

1 **GENERAL LICENSE AND REGULATION ORDINANCE NO. 40**

2 **AN ORDINANCE OF THE BOARD OF DIRECTORS OF**
3 **MIDWAY CITY SANITARY DISTRICT OF ORANGE**
4 **COUNTY, CALIFORNIA PROVIDING FOR THE LI-**
5 **CENSING AND REGULATION OF ALL PERSONS,**
6 **PARTIES, ENTITIES OR CORPORATIONS WHOSE BUSI-**
7 **NESS IS THE COLLECTION OF TRASH, REFUSE,**
8 **RUBBISH AND GARBAGE WITHIN THE BOUNDARIES OF**
9 **THE MIDWAY CITY SANITARY DISTRICT**

10 At a regular meeting held on May 16,
11 1989, on motion of Board Member Nelson,
12 seconded by Board Member Siefen, it was
13 ordered that the following General Regulation Ordinance be
14 and the same is hereby adopted, to-wit:

15 **WHEREAS**, it is the desire of the Midway City Sanitary
16 District to promote the most efficient and cleanly operation
17 possible in the collection of trash, refuse, rubbish and
18 garbage; and

19 **WHEREAS**, it is the desire of the Midway City Sanitary
20 District to insure that each resident within the boundaries
21 of the District is provided with the best service in the
22 collection of trash, refuse, rubbish and garbage with the
23 maximum amount of protection possible to each such resident;
24 and

25 **WHEREAS**, there are now numerous trash collectors doing
26 business within the Midway City Sanitary District whose
27 services have been made subject to license or regulation by
28 Ordinance No. 38 of the Midway City Sanitary District; and

WHEREAS, the District wishes to change some of the
provisions of Ordinance No. 38 by enacting a new Ordinance.

NOW, THEREFORE, the Board of Directors of the Midway

1 City Sanitary District does hereby RESOLVE that General
2 Regulation Ordinance No. 40 is hereby set forth as follows:

3 ARTICLE I

4 Section 1: Purpose. The purpose of Article I of
5 this General License and Regulation Ordinance is to provide
6 revenue for the general operation of the Midway City
7 Sanitary District by a levy of a license fee on any and all
8 persons, parties, entities or corporations whose business is
9 the collection of trash, garbage, rubbish or refuse within
10 the boundaries of the Midway City Sanitary District.
11 Article I of this General License and Regulation Ordinance
12 is not intended in any manner for the regulation of such
13 persons, parties, entities or corporations.

14 Section 2: License Required. There is hereby
15 imposed upon any party, person, entity or corporation whose
16 business is the collection of trash, rubbish, garbage or
17 refuse within the boundaries of the Midway City Sanitary
18 District an annual license fee in the amount hereinafter
19 prescribed:

20 A. Any person, persons, entity or corporation
21 operating one trash collecting vehicle within the
22 Midway City Sanitary District - Two Hundred Fifty
23 Dollars (\$250.00);

24 B. For any person, persons, entity or
25 corporation operating more than one trash collecting
26 vehicle within the boundaries of the Midway City
27 Sanitary District - Two Hundred Fifty Dollars (\$250.00)
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1 for the first trash collecting vehicle and Fifty
2 Dollars (\$50.00) per vehicle for the next five (5)
3 trash collecting vehicles and Ten Dollars (\$10.00) for
4 each trash collecting vehicle over six (6).

5 Section 3: Violation. It shall be unlawful for
6 any person, persons, entity or corporation to transact and
7 carry on the business of collecting trash, refuse, rubbish
8 and garbage within the boundaries of the Midway City
9 Sanitary District without first having procured a license
10 from said Midway City Sanitary District to do so or without
11 complying with any and all applicable provisions of this
12 Article. A violation of this General License and Regulation
13 Ordinance is a misdemeanor punishable by a fine not to
14 exceed Five Hundred Dollars (\$500.00) imprisonment not to
15 exceed one (1) month, or both. A separate violation will be
16 deemed to have occurred for each day or part of a day
17 thereof that such person, persons, entity or corporation
18 conducts business within the Midway City Sanitary District
19 without first having procured the license as aforementioned.

