

Division 3 - SEWAGE AND SOLID WASTE DISPOSAL

ARTICLE 1. - CONSTRUCTION SITE SANITATION FACILITIES

Sec. 4-3-1. - Definitions.

The following terms as used in this article shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

Building Inspector means the Superintendent of Building and Safety of the County of Orange.

Health Department means the Health Department of the County of Orange.

Person means any person, firm, corporation or any county, municipal corporation or public district of the State of California.

Sanitary facility means water flush toilet approved by the Health Department connected to an approved sewage disposal system or chemical type toilet approved by said Health Department.

Work means the erection, construction, alteration, repair, razing, adding to, removal or demolition of any building or buildings; the construction or repair of any street, road, highway, railroad, installation of sewers, water lines; or the improvement of any grounds for parks, playgrounds, airports or for any similar purpose.

(Code 1961, § 43.011)

Sec. 4-3-2. - Sanitary facilities to be provided.

It shall be unlawful for any person to commence or proceed with any work unless before commencing or proceeding with said work adequate and suitable sanitary facilities are provided for the use of persons employed on said work. The sanitary facilities provided shall be located upon the site upon which such work is being done, or in case it is impractical to locate said facilities upon the site, such sanitary facilities must be located not more than two hundred fifty (250) feet from the site of the work. Not less than one (1) sanitary facility shall be provided for each twenty (20) persons or fraction thereof employed upon the work.

(Code 1961, § 43.012)

Sec. 4-3-3. - Sanitary facility specifications.

All sanitary facilities shall be completely enclosed on all sides and top and shall be equipped with a self-closing door. The floor of the enclosure shall be six (6) inches above ground level and shall be smooth, and screened ventilation shall be provided for sanitary facility compartment. All sanitary facility enclosures shall have an inside area of at least fifteen (15) square feet for each sanitary facility enclosed. Each sanitary facility enclosure shall contain at least one (1) sanitary facility with seat and cover and one (1) separate urinal. The ceiling height of the sanitary facility enclosure shall be a minimum of six (6) inches.

(Code 1961, § 43.013)

Sec. 4-3-4. - Sanitary facility specifications in special situations.

On work employing not more than fifteen (15) persons at any time on any premises that does not abut any street, alley or easement in which a public sewer is available for connection or for the erection of

a single dwelling a pit privy may be maintained in lieu of the sanitary facilities referred to in section 4-3-3 hereof. The privy vault shall be at least three (3) feet in depth and not less than six (6) square feet in area.

The foundation or floor thereof and the riser seat therein shall be so constructed and maintained as to provide a completely fly-tight vault. No privy shall be constructed or maintained within four (4) feet of the property line or within ten (10) feet of any sidewalk or public way or within fifty (50) feet of any residence or any premises used for residential purposes. No privy shall be built or maintained within a radius of five hundred (500) feet from any grocery store, delicatessen, meat market, public eating place or school or within one hundred (100) feet of a water well. Whenever the use of a privy vault is discontinued, the vault contents shall be covered to a depth of not less than one (1) foot with compacted earth.

(Code 1961, § 43.014)

Sec. 4-3-5. - Maintenance of sanitary facility.

All sanitary facility enclosures provided for by this article shall be maintained in a clean and sanitary condition at all times and shall be kept supplied with toilet paper. Pit privies shall be disinfected with a suitable material to prevent odors and fly breeding. Chemical type sanitary facilities shall be completely pumped out at sufficiently frequent intervals to prevent odors and overflowing and shall be recharged with a fresh non-skinburning chemical.

(Code 1961, § 43.015)

Sec. 4-3-6. - Enforcement.

It shall be the duty of the Building Inspector, the Health Department and all peace officers charged with the enforcement of law to enforce this article and all the provisions of the same.

(Code 1961, § 43.016)

Secs. 4-3-7—4-3-16. - Reserved.

ARTICLE 2. - SOLID WASTE MANAGEMENT

Sec. 4-3-17. - Definitions.

All references to this section shall include sections 4-3-18 through 4-3-43.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-18. - Definitions (A).

Authorized recycling agent means any person that the County authorizes or contracts with to collect its recyclable waste material.

(Ord. No. 3829, § 1, 7-16-91)

Sec. 4-3-19. - Definitions (B).

Board means Board of Supervisors, County of Orange.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-20. - Definitions (C).

City means any incorporated city.

Collector means any person who operates a service for the collection and transportation of solid wastes from residential, commercial, institutional or industrial premises.

