ORDINANCE NO. 12-02

AN ORDINANCE OF THE SUNSET BEACH SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA REGULATING THE COLLECTION OF REFUSE

The Board of Directors of the Sunset Beach Sanitary District Ordains as Follows:

ARTICLE I
GENERAL PROVISIONS

101. PURPOSE AND POLICY

A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of refuse collection facilities owned, operated, maintained or contracted for by the Sunset Beach Sanitary District (hereinafter called the District).

B. The District was formed on November 5, 1930, under the provisions of Sections 6400-6924 of the State of California Health and Safety Code, Sanitary District Act of 1923.

C. The Board of Directors (hereinafter called the Board) is the governing body of the District and is responsible for the operation and maintenance of all facilities of the District and exercises its authority under the Sanitary District Act of 1923 as amended.

Article II
REFUSE MANAGEMENT

201. Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

(a) "Adequate Service" means the combination of the number of collections, the number of Containers, and the size of Containers necessary so as not to cause the accumulation of Refuse outside Containers or in excess of Level Full.

(b) "Automated Residential Collection Service," means the Residential Collection Service by the District Refuse Collector, whereby the person discarding such items generally sorts Recyclable Waste Materials into a separate Residential Cart.

(c) "Basic Level of Service" means, with respect to Residential Collection Service and Automated Residential Collection Service, one or two collections of each Residential Cart per week, or that level of Collection and disposal service necessary to provide Adequate Service for the collection of Refuse generated by

each single family residence, and each dwelling unit within a duplex, a triplex, or a fourplex, as specifically provided in any given contract between the District Refuse Collector and any person for collection of such Refuse, or as provided by resolution of the District Board. Basic Level of Service does not include Refuse or substances excluded from collection by regulation of the Board or by contract, as hereinafter provided. Basic Level of Service, with respect to Commercial Collection Service, means that level of collection and disposal service necessary to provide Adequate Service.

(d) "Board" or "Board of Directors" means the governing body of the District.

(e) "District Refuse Collector" means any Person either employed by or under contract with the District to provide removal, transportation, processing, and disposition of Refuse from residents and users of premises within the District.

(f) "Collection" means the pickup, removal, and transportation of Refuse by any Person authorized to do so by the District.

(g) "Commercial Collection Service" means the collection of Refuse from all property within the District excluded from Residential Collection Service, or properties subject to Residential Collection Service, which choose to utilize Commercial Collection Service.

(g) "Commercial Container" means any vessel, tank, receptacle, dumpster, box or bin used or intended to be used for the purpose of holding any Refuse, Recyclable Material, and Recyclable Waste Material. Commercial Containers utilized in Commercial Collection Service include all types of Containers, including dumpsters or bins.

(h) "Companies" mean corporations, partnerships, and all business enterprises, associations or organizations, however designated.

(i) "District Engineer" or "Superintendent" means the individuals appointed to the position of District Engineer or Superintendent by the Board of Directors.

(j) "Hazardous Waste" means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics (a) may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(k) "Level Full" means the amount of Refuse deposited in a Residential Cart or Commercial Container so that it shall not exceed the lowest top edge thereof and still allow the lid thereof to be completely closed.

(1) "Non-combustible Refuse" means ashes, bottles, broken crockery, glass, tin cans and metallic substances or any other substances that will not incinerate through contact with flames of ordinary temperature.

(m) "Person" means any individual, firm, governmental unit, organization,

partnership, corporation, company or other entity.

(n) "Processing" means reduction, separation, recovery, conversion or recycling of Refuse.

o) "Recyclable Material" means materials that are segregated at the source from other Refuse for the purpose of Recycling and includes, but is not limited to, paper, glass, metals, wood, plastics, wastes, bulky goods, waste oil, and construction and demolition materials and which is sold or donated by the owner thereof to a third party.

(p) "Recyclable Material Collection" means the collection, transportation, storage, transfer or processing of Recyclable Materials.

