any amendments thereto. The hearing officer may reduce the fine amount if the hearing officer finds, based on the totality of the circumstances, the fine is clearly disproportionate to the violation in light of mitigating factors. Any administrative citation fine that has been deposited shall be reduced, and the difference refunded, if it is determined, after a hearing, that the amount of the fine is clearly disproportionate to the violation in light of mitigating factors.
- B. A request for a hearing shall contain the following:
1. The citation number;
 2. The name, address, telephone, and any facsimile numbers of each Person contesting the citation;
 3. A statement of any and all reasons why the citation is being contested, including any mitigating factors; and
 4. The date and signature of the Person(s) cited.
- C. A timely request for a hearing shall not excuse a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.

D. Waiver of Advanced Deposit of Fine.

1. A recipient of an administrative citation who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a District-approved application form for an advance deposit hardship waiver (hereafter the “hardship waiver”). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the City of Garden Grove Finance Department within 30 calendar days from (1) service of the administrative citation, if personally served; or (2) the date of the administrative citation if served by mail.
2. To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the District to reasonably determine that the recipient of an administrative citation has a present inability to deposit the fine. Documents suitable for consideration may include, without limitation, accurate, complete, and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income, and expense records for 12 months preceding submittal of the hardship waiver form, as well as other documentation demonstrating the financial hardship of the recipient of an administrative citation. The District may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a recipient of an administrative citation for a hardship waiver without prior notice to the recipient of an administrative citation.
3. In the absence of advance payment of the fine pursuant to subsection A of this section, the failure to submit a completed, signed hardship waiver form, along with records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the recipient of an administrative citation shall have waived the right to a hearing, and the citation shall be deemed final.
4. The District shall issue a written decision specifying the reasons for issuing or not issuing the hardship waiver. This decision is final and non-appealable. The decision shall be served upon the Person requesting the hardship waiver by first class mail.
5. Approval of a hardship waiver shall result in the District setting a hearing pursuant to this section.
6. If the District determines that the recipient of an administrative citation is not entitled to a hardship waiver, he or she shall tender the full amount of the administrative fine to the City of Garden Grove Finance Department within seven calendar days of the date the decision is deposited with the United States Postal Service. In the event the City of Garden Grove Finance Department does not receive the full amount of the fine in the required period: (a) a late charge shall be imposed; (b) the request for a hearing shall be deemed incomplete and untimely; and (c) the recipient of an

administrative citation shall have waived the right to a hearing and the citation shall be deemed final.

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

6.15.050 Hearing Procedure.

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

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

6.15.060 Hearing Officer Decision.

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

6.15.070 Failure to Pay and Collection of Fines.

- A. In the absence of a timely appeal, the due date for the District's receipt of an administrative fine shall be 45 calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.
- B. Failure to pay an administrative fine within the period required from the issuance date of a citation shall result in a late charge as established by a resolution of the Board of Directors. The amount of a late charge may be modified from time to time by a resolution of the Board of Directors.
- C. Administrative fines and any late charges due shall be paid to the District at such location or address as stated in the citation, or as may otherwise be designated by the General Manager.
- D. Payment of an administrative fine shall not excuse or discharge a recipient of an administrative citation from the duty to immediately abate a violation of the Code, nor from

any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.

- E. Abatement of a violation shall not excuse the obligation of a recipient of an administrative citation to pay an administrative fine, or any late charge.
- F. Unpaid administrative fines and/or late charges shall constitute a debt that may be collected in any manner allowed by law.
- G. If, pursuant to section 6.15.030(D), a hardship waiver is granted and the fine is not deposited prior to the appeal hearing, the fine shall be due and payable in full 45 calendar days following the hearing officer's mailing of the written decision if the citation is upheld, unless review is timely sought pursuant to section 6.15.080. The failure of any Person to pay the administrative fine assessed by an administrative citation within the time specified on the citation or otherwise required by this chapter may result in the matter being referred to the City of Garden Grove Finance Department to file a claim in small claims court. Alternatively, the District may pursue any other legal remedy to collect the past due administrative fines and related costs.
- H. Any Person who fails to pay any fine shall be liable in any action or collection procedure brought by the District for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorney's fees.
- I. Collection costs shall be in addition to any penalties, interest, and late charges imposed upon the delinquent obligation. Interest on overdue fines and on late charges shall accrue at the rate of six percent per annum.
- J. Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally responsible party if the violation or violations persist.