Commercial premises means any building or site (other than residential premises) in the solid waste collection area from which any business, service, non-profit, governmental, institutional, commercial, or industrial activity is conducted and from which County solid waste is generated, produced, or discarded, including without limitation, motels, hotels, recreational vehicle parks, restaurants, professional offices, clubhouses, places of entertainment, manufacturing plants, and private schools. Businesses or business activities operated from single-unit dwellings using bulk containers shall be deemed to be commercial premises.

Commercial waste means solid waste generated, produced, or discarded by or at commercial premises.

Commission means the Waste Management Commission.

Construction and demolition waste means solid waste generated, produced, or discarded in connection with construction, demolition, landscaping, or general clean-up activities within the solid waste collection area, including without limitation concrete, plaster, drywall, greenwaste, wood scraps, metals, dirt, rock and rubble.

Container means any receptacle for solid waste storage.

County means County of Orange.

County department means any department of the County.

County disposal facility means a disposal facility maintained and operated by the County for the disposal of solid waste.

County island means a portion of unincorporated area of the County bounded by one or more incorporated cities and/or by another county, when so designated by the Board of Supervisors.

County solid waste means solid waste that was originally discarded by the first generator thereof, prior to processing, within the unincorporated area of the County.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 1, 6-17-86; Ord. No. 3829, § 2, 7-16-91; Ord. No. 3852, § 1, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-21. - Definitions (D).

Department means the Integrated Waste Management Department.

Director means the Director, Integrated Waste Management Department.

Disposal means the final disposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

Disposal facility means any facility or location where disposal of solid waste occurs.

District means any special purpose district authorized by state law to provide for collection of disposal of solid waste.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2873, § 5, 11-4-75; Ord. No. 3829, § 3, 7-16-91; Ord. No. 98-15, § 37, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-22. - Definitions (E).

Exclusive solid waste handling services means any action by the County, whether by franchise, contract, license, permit, or otherwise, whereby one or more solid waste enterprises has the exclusive right to provide solid waste handling services of any type within a portion of the unincorporated area of the County of Orange.

(Ord. No. 3829, § 4, 7-16-91)

Sec. 4-3-23. - Definitions (F).

Franchise area means solid waste franchise area.

Franchise means any authorization granted pursuant to this division in terms of a franchise, privilege, or permit to provide solid waste handling services within all the area of the unincorporated County described in each franchise agreement issued pursuant to this division.

Franchise agreement means a document executed by the County and the franchisee in which is set forth the terms of the franchise for all or a specific portion of the unincorporated area of the County.

Franchisee means the solid waste enterprise that has been granted a franchise by the Board to engage in the collection, transportation, and/or disposal of solid wastes in all or a specific area of the unincorporated area of the County.

(Ord. No. 3829, § 5, 7-16-91; Ord. No. 3852, § 2, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-24. - Definitions (G).

Generator means any person that generates, produces, or discards County solid waste.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3829, § 6, 7-16-91; Ord. No. 3852, § 3, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-25. - Definitions (H).

Health Officer means the director of the County's Health Care Agency or his designee.

Highway shall mean any street, road, alley, highway or thoroughfare.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 98-15, § 38, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-26. - Definitions (I).

Industrial waste means any liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

(Ord. No. 2622, § 2, 9-19-72)

Secs. 4-3-27, 4-3-28. - Reserved.

Sec. 4-3-29. - Definitions (L).

Local Area Enforcement Agency means the agency responsible for ensuring the correct operation and closure of solid waste facilities in the state and for guaranteeing the proper storage and transportation of solid wastes.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-30—4-3-32. - Reserved.

Sec. 4-3-33. - Definitions (P).

Person means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, municipality, district or other political subdivision or any group or combination acting as a unit.

Planning Director means the Director of County's Planning and Development Services Department.

Processor means any person regularly engaged in the processing and/or recycling of solid wastes.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2873, § 5, 11-4-75; Ord. No. 3829, § 7, 7-16-91; Ord. No. 3852, § 4, 12-17-91; Ord. No. 98-15, § 39, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-34. - Reserved.

Sec. 4-3-35. - Definitions (R).

Residential premises means single-unit dwellings and multiple-unit dwellings lawfully occupied for human shelter.

Residential solid waste means solid waste generated, produced, and/or discarded by or at residential premises.

Recycle or *recycling* means the process of collecting, sorting, cleansing, treating, and reconstituting materials that 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.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3829, § 8, 7-16-91; Ord. No. 3852, § 5, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-36. - Definitions (S).