(q) "Recyclable Waste Material" means discarded materials such as, but not limited to newspapers, glass and metal cans, which are separated from other Refuse for the purpose of Recycling and which are not sold or donated to a third party.

(r) "Recyclable Waste Material Collecting" means the collection, transportation, storage, transfer, or processing of Recyclable Waste Material.

(s) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed of by land filling or transformation, and returning materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products.

(t) "Refuse" means all putrescible and non-putrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, yard waste, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semi-solid wastes, and other discarded solid or semi-solid wastes, but not including Hazardous Waste, radioactive waste regulated pursuant to the State Radiation Control Law, untreated medical waste regulated pursuant to the State Medical Waste Management Act, and liquid waste. Recyclable Waste Material is considered Refuse for purposes of this Ordinance. Materials that are sold or donated by the owner thereof to a third party, and thereafter recycled, are not considered Refuse for purposes of this Ordinance. The term "Refuse" shall be synonymous with the term "solid waste" as used in the Integrated Waste Management Act, *Public Resources Code* §40000, et seq.

(u) "Refuse Collection" means the collection, transportation, storage, transfer, disposal, or processing of Refuse.

(v) "Residential Collection Service" means the collection of Refuse from each single-family residence, and each dwelling unit within a duplex, a triplex or a fourplex receiving noncommercial Refuse Collection Service. It shall not include any hotel, motel, lodge, hall, club, tourist camp, trailer camp, mobile home park, church, guard shack, pool house, community room, business or industrial establishment, or any lot containing more than four dwelling units.

(w) "Residential Cart" means a container having a capacity not to exceed sixty-five (65) gallons and furnished or supplied by the District Refuse Collector for use in the Automated Residential Collection Service. Residential Carts shall be colored brown for Refuse, and blue for Recyclable Waste Material. A 65-gallon Refuse Cart shall not be filled with more than 200 pounds of Refuse. A 35-gallon Refuse Cart shall not be filled with more than100 pounds of Refuse.

(x) "Yard Waste" means those constituents of solid waste comprised of non-soil landscape or plant materials such as tree trimmings, grass cuttings, plants, weeds, leaves, branches, trees, or similar materials.

202. Collection of Refuse, Recyclable Waste Material and Yard Waste.

(a) The District Refuse Collector shall collect Refuse and Recyclable Waste Material within the District. The Board may regulate, by ordinance or regulation, all aspects of the Residential Refuse Service and the Commercial Refuse Service, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges, fees, and nature, location, and extent of providing such Services.

(b) Any other provision of this Ordinance to the contrary notwithstanding, the District may enter into contracts with responsible persons for the collection of Refuse within the District utilizing such procurement procedures and upon such terms and conditions as are deemed appropriate by the Board.

(c) In the event of an emergency or other unforeseen or unpreventable circumstance in which the District Refuse Collector is unable to maintain Refuse Collection Service, the District Engineer or District Superintendent may issue limited or temporary permits for a period not to exceed thirty (30) days to persons or companies to perform any of the services covered by this Ordinance. The Board shall approve any service beyond thirty (30) days.

203. Residential Collection Service Charge. There shall be a charge for Residential Collection Service. Maximum rates shall be established from time to time by resolution or other action of the Board. Such charges apply to persons occupying single-family dwellings, and each dwelling unit within a duplex, a triplex or a fourplex. A dwelling shall be deemed occupied if connected to an active water service. This charge shall not apply to persons occupying residential units such as apartments, mobile home parks, or other multi-family complexes, who are currently contracting directly with the District Refuse Collector.

204. Dumping of Refuse prohibited. It shall be unlawful for any person to cast, deposit, place, sweep, throw, discard or leave any Refuse or cause such Refuse to be cast, deposited, swept, placed, thrown, discarded or left in any place, public or private, within the District without the express permission of the owner of the premises.

205. Occupant responsible for premises. Every person occupying, using or controlling any premises shall keep the premises in a clean and sanitary condition, and no person shall permit any Refuse, sewer effluent, excrement, slop or stagnant water, butcher offal, market refuse, dead animal or any other noxious or offensive matter of any kind, or any other substance that may become offensive, to be deposited or to remain thereon except as otherwise provided by law.