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

6.15.090 Notices.

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

6.15.100 Collection by Lien.

- A. If the fine owed by a cited party is for one or more Code violations on the cited party's property, and the citation was issued to abate a nuisance as defined by the Code or District ordinance, and the amount has been delinquent 90 days or more, the delinquent amount shall become a lien on the property on which the violation(s) occurred.

- B. Notice of Lien Hearing. The District shall give written notice to the cited party of a hearing before the Board of Directors regarding the delinquent fine amount and related costs. The notice shall be mailed by first class mail at least 14 days before the hearing. The notice shall state:
 - 1. The citation or citations resulting in the delinquent fine amount;
 - 2. The total of the delinquent fine amount and related costs;
 - 3. The date the delinquent fine amount was due;
 - 4. The street address, assessor's parcel number, and legal description of the property upon which the violations occurred;
 - 5. The date, hour, and place of the hearing;
 - 6. A statement that the cited party or other legally responsible Person may appear and be heard; and
 - 7. A statement that unless the fine amount is paid by the date specified in a resolution by the Board of Directors, the total amount due will become a lien and special assessment on the property.

- C. Lien Hearing. At the lien hearing, the Board of Directors shall hear and consider all competent evidence about the delinquent fine amount. If it finds the amount is delinquent, it shall make a finding of fact confirming that the delinquent fine amount and related costs are due the District as costs of nuisance abatement. If the delinquent amounts are affirmed, the total amount due is to be paid to the District within five days, after which the amount due will become a lien on the property.

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

NOTICE OF LIEN

CLAIM OF THE GARDEN GROVE SANITARY DISTRICT

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

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

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

[Insert legal description.]

Dated this ____ day of _____, 2__.

Garden Grove Sanitary District

By: _____
General Manager

E. Special Assessment.

1. After the lien is confirmed and recorded, a certified copy of it shall be filed with the County Recorder. The description of the parcel reported to the County Recorder shall be the one used by the County Assessor's map book for the current year. The County Recorder shall enter each assessment on the County tax roll for the reported parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes.
2. If delinquent, the amount is subject to the same penalties and procedure of foreclosure provided for ordinary municipal taxes. As an alternative method, the County Tax Collector, in his or her discretion, may collect the assessment without reference to the general taxes, by issuing separate bills and receipts for the assessment. Laws relating to the levy, collection, and enforcement of County taxes shall apply to such special assessment.

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

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

**CHAPTER 6.20
CODE ENFORCEMENT**

Sections:

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

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

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

6.20.030 Disconnection authorized. The District may disconnect from the District sewer any commercial or residential connection which is constructed or connected without a permit or which is used contrary to the provisions of this Code. The General Manager shall make every

reasonable effort to notify the owner or occupant of the premises affected by any proposed disconnection and may grant a reasonable time for elimination of the violation.

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

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

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

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

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

6.20.080 Arrest—Release from Custody. The officer shall deliver one copy of the notice to appear to the arrested person; and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by

the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. The officer shall as soon as practicable file the duplicate notice with the magistrate specified therein.

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

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

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

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

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

6.20.140 Permit suspension.

- A. In addition to the enforcement authority herein, the General Manager may suspend a permit by giving notice thereof to the permittee:
 - 1. When a permittee fails to rectify a violation within the time specified in a notice thereof; or

2. When a violation is so aggravated as to require cessation of activities as provided in the preceding section.
- B. A permit suspended by the General Manager shall be reinstated by the General Manager when all of the violations charged in a notice thereof have been corrected.

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

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

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

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

**CHAPTER 6.30
PAYMENT AND ENFORCEMENT OF FEES**

Sections:

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

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

6.30.020 Reserved.

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

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

6.30.050 Service Termination Authority. As a method of enforcing the provisions of this Code or any other resolution, ordinance, rule or regulation pertaining to the collection or

disposal of sewage or solid waste or where any charges or fees are due, the Board upon a 3/5 vote may authorize the termination of sewer service to any property.

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

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

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