Scavenging means the uncontrolled and/or unauthorized removal of solid waste materials.

Segregated from other waste materials means any of the following:

- (a) The placement of recyclable materials in separate containers.
- (b) The binding of recyclable material separately from the other waste material.
- (c) The physical separation of recyclable material from other waste material.

Solid waste means solid waste as defined in California Public Resources Code § 40191.

Solid waste enterprise means any individual, joint venture, partnership, unincorporated private organization or private corporation regularly engaged in the business of providing solid waste handling services.

Solid waste franchise area means those portions of the County designated on certain maps entitled "Solid Waste Franchise Areas, Orange County, California," including all amendments and changes thereto, which maps are on file in the Department. Areas previously known as "permit areas" are now designated solid waste collection areas.

Solid waste handling services includes the collection, transportation, storage or transfer, processing, recycling and disposal of solid wastes.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3829, § 9, 7-16-91; Ord. No. 3852, § 6, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-37. - Definitions (T).

Temporary waste means County solid waste and/or construction demolition waste collected from a generator for a temporary period or for a specific project such as yard clean-up, remodeling, or construction, and shall not include solid waste collection as part of on-going solid waste collection services.

Transfer facility includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

Transfer facility does not include any of the following:

- (1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.
- (2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.
- (3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to section 43309 of the Public Resources Code of the State of California.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 98-15, § 40, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-38. - Reserved.

Sec. 4-3-39. - Definitions (V).

Vehicle means any truck, trailer, semitrailer, passenger car, station wagon, pickup or conveyance used or intended to be used for the purpose of collecting, hauling or transporting solid waste upon public highways.

(Ord. No. 2622, § 2, 9-19-72)

Secs. 4-3-40—4-3-43. - Reserved.

Sec. 4-3-44. - Solid waste storage.

- (a) Solid waste: Every person occupying or having charge or control of any premises in the County, in or on which any solid waste may or does accumulate or exist, shall place and keep all such solid waste upon said premises in a container. Such container shall be kept in a sanitary condition and in good repair at all times.

- (b) Except for mechanically dumped containers, the weight of containers, including contents, at time of collection shall not exceed fifty (50) pounds. The container shall have a capacity of not more than forty (40) gallons.
- (c) Containers which do not conform to the standards shall be tagged by the collector.
- (d) Except for mechanically dumped containers specifically provided for the collection of yard and tree trimmings, yard and tree trimmings shall either be placed in a container or shall be securely tied in bundles measuring not more than four (4) feet long and two (2) feet in diameter and weighing not more than fifty (50) pounds.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 98-15, § 41, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-45. - Solid waste removal.

- (a) Residential solid waste or solid waste from other places of human habitation shall be removed from the premises at least once each week.
- (b) Solid waste created, produced or accumulated at motels, hotels, restaurants, boardinghouses or other like business establishments shall be removed from the premises at least once every four (4) days. If conditions warrant, the Health Officer may require a greater frequency of removal.
- (c) It is unlawful for the person having control or possession of the premises described in the preceding subsections to fail or neglect to provide for the removal of solid waste. Each day's violation of this section shall be treated and considered as a separate and distinct offense.
- (d) Residential solid waste containers shall be placed adjacent to the public highway, or curb thereon, not earlier than twenty-four (24) hours before collection is scheduled and removed therefrom not later than twenty-four (24) hours after collection.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 98-15, § 41, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-46. - Solid waste collection and transportation.

Districts providing for collection of solid waste shall continue to have the power and responsibility for such collection and transportation within their boundaries.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-47. - Unlawful transportation or collection of solid waste.

Except as otherwise provided in this article, it is unlawful for any person other than a franchisee to transport or collect solid waste in the unincorporated areas of this County.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 2, 6-17-86; Ord. No. 3852, § 7, 12-17-91)

Sec. 4-3-48. - Exemptions.

Any persons hauling their own solid waste or solid waste generated by themselves, such as persons hauling solid waste from their own residence or from agricultural operations; and public agencies or municipalities hauling solid waste; and industrial, commercial and building contractors hauling refuse generated by themselves shall not be required to have a franchise.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 3, 6-17-86; Ord. No. 3852, § 8, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-49—4-3-53. - Reserved.

Sec. 4-3-54. - Reserved.

Editor's note— Section 4-3-54, relating to existing franchises, derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972, was repealed by § 4 of Ord. No. 3591, adopted June 17, 1986.

