

1 ARTICLE I

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

10 Section 2: License Required. There is hereby imposed
11 upon any party, person, entity or corporation whose business is the
12 collection of trash, rubbish, garbage or refuse within the bound-
13 aries of the **Midway City Sanitary District** an annual license fee in
14 the amount hereinafter prescribed:

15 A. Any person, persons, entity or corporation operating
16 one trash collecting vehicle within the **Midway City**
17 **Sanitary District** - Two Hundred Fifty Dollars
18 (\$250.00);

19 B. For any person, persons, entity or corporation oper-
20 ating more than one trash collecting vehicle within the
21 boundaries of the **Midway City Sanitary District** - Two
22 Hundred Fifty Dollars (\$250.00) for the first trash
23 collecting vehicle and Fifty Dollars (\$50.00) per vehi-
24 cle for the next five (5) trash collecting vehicles and
25 Ten Dollars (\$10.00) for each trash collecting vehicle
26 over six (6).

27 Section 3: Violation. It shall be unlawful for any
28 person, persons, entity or corporation to transact and carry on the

1 business of collecting trash, refuse, rubbish and garbage within
2 the boundaries of the **Midway City Sanitary District** without first
3 having procured a license from said **Midway City Sanitary District**
4 to do so or without complying with any and all applicable pro-
5 visions of this Article. A violation of this Ordinance is a mis-
6 demeanor punishable by a fine not to exceed Five Hundred Dollars
7 (\$500.00) imprisonment not to exceed one (1) month, or both. A
8 separate violation will be deemed to have occurred for each day or
9 part of a day thereof that such person, persons, entity or corpora-
10 tion conducts business within the **Midway City Sanitary District**
11 without first having procured the license as aforementioned.
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13 **Section 4:** **License Application.** Before any license
14 is issued, applicant shall make a written application to the **Midway**
15 **City Sanitary District** requesting the issuance of a license. Such
16 application shall be provided by the **District** and shall be com-
17 pleted by the applicant prior to the issuance of a license.

18 If, upon completing the application and it appears from the
19 information received that applicant is in violation of any regula-
20 tion or Ordinance of the **District**, then said **District** shall with-
21 hold issuance of a license until applicant provides proof that he
22 will not be in violation of any Ordinance or regulation of the
23 **District** upon commencing business within the boundaries of said
24 **District**.

25 **Section 5:** **License Non-Transferable.** No license is-
26 sued pursuant to this Section shall be transferable provided that
27 when a license is issued authorizing a person, persons, entity or
28 corporation to transact and carry on the business of collecting

1 garbage, trash, rubbish and refuse such license may, upon applica-
2 tion, and paying any fee of Twenty-five Dollars (\$25.00), be
3 amended to authorize the transacting and carrying on of business by
4 the person, persons, entity or corporation subscribed onto said
5 license by amendment.

6 Section 6: Term. All licenses shall be for a period
7 of one (1) year beginning January 1 and ending December 31. All
8 new licenses shall be for the period of time remaining in the
9 current year of issue. New license fees shall be prorated for the
10 time remaining in the calendar year.

11 ARTICLE II

12 Section 1: Purpose. The purpose of Article II of this
13 Ordinance is to provide regulations for all persons collecting or
14 depositing trash, refuse, rubbish and garbage within the **Midway**
15 **City Sanitary District** pursuant to the California Health and Safety
16 Code insuring the prompt and efficient removal of garbage, trash,
17 rubbish and refuse and to protect the public health and promote the
18 cleanliness of the roads, streets and areas within the **Midway City**
19 **Sanitary District.**

20 Section 2: Violation. The violation of any regula-
21 tion under this Article shall be punishable as a misdemeanor pun-
22 ishable by fine not to exceed Five Hundred Dollars (\$500.00), im-
23 prisonment not to exceed six (6) months, or both. A separate
24 violation shall be deemed to exist for each day or part of a day
25 thereof wherein and whereby such person, persons, entity or corpo-
26 ration fails to comply with the regulations as set forth herein.