206. Owner liable for premises. The owner of any premises within the District shall be liable for the costs to the District for the enforcement of any provision of this Ordinance applicable to said premises.

207. Accumulation prohibited. No person occupying, using or controlling any premises within the District shall permit any Refuse to accumulate thereon, nor shall any such person maintain any accumulation of Refuse thereon, unless in either event the same is stored in a manner approved by the Superintendent or by law. It shall be

unlawful for any person to dump, deposit, place or bury Refuse in or upon any lot, land, street, or alley, whether public or private, not owned by such person nor throw such Refuse in any creek, stream, water or waterway within the District. Any unauthorized accumulation of Refuse on any premises is hereby prohibited and may be a nuisance

208. Storage.

(a) Refuse shall be stored in a container of a type approved by the Superintendent. Every such container shall be constructed of metal, plastic, or equally durable material, in such manner as to be strong, watertight, not easily corrodible, insect and rodent resistant, and shall be kept covered at all times, except when Refuse is being deposited or removed from such container. Persons in charge of residential properties served by the District Refuse Collector's Automated Residential Collection Service shall separate all Refuse and Recyclable Waste Material into the appropriate Residential Cart prior to collection. Residential Carts shall be kept in a Level Full condition. The cover shall completely close the Residential Carts so that no Refuse may be visible. Commercial Containers shall be kept in a Level Full condition. The cover shall completely and tightly close the container so as to render it fully fly and rodent proof and so that no Refuse may be visible. A sufficient number of containers shall be provided for the Basic Level of Service, in order to insure that all Refuse is contained within completely covered containers until such time as the Refuse is collected.

(b) Refuse shall be stored in such a manner that it will not provide harborage to rats, mice, bugs, pests and vermin nor cause a fire hazard.

209. Containers and transportation of Refuse. No Person other than the District Refuse Collector shall transport Refuse or Recyclable Waste Material in the District on behalf of another person in exchange for compensation. All vehicles and containers used in collecting and transporting Refuse or Recyclable Material shall be provided with metal or plastic bodies so constructed as to be leak proof and to prevent the escape of offensive odors and loss, spillage or blowing away of any contents collected or transported within the District. Such vehicles and containers shall be thoroughly cleaned to eliminate odors and decayed materials.

210. Containers—location. Property owners and tenants are each responsible for the placement of Residential Carts and any accumulation of Refuse which is for collection, and which shall be kept or placed in such a manner as not to be visible from any street or alley, whether public or private, except from noon on the day preceding collection to 10 p.m. on the day of collection. During the period of collection, Residential Carts and any accumulation of Refuse shall be placed, outside of any enclosures, no later than 6:30 a.m., as follows, unless otherwise directed by the Superintendent.

(a) On alley. On the premises, at the rear property line, where there is a through alley in the rear of the premises;

(b) Access from side entrance. On the premises at an accessible point adjacent to any side entrance thereto where no through alley exists;

(c) At curb. At the curb in front of the premises, where no through alley or side entrance exists.

(d) Unless otherwise directed, each Residential Cart shall be placed for collection in

the roadway portion of the street with such minimum clearance area as to provide clear and safe lifting for collection.

211. Container—interference. No person except the owner thereof, his /or her agent or employee, a duly authorized District employee, or any employee of the District Refuse Collector, shall interfere in any manner with any Residential Cart, or any accumulation of Refuse which is placed for Collection, nor shall any person remove such Residential Cart, or accumulation from the location where it shall have been placed by the owner, his agent or his employee.