Sec. 4-3-55. - Community associations.

- (a) Except as set forth in subsection (b) below, community associations or mutual homeowner associations in the unincorporated areas of the County shall be serviced by the franchisee holding the residential franchise of that portion of the unincorporated area where the association is located.
- (b) When a community association or mutual homeowner association in an unincorporated area of the County has a contract with a solid waste enterprise entered into on or before December 1, 1991, that association may continue to select and use the solid waste enterprise of its choice. Such solid waste enterprise will have the same obligations as a franchisee under this article.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2761, § 1, 5-21-74; Ord. No. 3852, § 9, 12-17-91)

Sec. 4-3-56. - Solid waste franchise areas.

- (a) The unincorporated portions of the County shall be divided into solid waste franchise areas for the purpose of solid waste collection and transportation and they shall be designated by the Board of Supervisors. Those portions of each franchise area that represents unincorporated County areas are identified as solid waste collection areas. These collection areas shall also define how a franchise area is divided among franchisees.
- (b) The Director shall maintain maps of the solid waste collection areas which shall be kept on file in the Department.
- (c) The solid waste collection areas shall be designated by resolution and may be modified by the Board from time to time. All franchisees in any area affected by such modification shall be given sixty (60) days' written notice before such modification is effected. Said notice may be waived by agreement between the franchisee and the Department. It shall be unlawful for any person other than franchisees to operate a collection or transportation service within the unincorporated area except as specifically authorized within the boundaries of a solid waste franchise area.
- (d) Solid waste collection areas shall be serviced in the unincorporated areas by franchisees on an exclusive basis. The Board may award separate exclusive franchises for residential and/or commercial solid waste handling services within a single solid waste franchise area when it determines that such an action is in the best interests of those persons to be served by such separate exclusive franchises.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 5, 6-17-86; Ord. No. 3829, § 10, 7-16-91; Ord. No. 3852, § 10, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-57. - Charges.

All charges for services shall be approved by the Board and shall be nondiscriminatory and uniform for equal services rendered. A franchisee's residential and commercial rates within a franchise area shall be uniform.

Franchisees shall permit access to the County, on demand of the Director, to subscriber lists showing names and addresses of subscribers in the unincorporated area, frequency of collection, rate charged subscriber, and type of account, whether residential, commercial or industrial.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 6, 6-17-86; Ord. No. 3829, § 11, 7-16-91; Ord. No. 3852, § 11, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-58. - Payments.

Billings may be made so that payment for service is due quarterly, in advance. In lieu of advance quarterly payments, the subscriber may post with the collector, a two-month payment deposit refundable upon termination of service and provided all bills have been paid.

(Ord. No. 2622, § 2, 9-19-72)

Secs. 4-3-59—4-3-63. - Reserved.

Sec. 4-3-64. - Investigations.

The Department may, if deemed necessary, require a franchisee to provide a verified current operating expense report to ascertain if fees charged subscribers are reasonable, nondiscriminating and uniform for equal service.

Complaints of discrimination and/or overcharging by a customer shall be submitted, in writing, to the Department, and the Director will conduct an investigation. The result of the investigation will be communicated in writing to the complainant and the involved franchisee.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3852, § 12, 12-17-91)

Sec. 4-3-65. - Required services.

The franchisee shall, when deemed essential to the public health and safety by the Health Officer, and directed by the Director, provide collection service to any resident or to any commercial or industrial establishment located within the franchise area desiring such collection service at the regular rate.

The Director may require the franchisee to provide service to an adjacent franchise area, when necessary to insure that an adequate collection service is provided the public, at a rate to be approved by the Board.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3852, § 13, 12-17-91)

Sec. 4-3-66. - Suspension of service.

A franchisee may deny service to a subscriber for reason of failure to pay his just bill or for any substantial refusal to comply with the requirements of this Code, after giving the subscriber two (2) weeks' notice and an opportunity to comply. The Department and the Health Officer shall be notified in writing of any proposed service denial seven (7) days prior to ceasing service to the subscriber.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3852, § 14, 12-17-91)

Sec. 4-3-67. - Franchise required for solid waste collection services.

