



# Application for Contractor Self-Haul Annual Permit

City of Costa Mesa | Public Services Department | (714) 754-5323

P.O. Box 1200, 77 Fair Drive | Costa Mesa, CA 92628-1200

Please return with check made payable to: **City of Costa Mesa** | Please type or use ball point pen on hard surface.

A completed permit is required annually for contractors that self-haul materials generated from their primary business activity.

## BUSINESS INFORMATION

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_  Sole Owner  Partnership  Company/Corporation

Email Address: \_\_\_\_\_

Sales Tax Number: \_\_\_\_\_ Contractor's State Number & Class: \_\_\_\_\_

Federal Employer I.D. Number: \_\_\_\_\_ If no FEIN, Owner's Social Security Number: \_\_\_\_\_

Costa Mesa Business License No. (Required): \_\_\_\_\_

Type of Equipment Utilized (check boxes accordingly):  Affixed Container Vehicle(s) (i.e. dump truck)  Roll-off  Other

If Other, please describe: \_\_\_\_\_

Please check the appropriate box for ownership of equipment utilized:  Business-owned  Personal-owned  Rental

*If Rental is selected, please note a copy of the rental agreement is required with your application package. If equipment will be rented on a per-project basis, a copy of the rental agreement will need to be provided per-project when submitting the required tonnage and reporting information prior to the final inspection for the building permit.*

## BUSINESS TYPE

Describe Business Operation Fully: \_\_\_\_\_

Describe the type of waste generated/self-hauled: \_\_\_\_\_

## ADDITIONAL INFORMATION REQUIRED

1. Comply with requirements of Costa Mesa Code of Ordinances Title 8 Chapter IV Garbage, Rubbish, and Weeds.
2. Provide insurance approved by the city.
3. Submit all required vehicle information related to self-hauling.
4. Agree to obtain a per-project permit for each permitted construction and demolition project and submit all required tonnage and reporting information.
5. Obtain business license with the City.
6. If claiming exempt status from any of the above requirements as they may be inapplicable to your business, please state why: \_\_\_\_\_

*Failure to meet any of the above requirements will result in denial of the permit and potential future permit revocation.*

I declare under penalty of perjury that, to the best of my knowledge and belief, the statements made herein are correct and true.

Name (please print): \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

## APPROVAL – CITY OF COSTA MESA USE ONLY

Permit Approval (City Staff Signature): \_\_\_\_\_ Permit Approval Date: \_\_\_\_\_ Permit CY: \_\_\_\_\_

Documentation Included (check all that apply):  Permit Fee Receipt  Vehicle Information  Required Insurance Certificates & Endorsement Page(s)

Business License Verified w/ Finance:  Yes  No Notes: \_\_\_\_\_



# CREDIT CARD AUTHORIZATION

City of Costa Mesa

77 Fair Drive, Costa Mesa, CA 92626

Phone: (714) 754-5240 • Fax: (714) 754-5149

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*The following information must be provided to process your payment by fax.*

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

The City of Costa Mesa accepts **Visa and MasterCard only**. There is a \$15,000 maximum per transaction. The following information is required when paying by credit card.

Name as it appears on the credit card: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Card Number: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Expiration Date: \_\_\_\_\_ 3-digit Security Number: \_\_\_\_\_

Description of Charge(s): \_\_\_\_\_

Cardholders Signature: \_\_\_\_\_



## WASTE HAULING REFERENCE GUIDE CONSTRUCTION AND DEMOLITION PROJECTS

The CALGreen Building Code requires the City of Costa Mesa to track the waste generated by each construction and demolition project and ensure that 65% of waste is diverted from landfills. In keeping with our commitment to a free enterprise system, the City provides the following options for handling the waste from these projects:

1. Contract with any of the City's franchised haulers. They will provide the containers and collection services needed and be responsible for meeting the 65% CALGreen diversion requirement. Receipts for this service are not required. However, the selected franchise hauler must sign a form to confirm they were utilized as the hauler throughout the project.
2. If you or your contractor own vehicles to haul the waste generated through your/their primary business activity, you/they can get a City-issued Contractor Self-Haul permit.