212. Container—improper substances. No person shall place or cause or permit to be placed in any refuse container or Residential Cart any substance or material other than Refuse as defined in this Ordinance. Furniture, appliances, construction and demolition wastes, or any other waste which is of sufficient size or weight that, when placed in a refuse container or Residential Cart, prevent the lid from closing completely or cause the weight of the refuse container or Residential Cart to exceed the weight capacity stated in Paragraph 201, shall not be placed in refuse containers or Residential Carts. Persons wishing to dispose of such items shall inform the District Refuse Collector and make special arrangements to have the items removed. The District Refuse Collector may levy a charge for removal of such items under a schedule and formula to be uniformly applied, which formula and schedule shall have been approved by the Board. The District Refuse Collector shall not be required to collect Hazardous Waste.

213. Container—removal.

(a) The Superintendent may cause to be posted a notice on any container illegally placed on public or private property. The notice 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 posting of a notice to remove shall constitute constructive notice to the owner and user of the requirement to remove the container.

(b) If the container is not removed within twenty-four (24) hours after the notice to remove is posted, the Superintendent may order the removal and storage of the container and the disposal of its contents. The owner of the container shall be responsible to 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 shall be paid before the container is 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.

(c) If the identity of the owner of a container that has been removed by the District is known to the Superintendent, the Superintendent shall promptly cause notice to be mailed to the owner to claim the stored property. If the container is not claimed within ninety (90) days after removal and notice to the owner, or ninety (90) days after removal if the identity of the owner is unknown to the Director, the container and its contents shall be deemed abandoned property and may be disposed of accordingly.

(d) After the District pursuant to this paragraph has once removed a container, the owner thereof shall be deemed to have actual notice of the provisions of this article, including prohibition against the placement of unauthorized containers. In the event of a subsequent placement of a container by the same owner, or an agent of the owner, that is in violation of this Ordinance,

the Superintendent may immediately, without the posting of a notice to remove pursuant to subsection (a) of this section, direct the removal and storage of the unauthorized container and shall, in such case, give notice to the owner to claim the container pursuant to subsections (b) and (c) of this section.

214. Collection—manner. The owner, occupant, tenant or lessee of any premises shall provide or cause to be provided, Basic Level of Service for the removal of Refuse from said premises. All properties must individually dispose of their Refuse using their own containers in accordance with this Ordinance. Refuse from any building may not be disposed of in public beach or park containers within the District. Properties utilizing Commercial Collection Service shall provide Adequate Service. The District Refuse Collector shall remove from the premises all Refuse that has been properly placed for collection, whenever such Refuse is of a type and in an amount provided by contract with the District. Any removal of Refuse by the District Refuse Collector, or any person shall be performed in a neat, orderly and quiet fashion, without causing damage to the container or the lid. Any person responsible for spillage shall pick up any spilled matter, and the premises shall be left in a clean and orderly condition. Overfilled containers of Refuse creating accumulations of Refuse in or at the pickup site, shall be the responsibility of the premises owner for clean up. The security and proper Level Full of the container shall be the responsibility of the premises owner. All additional collection of any type of Refuse that does not fit into a container or causes an overfull container shall be the responsibility of the premises owner along with any additional costs for removal or extra collection services. Refuse lawfully placed for collection shall be the property of the District from the time of placement until the time of collection and shall become the property of the District Refuse Collector from the time of collection to the time of disposal.

215. Residential Refuse Collection. The District Refuse Collector shall operate and maintain Residential Refuse Collection in the District by providing the Basic Level of Service on a regularly scheduled basis, approved by the Board, not less frequently than once each week. The Superintendent may exclude from such service any item or substance deemed hazardous, obnoxious or otherwise inappropriate for such service.

216. Commercial Collection Service. Persons owning or operating premises utilizing Commercial Collection Service shall contract with the District Refuse Collector for the provision of the Basic Level of Service. The Superintendent may, by written order, require the owner and/or manager of any premises subject to Commercial Collection Service to provide Adequate Service to the premises in question

217. Special Collections-excluded Refuse.

(a) Refuse exceeding the limitation set forth in this Ordinance may be scheduled for special Collection either at regular special Collection dates or by arrangement with the District Refuse Collector.