- (a) Except as provided for in subsection (b) and pursuant to Section 4-3-48, only solid waste enterprises holding an exclusive franchise agreement, may collect County solid waste in the unincorporated areas of the County.
- (b) The collection of temporary waste in temporary containers and/or drop-off boxes in the unincorporated areas of the County shall only be done by solid waste enterprises holding a non-exclusive franchise agreement or holding the exclusive franchise for solid waste collection for the franchise area in which the temporary waste is collected.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2761, § 1, 5-21-74; Ord. No. 3591, § 7, 6-17-86; Ord. No. 3829, § 12, 7-16-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-68. - Reserved.

Editor's note— Section 4-3-68, relating to existing solid waste collectors and transporters, derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972, was repealed by § 8 of Ord. No. 3591, adopted June 17, 1986.

Secs. 4-3-69—4-3-73. - Reserved.

Sec. 4-3-74. - Fees.

Solid waste enterprises holding exclusive and/or non-exclusive franchise agreements shall pay a fee to cover the County's costs in administering those franchises. The Board of Supervisors may set those franchise fees by resolution, or the Board of Supervisors may approve a formula to be used to calculate the franchise fee. Fees shall be paid in full annually, and shall be computed to recover all costs of the County for administration and operation of the franchise process.

Residential franchise fees for exclusive franchises will be allocated among residential franchisees in proportion to each franchisee's share of the total number of residential subscribers in County unincorporated areas. Commercial franchise fees for exclusive franchises will be allocated to each franchise in proportion to each franchisee's share of the total gross receipts from commercial accounts in County unincorporated areas.

The foregoing fees shall be paid to the Department.

All such fees shall be credited to the Integrated Waste Management Department Enterprise Fund.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3269, § 1, 7-7-81; Ord. No. 3591, § 9, 6-17-86; Ord. No. 3852, § 16, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-74.1. - Excavation of disposal facilities or disposal sites.

- (a) No person shall excavate any solid waste from a disposal facility or disposal site and transfer the solid waste to a County-owned, operated or controlled disposal facility or disposal site without prior approval from the Local Area Enforcement Agency and recommendation by Director.
- (b) The Director shall have the authority to control all aspects of the disposition of materials excavated from disposal facilities or disposal sites. This includes, but is not limited to, point of delivery, time, day and rate of delivery and any mitigation measures deemed appropriate.

(Ord. No. 3272, § 1, 7-28-81; Ord. No. 98-15, § 42, 12-8-98; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-75. - Bonds and insurance.

The Board from time to time may, by resolution, establish bond requirements as it may deem necessary.

Franchisee shall:

- (a) Obtain and keep in force during the term of the franchise insurance coverage required by the franchise agreement.
- (b) Agree to appear and defend all actions against the County arising out of the exercise of said franchise, and indemnify County as required by the franchise agreement.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3320, § 1, 4-20-82; Ord. No. 3591, § 10, 6-17-86; Ord. No. 3852, § 17, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-76. - Reserved.

Editor's note— Section 4-3-76, relating to renewal of permits, derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972, was repealed by § 11 of Ord. No. 3591, adopted June 17, 1986.

Sec. 4-3-77. - Reserved.

Editor's note— Ord. No. 3852, § 18, adopted December 17, 1991, repealed § 4-3-77 in its entirety. Former § 4-3-77, concerning cancellation of permits, derived from Ord. No. 2622, § 2, adopted September 19, 1972.

Sec. 4-3-78. - Assignment.

The franchisee shall not sell, assign, subcontract, or transfer a franchise, nor any of the rights and privileges granted thereby, without the prior written approval of the Board as required by the franchise. Disregard of any of the preceding is sufficient grounds for the Board to declare a breach of the franchise agreement. The franchisee shall file a statement of ownership and management at such times as requested by the Director, and shall verify the same as being true and correct under the penalty of perjury.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2761, § 1, 5-2-74; Ord. No. 3591, § 12, 6-17-86; Ord. No. 3852, § 19, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-79—4-3-83. - Reserved.

Sec. 4-3-84. - Equipment.

Vehicles used in the collection or transportation of solid waste shall comply with the requirements of the franchise agreement.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 13, 6-17-86; Ord. No. 3852, § 20, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-85. - Hours and schedule of collections.

Residential solid waste collection shall be made only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday on a schedule that must be approved by the Department.

Residential collections shall be made at least once weekly.

Except as provided in the franchise agreement, the collector is not required to pick up dirt, rocks, building material, furniture, appliances, water heaters, automobile parts, or other bulky items or any object weighing more than fifty (50) pounds or longer than four (4) feet.