20 Section 4: License Application. Before any
21 license is issued, applicant shall make a written
22 application to the Midway City Sanitary District requesting
23 the issuance of a license. Such application shall be
24 provided by the District and shall be completed by the
25 applicant prior to the issuance of a license.

26 If, upon completing the application and it appears from
27 the information received that applicant is in violation of
28 any regulation or Ordinance of the District, then said

1 District shall withhold issuance of a license until
2 applicant provides proof that he will not be in violation of
3 any Ordinance or regulation of the District upon commencing
4 business within the boundaries of said District.

5 **Section 5:** **License Non-Transferable.** No license
6 issued pursuant to this Section shall be transferable
7 provided that when a license is issued authorizing a person,
8 persons, entity or corporation to transact and carry on the
9 business of collecting garbage, trash, rubbish and refuse
10 such license may, upon application, and paying any fee of
11 Twenty-five Dollars (\$25.00), be amended to authorize the
12 transacting and carrying on of business by the person,
13 persons, entity or corporation subscribed onto said license
14 by amendment.

15 **Section 6:** **Term.** All licenses shall be for a
16 period of one (1) year beginning January 1 and ending
17 December 31. All new licenses shall be for the period of
18 time remaining in the current year of issue. New license
19 fees shall be prorated for the time remaining in the
20 calendar year.

21 **ARTICLE II**

22 **Section 1:** **Purpose.** The purpose of Article II of
23 this General License and Regulation Ordinance is to provide
24 regulations for all persons collecting or depositing trash,
25 refuse, rubbish and garbage within the Midway City Sanitary
26 District pursuant to the California Health and Safety Code
27 insuring the prompt and efficient removal of garbage, trash,
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1 rubbish and refuse and to protect the public health and
2 promote the cleanliness of the roads, streets and areas
3 within the Midway City Sanitary District.

4 Section 2: Violation. The violation of any
5 regulation under this Article shall be punishable as a
6 misdemeanor punishable by fine not to exceed Five Hundred
7 Dollars (\$500.00), imprisonment not to exceed six (6)
8 months, or both. A separate violation shall be deemed to
9 exist for each day or part of a day thereof wherein and
10 whereby such person, persons, entity or corporation fails to
11 comply with the regulations as set forth herein.

12 Section 3: Regulations. The Midway City Sanitary
13 District hereby sets forth the following regulations to
14 apply to all those persons, entities and corporations doing
15 business within the Midway City Sanitary District or
16 residing therein who deposit or collect trash, garbage,
17 rubbish and refuse:

18 A. Every person doing business within the Midway
19 City Sanitary District for the purpose of collecting
20 garbage, trash, rubbish and refuse shall be adequately
21 covered by public liability insurance. For the purpose
22 of this General License and Regulation Ordinance
23 adequate public liability insurance shall be defined to
24 mean a minimum of \$100,000.00 - \$500,000.00 public
25 liability coverage and \$25,000.00 property damage
26 coverage with the Midway City Sanitary District named
27 as an additional insured on the policy of insurance.
28 That every person doing business within the Midway City

1 Sanitary District as aforesaid shall furnish the Dis-
2 trict with a certificate of insurance showing said
3 District as an additional named insured on the policy
4 of insurance. Such certificate must be on file at the
5 office of the Midway City Sanitary District within
6 thirty (30) days after application has been made for a
7 license.

8 B. Every person, persons, entity or corporation
9 doing business within the Midway City Sanitary District
10 for the purpose of collecting garbage, trash, rubbish
11 and refuse shall use trash collecting vehicles with
12 steel-enclosed bodies.

13 C. Every person, persons, entity or corporation
14 doing business in the Midway City Sanitary District for
15 the purposes of collecting garbage, refuse, rubbish and
16 trash shall mark each vehicle and trash bin with the
17 name, address and telephone number of the person, per-
18 sons, entity or company under which such business is
19 conducted and shall mark each trash bin or receptacle
20 with clearly legible notice prohibiting the discharge
21 of hazardous materials.

22 D. Every person, persons, entity or corporation
23 doing business within the Midway City Sanitary District
24 for the purposes of collecting trash, refuse, rubbish
25 and garbage shall, on an annual basis to-wit: January
26 1, of each year, submit to the District a written list
27 of each and every person, or entity from whom said
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1 person, persons, entity or corporation is collecting
2 trash, refuse, rubbish and garbage within the
3 boundaries of the Midway City Sanitary District.