27 Section 3: Regulations. The **Midway City Sanitary Dis-**
28 **trict** hereby sets forth the following regulations to apply to all

1 those persons, entities and corporations doing business within the
2 **Midway City Sanitary District** or residing therein who deposit or
3 collect trash, garbage, rubbish and refuse:
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5 A. Every person doing business within the **Midway City**
6 **Sanitary District** for the purpose of collecting gar-
7 bage, trash, rubbish and refuse shall be adequately
8 covered by public liability insurance. For the purpose
9 of this Ordinance adequate public liability insurance
10 shall be defined to mean a minimum of \$100,000.00 -
11 \$500,000.00 public liability coverage and \$25,000.00
12 property damage coverage with the **Midway City Sanitary**
13 **District** named as an additional insured on the policy
14 of insurance. That every person doing business within
15 the **Midway City Sanitary District** as aforesaid shall
16 furnish the **District** with a certificate of insurance
17 showing said **District** as an additional named insured on
18 the policy of insurance. Such certificate must be on
19 file at the office of the **Midway City Sanitary District**
20 within thirty (30) days after application has been made
21 for a license.

22 B. Every person, persons, entity or corporation doing
23 business within the **Midway City Sanitary District** for
24 the purpose of collecting garbage, trash, rubbish and
25 refuse shall use trash collecting vehicles with steel-
26 enclosed bodies.

27 C. Every person, persons, entity or corporation doing
28 business in the **Midway City Sanitary District** for the

1 purposes of collecting garbage, refuse, rubbish and
2 trash shall mark each vehicle and trash bin with the
3 name, address and telephone number of the person, per-
4 sons, entity or company under which such business is
5 conducted and shall mark each trash bin or receptacle
6 with clearly legible notice prohibiting the discharge
7 of hazardous materials.

8 D. Every person, persons, entity or corporation doing
9 business within the **Midway City Sanitary District** for
10 the purposes of collecting trash, refuse, rubbish and
11 garbage shall, on a quarterly basis to-wit: January 1,
12 April 1, July 1 and October 1 of each year, submit to
13 the **District** a written list of each and every person,
14 or entity from whom said person, persons, entity or
15 corporation is collecting trash, refuse, rubbish and
16 garbage within the boundaries of the **Midway City Sani-**
17 **tary District.**

18 E. Every person, persons, entity or corporation main-
19 taining or using equipment within the boundaries of the
20 **Midway City Sanitary District** for the purposes of col-
21 lecting or depositing trash, refuse, rubbish and gar-
22 bage shall keep such equipment in good mechanical con-
23 dition and in a neat and orderly mannner.

24 F. Every person, persons, entity or corporation doing
25 business within the **Midway City Sanitary District** for
26 the purposes of collecting trash, refuse, rubbish and
27 garbage shall not bring garbage, trash, rubbish or
28 refuse from without the County of Orange on the vehi-

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cles collecting trash, refuse, rubbish or garbage with-
in the **District**.

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G. Every person, persons, entity or corporation doing
business within the **Midway City Sanitary District** for
the purposes of collecting trash, garbage, rubbish and
refuse shall after each collection insure that the
immediate area around such collection is left in a
clean, neat and orderly manner without any garbage,
trash, rubbish or refuse left on the ground. In the
event said **District**, by or through its agents, deter-
mines that such person, persons, entity or corporation
has not left the area of collection in a neat, orderly
and cleanly manner then said **District** shall, after four
hours' notice to such person, persons, entity or corpo-
ration cause said collection area to be cleaned and
placed in proper order. The cost of cleaning and
placing said collection area in proper order shall be
determined by the **District** and billed to the person,
persons, entity or corporation failing to comply with
this regulation. Non-payment of such bill within ten
(10) days after mailing shall be sufficient cause for
said **District** to revoke any and all rights and privi-
leges to do business within the boundaries of the
Midway City Sanitary District.

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H. Every person, persons, entity or corporation doing
business within the **Midway City Sanitary District** for
the purpose of collecting trash, garbage, rubbish and

1 refuse and every person, persons, entity or corporation
2 depositing trash, garbage, rubbish and refuse shall
3 provide or have provided sufficient bins and/or recep-
4 tacles to insure that between each collection of said
5 garbage, trash, rubbish and refuse there shall not be
6 deposited in said bin or receptacle garbage that will
7 exceed the height of the top of such bin or receptacle.

8 I. Any bin or receptacle in which garbage or food residue
9 is deposited, with the exception of residential "Rent-
10 A-Bins" and Drop Boxes, which are not capable of being
11 covered, shall be provided with a lid to cover said bin
12 or receptacle. Such lid shall be kept on said bin or
13 receptacle at all times and shall be replaced on said
14 bin or receptacle by such person, persons, entity or
15 corporation collecting such garbage or food residue
16 after each collection. The word "garbage" shall in-
17 clude table refuse, swill and every accumulation of
18 animal, vegetable and other matter that attends prepa-
19 ration, consumption, decay, dealing in or storage of
20 meats, fish, fowl, fruits and vegetables or other food
21 and shall include all animal and vegetable refuse from
22 kitchens and all household waste from or intended as
23 use as food and all vegetable trimmings from restau-
24 rants, markets or stores.