The schedule for other than residential collections shall be mutually agreeable to the customer.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3829, § 13, 7-16-91; Ord. No. 3852, § 21, 12-17-91; Ord. No. 98-15, § 43, 12-8-98; Ord. No. 03-008, § 2, 1-28-03; Ord. No. 06-009, 9-12-06)

Sec. 4-3-86. - Complaints.

Service complaints shall be investigated by the Department in accord with the franchise agreement, and unless a satisfactory settlement is effected the Board may be requested to hold a hearing by any of the parties involved, including the Department. Unsatisfactory service is sufficient cause for the Director to suspend a franchise pending a Board hearing for revocation.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3852, § 22, 12-17-91)

Sec. 4-3-87. - Offices.

Franchisees shall maintain an office at some fixed place within the County and shall maintain a listed telephone there. Such listings shall be in the firm name and shall be on the exchange of the area serviced or a toll-free number. The franchisee shall maintain a system for customer complaints as provided for in the franchise agreement.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3852, § 23, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-88. - Franchise suspensions and revocation.

In the event of default by franchisee, franchise may be terminated as provided in the franchise agreement. In the event of termination of a franchise, the Director may make such arrangements with others as are necessary for furnishing collection or transportation services in the franchise area. Franchise revocation may be done only by the Board in accordance with the terms of the franchise agreement. Nothing in this section is intended to limit other remedies available to the County under the franchise agreement.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3591, § 14, 6-17-86; Ord. No. 3852, § 24, 12-17-91; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-89—4-3-93. - Reserved.

Sec. 4-3-94. - Reserved.

Editor's note— Ord. No. 03-008, § 1, adopted Jan. 28, 2003, repealed section 4-3-94 in its entirety. Former section 4-3-94 pertained to appeals and derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972.

Sec. 4-3-95. - Transportation of solid waste.

No person shall convey or transport solid wastes upon or along any public highway in the County unless such solid waste is contained and/or covered or otherwise secured so as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported. All vehicles and equipment used in the transport of any form of refuse shall be kept clean. No person shall drain the liquid from any such vehicle upon any road or highway or upon any other land in such manner as to create an unsanitary condition. Persons hauling solid wastes on the public highways shall completely empty the solid wastes from their vehicles and/or containers at the disposal site, or recover them if they are not completely emptied, in order to prevent the scattering of residue on the return trip.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-96. - Director's rules and regulations.

The director, in consultation with the Health Officer, shall have the power and duty to promulgate rules and regulations to regulate the collection and/or transportation of solid waste in the unincorporated areas of the County.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-97. - Disposal facilities.

The Board shall establish and set aside or designate locations within the County to be used as public solid waste disposal facilities. These facilities shall be known as County disposal facilities.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-98. - Unlawful dumping.

It shall be unlawful for any person to place, deposit, or dump solid waste of any kind whatsoever upon any private or public property within a distance of one thousand (1,000) feet from any public highway in the County, or within a distance of five hundred (500) feet from any established residence or dwelling house within said County, or to cause or suffer or permit such solid waste to be placed, deposited, or dumped upon any public or private property within a distance of one thousand (1,000) feet of any public highway or within a distance of five hundred (500) feet of any established residence or dwelling house in the County, without first having obtained a use permit pursuant to the zoning laws of the County, as now or hereinafter amended, or pursuant to any other zoning law that may be hereinafter adopted in the place and stead of said zoning laws of the County.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3368, § 1, 2-22-83)

Sec. 4-3-99. - Nonpayment of disposal fees.

It shall be unlawful for any person to place, deposit or dump solid waste at a County disposal facility without proper payment of fees established by resolution of the Board.

(Ord. No. 3368, § 2, 2-22-83)

Sec. 4-3-100. - Unlawful dumping of tires.

It shall be unlawful for any person to dispose, abandon or dump any automobile, truck or bicycle tire(s) or any other type of tire(s) upon any private or public property other than at a transfer or disposal

facility permitted by law to dispose of such tire(s) or by any otherwise lawful disposal method, such as a recycling facility.

(Ord. No. 3778, § 1, 1-2-90; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-101—4-3-103. - Reserved.

Sec. 4-3-104. - Supervision of Director.

All County disposal facilities shall be under the supervision of the Director who shall have the power and duty to promulgate rules and regulations regulating the use by the public and the operation of such disposal facilities. Any rule adopted by the Director pursuant to this section shall be posted in a conspicuous place at the disposal facility to which it pertains, and the violation of any such rule shall constitute a violation of this article.