4 E. Every person, persons, entity or corporation
5 maintaining or using equipment within the boundaries of
6 the Midway City Sanitary District for the purposes of
7 collecting or depositing trash, refuse, rubbish and
8 garbage shall keep such equipment in good mechanical
9 condition and in a neat and orderly manner.

10 F. Every person, persons, entity or corporation
11 doing business within the Midway City Sanitary District
12 for the purposes of collecting trash, refuse, rubbish
13 and garbage shall not bring garbage, trash, rubbish or
14 refuse from without the County of Orange on the vehi-
15 cles collecting trash, refuse, rubbish or garbage with-
16 in the District.

17 G. Every person, persons, entity or corporation
18 doing business within the Midway City Sanitary District
19 for the purposes of collecting trash, garbage, rubbish
20 and refuse shall after each collection insure that the
21 immediate area around such collection is left in a
22 clean, neat and orderly manner without any garbage,
23 trash, rubbish or refuse left on the ground. In the
24 event said District, by or through its agents, deter-
25 mines that such person, persons, entity or corporation
26 has not left the area of collection in a neat, orderly
27 and cleanly manner then said District shall, after four
28 hours' notice to such person, persons, entity or corpo-

1 ration cause said collection area to be cleaned and
2 placed in proper order. The cost of cleaning and
3 placing said collection area in proper order shall be
4 determined by the District and billed to the person,
5 persons, entity or corporation failing to comply with
6 this regulation. Non-payment of such bill within ten
7 (10) days after mailing shall be sufficient cause for
8 said District to revoke any and all rights and privi-
9 leges to do business within the boundaries of the
10 Midway City Sanitary District.

11 H. Every person, persons, entity or corporation
12 doing business within the Midway City Sanitary District
13 for the purpose of collecting trash, garbage, rubbish
14 and refuse and every person, persons, entity or
15 corporation depositing trash, garbage, rubbish and
16 refuse shall provide or have provided sufficient bins
17 and/or receptacles to insure that between each
18 collection of said garbage, trash, rubbish and refuse
19 there shall not be deposited in said bin or receptacle
20 garbage that will exceed the height of the top of such
21 bin or receptacle.

22 I. Any bin or receptacle in which garbage or
23 food residue is deposited, with the exception of
24 residential "Rent-A-Bins" and Drop Boxes, which are not
25 capable of being covered, shall be provided with a lid
26 to cover said bin or receptacle. Such lid shall be
27 kept on said bin or receptacle at all times and shall
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1 be replaced on said bin or receptacle by such person,
2 persons, entity or corporation collecting such garbage
3 or food residue after each collection. The word
4 "garbage" shall include table refuse, swill and every
5 accumulation of animal, vegetable and other matter that
6 attends preparation, consumption, decay, dealing in or
7 storage of meats, fish, fowl, fruits and vegetables or
8 other food and shall include all animal and vegetable
9 refuse from kitchens and all household waste from or
10 intended as use as food and all vegetable trimmings
11 from restaurants, markets or stores.

12 Section 4: Security For Performance. Every

13 person, persons, entity or corporation doing business within
14 the Midway City Sanitary District for the purposes of
15 collecting trash, garbage, rubbish and refuse shall post
16 with the District a surety bond, in the penal sum of Ten
17 Thousand Dollars (\$10,000.00) conditioned upon the faithful
18 performance of such person, persons, entity or corporation
19 in complying with all regulations of the District and to
20 insure that the District will suffer no loss by reason of
21 non-compliance by such person, persons, entity or
22 corporation necessitating action by the District to collect
23 and/or clean and maintain a collection area by reason of
24 non-compliance with these regulations.

25 In lieu of a bond, such person, persons, entity or
26 corporation may, in a form approved by the General Counsel,
27 post a letter of credit or deposit any of the following:
28 cash; bearer bonds or bearer notes of the United States or

1 the State of California; certificates of deposit payable to
2 the District; savings accounts that have been assigned to
3 the District; investment certificates or share accounts
4 issued by savings and loan associations that have been
5 assigned to the District; or certificates for funds or share
6 accounts issued by a credit union that have been assigned to
7 the District. Such deposits in lieu of a bond shall comply
8 with the requirements of California Code of Civil Procedure
9 Section 995.710.

