**ORDINANCE NO. 2021-\_\_\_**

**AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, AMENDING TITLE 4 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE BY AMENDING DIVISION 3, ARTICLE 2 AND ADDING ARTICLE 4,**

**REGARDING ORGANIC WASTE DISPOSAL REDUCTION**

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.

The following terms as used in this Division 3 shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

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 a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

*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 approved 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 OC Waste & Recycling Department.

*Director* means the Director of OC Waste & Recycling Department or their designee.

*Discarded material franchise area* means those portions of the County designated on certain maps entitled "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 discarded material collection areas.

*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 discarded material franchise area.

*Franchise* means any authorization granted pursuant to this division in terms of a franchise, privilege, or permit to provide discarded material 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 discarded materials 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 their 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* (“LEA”) 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, co-partnership, 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.

*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 with fewer than five (5) units 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 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 or as otherwise approved by Director.

(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 seven (7) days or as otherwise approved by Director.. 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. - Discarded material collection and transportation.

Districts providing for collection of discarded materials 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 discarded materials 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. Any persons who self-hauls their discarded materials must abide by Section 4-3-208.

(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. - Discarded materials franchise areas.

(a)  The unincorporated portions of the County shall be divided into discarded materials franchise areas for the purpose of discarded materials 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 discarded material franchise areas. These collection areas shall also define how a franchise area is divided among franchisees.

(b)  The Director shall maintain maps of the franchise areas which shall be kept on file in the Department.

(c)  The franchise 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)  Discarded material franchise 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 discarded material handling services within a single discarded material 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 discarded material 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 discarded materials 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 discarded material 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 OC Waste & Recycling 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, unless otherwise approved by Director.

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 re-cover 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]](#fn_47)

Footnotes:

--- (**1**) ---

**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 Director.

(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. They shall be empowered to investigate any violation of this article and, for such purposes, they 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, they 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. – Reserved.

(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

Sec. 4-3-148-4-3-199. - Reserved.

ARTICLE 4. - ORGANIC WASTE DISPOSAL REDUCTION

Sec. 4-3-200. – Purpose and Findings.

Orange County finds and declares:

(a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

(b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on 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.

(c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), 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 Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.

(d) Senate Bill (SB) 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane.  The regulations place requirements on multiple entities including Jurisdictions, 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.

(e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance 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.(f) Therefore, in its effort to protect the environment, extend County landfill life and comply with State law as it pertains to recycling and organics reduction, the County adopts this Article 4 of the Orange County Codified Ordinances to enable it to enforce State mandated recycling and organics reduction laws.

Sec. 4-3-201. - Definitions.

Unless otherwise provided, the terms found in this Article 4 shall follow the SB 1383 definitions provided in 14 CCR Section 18982.

Sec. 4-3-202. – Requirements for Single-Family Generators.

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 4-3-208 of this ordinance:

1. Shall subscribe to County’s Organic Waste collection services for all Organic Waste generated as described below in Section 4-3-202(b). County 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 its service level for its collection services as requested by the County. 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) Shall participate in the County’s Organic Waste collection service(s) by placing designated materials in designated containers as described below and shall not place Prohibited Container Contaminants in collection containers.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

Sec. 4-3-203. – Requirements for Commercial Businesses.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

1. Subscribe to County’s three, or three-plus, container collection services and comply with requirements of those services as described below in Section 4-3-203(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 4-3-208. County 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 County.
2. Except Commercial Businesses that meet the Self-Hauler requirements in Section 4-3-208, participate in the County’s Organic Waste collection services by placing designated materials in designated containers as described below.

(1) Generator shall place Source Separated Green Container Organic Waste, excluding Food Waste in the Green Container, Source Separated Food Waste in a separate Green 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 or Blue Container.

1. Supply and allow access to adequate number, size and location of indoor collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with County’s Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 4-3-208.
2. Excluding Multi-Family Residential Dwellings, 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:
3. A body or lid that conforms with the container colors provided through the collection service provided by County, 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.
4. 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.
5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in pursuant to 14 CCR Section 18984.9(b).
6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the County’s Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 4-3-208.
7. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
10. Provide or arrange access for County or its agent to their properties during all Inspections conducted in accordance with Section 4-3-209 to confirm compliance with the requirements of this Article.
11. Accommodate and cooperate with County’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. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers.
12. At Commercial Business’s option and subject to any approval required from the County, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Gray Containers subject to written notification to or approval by the County or its Designee.
13. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 4-3-234 of this ordinance.
14. 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).
15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 4-3-206.

Sec. 4-3-204. – Waivers for Generators.

The Director may grant waivers to the requirements of this Article as may be authorized by SB 1383 Regulations.

Sec. 4-3-205. – Requirements for 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 County’s Enforcement Officer 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 ordinance 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 (approved by the Governor of the State of California on September 25, 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 to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

Sec. 4-3-206. – Requirements for Food Recovery Organizations and Services.

(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 shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

(d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County 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 County 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).