The Director is hereby authorized and directed to erect and maintain signs upon County disposal facilities, which signs shall designate those areas where the dumping of solid wastes is permitted. It shall be unlawful for any person to place, deposit or dump solid wastes in any form in or upon the County disposal facilities except in those areas or portion thereof designated by such signs erected by the Director. It shall be unlawful for any person to place, deposit or dump solid wastes in any form in areas or portions of such County disposal facilities designated by signs erected by the Director as areas wherein the dumping of solid wastes is prohibited.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-105. - Signs.

The Director is hereby authorized and directed to erect and maintain signs upon County disposal stations, which signs shall designate those areas where the dumping of solid wastes is permitted. It shall be unlawful for any person to place, deposit or dump solid wastes in any form in or upon the County disposal station except in those areas or portion thereof designated by such signs erected by the Director. It shall be unlawful for any person to place, deposit or dump solid wastes in any form in areas or portions of such County disposal stations designated by signs erected by the Director as areas wherein the dumping of solid wastes is prohibited.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-106. - Prohibited waste.

It shall be unlawful for any person to place, deposit or dump or cause to be placed, deposited or dumped any hazardous wastes, or other waste not permitted under the solid waste facilities permit for the County disposal facilities.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Secs. 4-3-107, 4-3-108. - Reserved.

Editor's note— Ord. No. 03-008, § 1, adopted Jan. 28, 2003, repealed sections 4-3-107 and 4-3-108 in their entirety. Former sections 4-3-107 and 4-3-108 pertained to bulky solid waste and industrial waste, respectively, and derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972.

Sec. 4-3-109. - Assistance to Disabled Vehicles.

If the Director determines that a disabled vehicle at a disposal facility is in danger or is interfering with disposal operations, he shall take action to remove the vehicle to the nearest safe location accessible to emergency repair personnel or for towing.

(Ord. No. 3432, § 1, 1-24-84)

Secs. 4-3-110—4-3-113. - Reserved.

Sec. 4-3-114. - Reserved.

Editor's note— Ord. No. 03-008, § 1, adopted Jan. 28, 2003, repealed section 4-3-114 in its entirety. Former section 4-3-114 pertained to liquid waste and derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972.

Sec. 4-3-115. - Reserved.[\[1\]](#)

Footnotes:

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Editor's note— Section 3 of Ord. No. 3368, adopted Feb. 22, 1983, repealed former § 4-3-115, pertaining to military establishments, and derived from Ord. No. 2622, § 2, enacted Sept. 19, 1972; and Ord. No. 3269, enacted July 7, 1981.

Sec. 4-3-116. - Solid waste outside County.

- (a) It shall be unlawful for any person to place, deposit or dump or cause to be placed, deposited or dumped in or upon any County disposal station any solid wastes originating outside of the County. In any prosecution for the violation of this section, it shall be presumed that any solid waste brought to or deposited or dumped in or upon any County disposal station by any person who is not an inhabitant of the County and not regularly engaged in the business of collecting solid waste, is solid waste originating outside of the County. The Director may require a person suspected of having solid waste originating outside the County in his possession and in the process of disposing of it in a County disposal facility, to prove under the penalty of perjury the origin of the solid waste. The form of proof shall be determined by the Director. The solid waste may not be dumped until permission is granted by the Director or his authorized agent.
- (b) Notwithstanding subsection (a) above, The Board of Supervisors may contract to provide disposal services for solid waste originating outside of Orange County.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3940, § 1, 6-27-95; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-117. - Removal of salvage.

It shall be unlawful for any person in or upon any County disposal station to salvage or collect therein or remove therefrom any trash, junk or other materials or substances whatsoever, except with the written permission of the Board.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-118. - Reserved.

Editor's note— Ord. No. 03-008, § 1, adopted Jan. 28, 2003, repealed section 4-3-118 in its entirety. Former section 4-3-118 pertained to loitering and derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972.

Sec. 4-3-119. - Unauthorized removal of recyclable materials.

It shall be unlawful for any person, other than the authorized recycling agent of the County, to remove paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or other recyclable materials and placed at a designated collection location for the purposes of collection and recycling.

No person shall be subject to an action for a violation of this section unless the person knows, or reasonably should know, that the materials would otherwise be collected by the authorized agent for the purpose of recycling the materials.

(Ord. No. 3829, § 14, 7-16-91)

Sec. 4-3-120. - Disposal of recyclable materials.

Nothing in this article limits the right of any person to sell, donate, or otherwise dispose of his or her recyclable materials.