10 ARTICLE III

11 Section 1: Purpose. The purpose of Article III of
12 this General License and Regulation Ordinance is to provide
13 the District with the necessary police power to insure that
14 any and all exclusive franchise agreements heretofore or
15 hereafter entered into by the District shall not be
16 infringed upon by any person, persons, entity or
17 corporation.

18 Section 2: Violation. It shall be unlawful for
19 any person, persons, entity or corporation to collect any
20 garbage, trash, rubbish and refuse from any source or
21 particular location whatsoever while there is in existence
22 an exclusive franchise agreement or grant by the Midway City
23 Sanitary District to a person, persons, entity or
24 corporation to collect all garbage, trash, rubbish and
25 refuse from such source or location.

26 Section 3: Punishment. Every person, persons,
27 entity or corporation who violates or infringes upon any
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1 exclusive franchise agreement or grant as heretofore set
2 forth shall be guilty of a misdemeanor and shall be
3 punishable by fine not to exceed Five Hundred Dollars
4 (\$500.00), imprisonment not to exceed six (6) months, or
5 both. A separate violation will be deemed to exist for each
6 day or part of a day thereof wherein and whereby such
7 person, persons, entity or corporation violates or infringes
8 upon such exclusive agreement or grant.

9 **ARTICLE IV**

10 **Section 1: Exceptions.** The Board of Directors of
11 the Midway City Sanitary District may, upon good cause being
12 shown, grant variances from any of the provisions of this
13 General License and Regulation Ordinance and may reduce or
14 eliminate any of the charges and/or fees referred to herein
15 upon the finding that unusual circumstances exist which
16 would result in undue hardship or unfairness to any
17 particular person, persons, entity or corporation where the
18 Board finds that it would be in the best interest of the
19 District to waive any part or all of such charges and/or
20 fees.

21 **Section 2: Termination Of Right To Do Business**
22 **Within The District.**

23 Notwithstanding anything contained herein to the
24 contrary, the District may terminate the license and right
25 to do business within the boundaries of the Midway City
26 Sanitary District for the purposes of collecting trash,
27 rubbish, refuse and garbage upon a finding by the Board of
28 Directors of said District or a conviction in a court of law

1 that such person, persons, entity or corporation is in
2 violation of any regulation or Ordinance of said District.

3 Prior to the termination of the right to do business,
4 said District shall notify, in writing, such person,
5 persons, entity or corporation of such intended termination.
6 Such notice shall be mailed to the last known address of
7 such person, persons, entity or corporation on the records
8 of the District. The notice shall state the date of
9 proposed termination of right to do business and the reason
10 therefor and the date the District Board shall hold a
11 hearing of such intended termination. Such hearing shall
12 not be held less than ten (10) days subsequent to the giving
13 of notice as provided herein.

14 **Section 3:** Ordinance No. 38 is hereby repealed to
15 the extent it is inconsistent with this Ordinance.

16 **Section 4:** This is a general regulation as de-
17 scribed under Section 6490 of the Health and Safety Code of
18 the State of California and shall be published in The Orange
19 County Register, a newspaper published in this district, and
20 shall take effect upon the expiration of one (1) week after
21 publication.

22 **PASSED AND ADOPTED** at a regular meeting of the Board of
23 Directors of Midway City Sanitary District held this 16th
24 day of May, 1989.

25
26 **ATTEST:**

27 J. R. "Bob" Siefer
28 Secretary

(C309)

Dewey L. Wilcox
President

1 California, do hereby certify that the foregoing is a full,
2 true and correct copy of General License and Regulation
3 Ordinance No. 40, passed and adopted by the Board of
4 Directors of said District at a special _____ regular XX
5 meeting thereof held on the 16th day of
6 May, 1989.

7 **IN WITNESS WHEREOF**, I have hereunto set my hand and
8 affixed my official Seal of said District this 16th day of
9 May, 1989.

10
11 J. R. "Bob" Liefen
12 **Secretary**

13 **(District Seal)**
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