(e) Food Recovery Capacity Planning.

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

Sec. 4-3-207. – Requirements for Haulers and Facility Operators.

(a) Requirements for Haulers.

(1) Exclusive and Non-Exclusive Franchise Haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the County shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the County to collect Organic Waste:

(A) Through written notice to the County annually on or before January 1, 2022, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

(B) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(C) Obtain approval from the County to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and County’s Construction and Demolition recycling program.

(2) Exclusive and Non-Exclusive Franchise Haulers authorization to collect Organic Waste in the County unincorporated areas shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with County.

(b) Requirements for Facility Operators and Community Composting Operations

(1) 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 County 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 County shall respond within 60 days.

(2) Community Composting operators, upon County request, shall provide information to the County 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 County shall respond within 60 days.

Sec. 4-3-208. – Self-Hauler Requirements.

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

(b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the County. 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.

(d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 4-3-208(c) to County if requested.

(e) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Sections 4-3-208(c) and (d).

Sec. 4-3-209. – Inspections and Investigations by County.

1. County Enforcement Officer and/or 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 ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations - “Regulated Entity”, subject to applicable laws. This Section does not allow County to enter the interior of a private residential property for Inspection.
2. A Regulated Entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the County’s Enforcement Officer and/or 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 ordinance described herein.  Failure to provide or arrange for: (i) access to an entity’s premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
3. County Enforcement Officer and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

Sec. 4-3-210. – Enforcement.

(a) Violation of any provision of this article shall be deemed an infraction and shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a County Enforcement Officer or Designee. Enforcement Actions under this ordinance are issuance of an administrative citation and may include assessment of a fine. The County’s procedures on imposition of administrative fines (OCCO Title 1, Article 2, Subarticle 2, Section 1-1-40.2 et seq.) are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

(b) Responsible Entity for Enforcement

(1) Enforcement pursuant to this Article 4 may be undertaken by the Enforcement Officer as provided in OCCO 1-1-40.2(d).

(c) Process for Enforcement

(1) County Enforcement Officer and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring).

(2) County may issue an official notification to notify regulated entities of its obligations under this Article.

(3) For incidences of Prohibited Container Contaminants found in containers, County will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within five (5) days after determining that a violation has occurred.

(4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, County shall commence an action to impose  penalties, via an administrative citation and fine, as provided in 4-3-210(e).

Notices shall be sent to property owner at the official address of the owner maintained by the tax collector for the County or if no such address is available, to the property owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

(e) Notice of Violation Penalty Amounts

Penalties are subject to fines as provided in California Government Code Section 25132.(f) Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range or whether to prosecute as a misdemeanor, infraction or other available legal remedy:

(1) The nature, circumstances, and severity of the violation(s).

(2) The violator’s ability to pay.

(3) The willfulness of the violator's misconduct.

(4) Whether the violator took measures to avoid or mitigate violations of this chapter.

(5) Evidence of any economic benefit resulting from the violation(s).

(6) The deterrent effect of the penalty on the violator.

(7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations

The County may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Article if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable.

(h) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with County’s procedures in the County’s codes for appeals of administrative citations (OCCO Sec. 1-1-40.10). Evidence may be presented at the hearing. The County will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the County Enforcement Officer or Designee will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, to determine compliance. If County determines that a Regulated Entity is not in compliance, County will provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the County determines that a Regulated Entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a  Notice of Violation, and take Enforcement Action pursuant to this Article, as needed.

(k) Enforcement Table

**Table 1. List of Violations**

|  |  |
| --- | --- |
| **Requirement** | **Description of Violation** |
| Commercial Business and Commercial Business Owner Responsibility Requirement  Section 4-3-203 | Commercial Business fails to provide or arrange for Organic Waste collection services consistent with County requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color. |
| Organic Waste Generator Requirement  Section 4-3-202 through 4-3-208 | Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste. |
| Hauler Requirement  Section 4-3-207 | A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance. |
| Hauler Requirement  Section 4-3-207 | A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the County to haul Organic Waste as prescribed by this ordinance. |
| Hauler Requirement  Section 4-3-207 | A hauler fails to keep a record of the applicable documentation of its approval by the County, as prescribed by this ordinance. |
| Self-Hauler Requirement  Section 4-3-208 | A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b). |
| Commercial Edible Food Generator Requirement  Section 4-3-205 | Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022. |
| Commercial Edible Food Generator Requirement  Section 4-3-205 | Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024. |
| Commercial Edible Food Generator Requirement  Section 4-3-205 | Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service. |
| Organic Waste Generator, Commercial Business  Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service  Section 4-3-209 | Failure to provide or arrange for access to an entity’s premises for any Inspection or investigation. |
| Recordkeeping Requirements for Commercial Edible Food Generator  Section 4-3-205 | Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 4-3-205. |
| Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations  Section 4-3-206 | A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 4-3-206. |

Sec. 4-3-211. – Effective Date.

This ordinance shall be effective commencing on January 1, 2022.