(Ord. No. 3829, § 15, 7-16-91)

Sec. 4-3-121. - Enforcement.

Any person violating any provision of this article is guilty of a misdemeanor.

(Ord. No. 3829, § 16, 7-16-91)

Secs. 4-3-122, 4-3-123. - Reserved.

Sec. 4-3-124. - Exceptions.

No provision of this article shall apply to the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health; and, provided further, that these provisions shall not apply to an individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby create a public nuisance or adversely affect the public health.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-125. - Enforcement.

The general provisions of this article and the rules and regulations adopted pertaining to the public health, safety and well-being of the public shall be enforced by the Health Officer. He shall be empowered to investigate any violation of this article and, for such purposes, he shall have the powers of a peace officer. This enforcement responsibility shall apply to all public health aspects of the solid waste handling activities within the unincorporated area of the County. If necessary, and after proper notice and hearing,

he may abate a nuisance and the person having control or possession of the premises abated will be liable to the County for the costs of such abatement. These costs may be recovered in a civil action.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-126. - Administration.

The Director shall be responsible for the operation, care, administration and management of all the County disposal facilities and solid waste collection and transportation in the unincorporated area.

(Ord. No. 2622, § 2, 9-19-72)

Sec. 4-3-127. - Integrated Waste Management Plan.

The Director shall develop an Integrated Waste Management Plan as required by State and Federal law. This Plan shall be approved by the Board.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 3829, § 17, 7-16-91; Ord. No. 3918, § 5, 5-10-94; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-128. - Reserved.

Editor's note— Ord. No. 3829, § 18, adopted July 16, 1991, repealed § 4-3-128 in its entirety. Former § 4-3-128 was concerned with solid waste processor registration, and derived from Ord. No. 2622, § 2, adopted September 19, 1972.

Secs. 4-3-129—4-3-133. - Reserved.

Sec. 4-3-134. - Reserved.

Editor's note— Ord. No. 03-008, § 1, adopted Jan. 28, 2003, repealed section 4-3-134 in its entirety. Former section 4-3-134 pertained to review procedures and derived from Ord. No. 2622, § 2, adopted Sept. 19, 1972.

Sec. 4-3-135. - Approval of disposal facilities.

The Director, in establishing disposal facilities, shall comply with all applicable Federal and State laws and regulations relating to air, land and water pollution, public health and planning and zoning.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 03-008, § 2, 1-28-03)

Sec. 4-3-136. - Orange County Waste Management Commission.

- (a) An Orange County Waste Management Commission is established.
- (b) The Commission is to be governed by bylaws approved by the Board of Supervisors. The Commission by laws shall include, but not be limited to, the following:
 - (1) The subject matter(s) to be considered by the Commission.
 - (2) The composition of the Commission.

- (3) The terms of office of the Commission Members.
- (c) The Commission shall make recommendations to the Board of Supervisors on the matters provided for in the Commission bylaws.
- (d) The meetings of the Commission are to be open to the public. Meetings shall be held in accordance with the Ralph M. Brown Act, Government Code section 54950 et seq.
- (e) Each member of the Commission shall receive compensation as provided by Resolution of the Board of Supervisors for each Commission meeting attended not to exceed the number of meetings specified by such resolution; provided however, that any city manager member or County employee member or their designee shall not receive compensation.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2873, § 5, 11-4-75; Ord. No. 3368, § 4, 2-22-83; Ord. No. 3594, § 1, 7-15-86; Ord. No. 3632, § 1, 5-19-87; Ord. No. 3829, § 19, 7-16-91; Ord. No. 98-12, § 1, 9-22-98)

Sec. 4-3-137. - Integrated planning.

The Planning Director shall work closely with the Director, assisting him to the maximum extent possible in the planning for disposal facilities (including the preparation of environmental impact reports), integrating such planning with all other land use planning and the County general planning program, to assure that solid waste management is planned and designed in compatibility with planned land use.

(Ord. No. 2622, § 2, 9-19-72; Ord. No. 2873, § 5, 11-4-75)

Secs. 4-3-138—4-3-147. - Reserved.

ARTICLE 3. - RESERVED^[2]

Footnotes:

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Editor's note— Ord. No. 3987, § 1, adopted July 22, 1997, codified herein as § 4-13-100(c), repealed the provisions of Art. 3 in their entirety. Former Art. 3 pertained to industrial waste disposal, and derived from the Code of 1961, §§ 43.041—43.0423.

Secs. 4-3-148—4-3-199. - Reserved.