25 Section 4: Faithful Performance Bond. Every person,
26 persons, entity or corporation doing business within the **Midway**
27 **City Sanitary District** for the purposes of collecting trash, gar-
28 bage, rubbish and refuse shall post with the **District** a surety bond

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2 in the penal sum of Ten Thousand Dollars (\$10,000.00) conditioned
3 upon the faithful performance of such person, persons, entity or
4 corporation in complying with all regulations of the **District** and
5 to insure that the **District** will suffer no loss by reason of non-
6 compliance by such person, persons, entity or corporation neces-
7 sitating action by the **District** to collect and/or clean and main-
8 tain a collection area by reason of non-compliance with these
9 regulations.

10 ARTICLE III

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

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

23 Section 3: Punishment. Every person, persons, entity
24 or corporation who violates or infringes upon any exclusive fran-
25 chise agreement or grant as heretofore set forth shall be guilty of
26 a misdemeanor and shall be punishable by fine not to exceed Five
27 Hundred Dollars (\$500.00), imprisonment not to exceed six (6)
28 months, or both. A separate violation will be deemed to exist for

1 each day or part of a day thereof wherein and whereby such person,
2 persons, entity or corporation violates or infringes upon such
3 exclusive agreement or grant.

4 ARTICLE IV

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

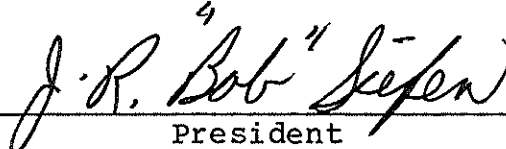
14 Section 2: Termination of Right to do Business Within
15 the District. Notwithstanding anything contained herein to the
16 contrary, the **District** may terminate the license and right to do
17 business within the boundaries of the **Midway City Sanitary District**
18 for the purposes of collecting trash, rubbish, refuse and garbage
19 upon a finding by the Board of Directors of said **District** or a
20 conviction in a court of law that such person, persons, entity or
21 corporation is in violation of any regulation or Ordinance of said
22 **District.**

23 Prior to the termination of the right to do business, said
24 **District** shall notify, in writing, such person, persons, entity or
25 corporation of such intended termination. Such notice shall be
26 mailed to the last known address of such person, persons, entity or
27 corporation on the records of the **District.** The notice shall state
28 the date of proposed termination of right to do business and the

1 reason therefor and the date the **District** Board shall hold a
2 hearing of such intended termination. Such hearing shall not be
3 held less than ten (10) days subsequent to the giving of notice as
4 provided herein.

5 **Section 3:** This is a general regulation as described
6 under Section 6490 of the Health and Safety Code of the State of
7 California and shall be published in The Orange County Register, a
8 newspaper published in this district, and shall take effect upon
9 the expiration of one (1) week after publication.

10 **PASSED AND ADOPTED** at a regular meeting of the Board of
11 Directors of **Midway City Sanitary District** held this 4th day of
12 August, 1987.

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14 _____
15 President

16 **ATTEST:**

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18 _____
19 Secretary

20 (C309)

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CERTIFICATION

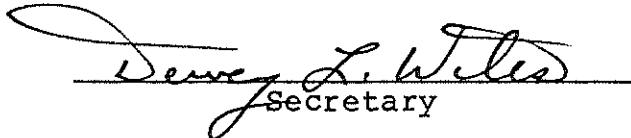
I, Dewey Wiles, Secretary of the **Midway City Sanitary District of Orange County, California**, do hereby certify that the foregoing Ordinance No. 38 was duly adopted at a special _____ regular X meeting of the Board of Directors of said District, held on the 4th day of August, 1987, by the following vote of the members of the Board:

AYES: Directors Nelson, Wiles, Siefen

NOES: None

ABSENT: Directors Evans, Kirkpatrick

and I further certify that J. R. "Bob" Siefen, as President, and Dewey Wiles, as Secretary, signed and approved said Ordinance on the 4th day of August, 1987.


Secretary

(District Seal)

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STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Dewey Wiles, Secretary of the **Midway City Sanitary District of Orange County, California**, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 38, passed and adopted by the Board of Directors of said District at a special _____ regular X meeting thereof held on the 4th day of August, 1987.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed

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my official Seal of said District this 4th day of August, 1987.

Dewey L. Wiles
Secretary

(District Seal)