(b) The District Refuse Collector shall make available containers and drop-off containers, provide additional collections not required by this Ordinance, pick up Refuse at points other than as required in this Ordinance or provide for the collection of greater volumes of Refuse per collection than required in this Ordinance, and shall provide any or all of these additional services at the request of the person or business being served. The District Refuse Collector may make a direct charge in each instance for such additional service under a written agreement which shall be subject to the approval of the Superintendent and at such rates as are reasonable, just and uniform for all persons or businesses being served. The District Refuse Collector shall collect all such direct charges.

(c) The removal of wearing apparel, bedding or other refuse from homes, hospitals, or other places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the County Health Officer, and such Refuse shall neither be placed in containers nor left for regular Collection and disposal.

(d) Highly flammable or explosive or radioactive Refuse shall not be placed in containers for regular Collection and disposal, but shall be removed under the supervision of the Fire Chief at the expense of the owner or possessor of the material.

(e) The Superintendent may, by written permit, authorize provision of bins and drop-off bodies if the District Refuse Collector fails to provide such service within five (5) calendar days after a customer order and such service is not thereafter provided within forty-eight (48) hours after notice to the District Refuse Collector of such failure by the Superintendent

218. Collection of Recyclable Material. Persons collecting Recyclable Material within the District shall, in addition to obtaining a business license, obtain a Recyclable Material Collection and Disposal Permit from the Superintendent prior to commencing such collection and annually thereafter. Persons operating under such a Permit shall, on a quarterly basis or at such times as determined by the Superintendent, submit a report to the Superintendent specifying the amount of Recyclable Material collected within the District, the location(s) from which the Recyclable Material was collected, and the location(s) to which the Recyclable Material was brought. Such report shall be kept confidential unless otherwise provided by law. Failure to submit timely and accurate reports shall be a basis for revocation of the Recyclable Material Collection and Disposal Permit. The Superintendent shall have the right to audit the records of Persons who have received a Permit pursuant to this Section.

219. Disposal methods. The District Refuse Collector shall dispose of Refuse in a manner approved by the Board and consistent with the provisions of this Ordinance and applicable laws.

220. Rules and regulations. The Superintendent shall make such rules and regulations as may be necessary, reasonable, and proper to enforce the provisions of this Ordinance. A copy of any rule or regulation promulgated by the Superintendent shall be provided to the Board.

221. Appeals. Any person adversely impacted by a ruling of the Superintendent may appeal such ruling to the Board. The appeal shall be in writing to the Board and shall set forth the basis of the appeal. The Board shall hold a hearing on the appeal within sixty (60) days of receipt of the written appeal. The Board shall render a written decision within thirty (30) days after the close of the hearing on the appeal by providing it to the appellant by first class mail.

222. Unauthorized collection prohibited.

(a) No person other than the District Refuse Collector shall scavenge or otherwise remove Refuse, Yard Waste or Recyclable Waste Material that has been lawfully placed for Collection.

(b) It shall be unlawful for any person to provide Refuse service within the District without the permission of the Board.

(c) It shall be unlawful for any person to utilize Refuse collection service by a Person not

permitted to provide such service by the Board.

Article III

Effective Date and Certification

This Ordinance shall be effective thirty (30) days after adoption by the Board. This Ordinance supercedes Ordinance No. 08-02, dated September 18, 2008

Should any portion of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the remaining portions thereof shall remain in full force and effect.

This Ordinance was introduced at the regular meeting of the Board of Directors of the Sunset Beach Sanitary District held on November 8, 2012, and adopted by the Board of Directors at the regular meeting held on December 13, 2012

SECRETARY CERTIFICATION

I, Robert P. Hendler, Secretary of the Board of the Sunset Beach Sanitary District, do hereby certify that the foregoing Ordinance was introduced and passed by the District at a regular meeting by the following vote:

Ayes:	Gregory F. Griffin, John H. woods, Robert P. Hendler, Graham Hoad, Jon Regnier
Nays:	None
Absent:	0

Attest:

R. Hendler

Robert P. Hendler, Secretary

This Ordinance shall become effective thirty (30) days after adoption.