**IMPORTANT:** Selection of the Contractor Self-Haul option incurs non-refundable per-project Self-Haul Fees. If you select "use of a franchise hauler" at permit issuance you can change to a Contractor Self-Haul election later, provided all project waste is hauled by a City-approved waste hauler and you pay the required per-project fee at that time. Please note that failure to use a City-approved hauler will result in administrative penalties.

**Contractor Self-Haul Permit Fees and Requirements:** Contractors that own and operate their own vehicles to haul inert debris and other construction waste generated by their primary business activity may apply for an annual Contractor Self-Haul Permit. The permit is \$200 per calendar year or the portion of the calendar year remaining after the application has been approved. In addition, the following per-project fee schedule dictates the per-project fee payment amount:

<i>Project Valuation</i>	<i>Fees</i>
Projects of \$20,000 or less:	\$160 flat fee
Projects of \$20,001 to \$100,000:	\$160 fee, plus \$3 for each additional \$1,000 in value above \$20,000, or fraction thereof, up to and including \$100,000
Projects of \$100,001 to \$500,000:	\$400 fee, plus \$2 for every \$1,000 in value above \$100,000, or fraction thereof, up to and including \$500,000
Project valued at or greater than \$500,001:	\$960 fee, plus \$0.50 for every \$1,000 in value above \$500,000, or fraction thereof

1. **A valid City of Costa Mesa Business License.** A business license may be obtained online at <https://businesslicenseca.gov> or from the Finance Department (1<sup>st</sup> Floor, City Hall).
2. **City of Costa Mesa Insurance Requirements:** General Liability of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. The comprehensive general liability and automobile liability insurance policies shall contain or be endorsed to contain the following provisions: 1) The insurance provided under this agreement shall be primary and not contributing with any insurance maintained by the CITY; 2) The City requires 30 days' notice of cancellation, or reduction in limits; and 3) The following wording is used on the endorsement page "The City of Costa Mesa and its elected and appointed boards, officers, agents, and employees are additional insured" with respect to the providing of waste collection services.
3. **Vehicle Requirements:** A list of the affixed container vehicles or trailers is required prior to Contractor Self-Haul Permit issuance. The list must include the following per vehicle: Vehicle VIN no., license plate no., and make/model/year of vehicle. Copies of vehicle registration may also satisfy this permit requirement.
4. **Reporting Requirements:** All dumping receipts and completed one-page form that lists amounts diverted from landfills and disposed. To meet project diversion requirement of 65% onsite reuse of materials, donation or sales of materials, etc. can be included on this form. Good faith exemptions to this requirement are provided if the material generated cannot be diverted due to lack of markets.



## FREQUENTLY ASKED QUESTIONS

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***Who qualifies for a contractor self-haul permit?*** If your firm's primary business activity is something other than hauling, and you use your own vehicles to haul the material you generate at the jobsite, then you qualify. ***Please note that your firm cannot subcontract for hauling under a self-haul permit. You must use your own vehicles.***

***If I qualify, how do I obtain a City Self-Haul Contractor Permit?*** A permit application can be obtained from the Public Services Department (4<sup>th</sup> Floor). **Submit your completed form, along with the required insurance information and list of vehicles you want to use in the City (described on previous page), along with your \$200 annual permit fee.** There is no permit issued; your firm will be added to the list of approved self-haul contractors.

***What else am I required to do?*** Once you are permitted you are cleared to get a project-specific permit to haul, which is added to your building permit. As shown on the previous page, the fee associated with the project-specific permit is based upon the project valuation. You simply pay that fee and take the one-page form provided by the Building Department official who permits your overall project.

As you haul material from your jobsite keep all weight tickets provided by the recycling facilities. You are also responsible to determine how much of your waste is recycled by these facilities.

After all your hauling activity is done, attach those receipts to the one-page form and input your tonnage information at [www.costamesaca.gov/recycling](http://www.costamesaca.gov/recycling). The form must be submitted with all of your hauling receipts attached to Public Services (4<sup>th</sup> Floor) in order to have your project released and cleared for final inspection.

***What if I am not able to reach the CALGreen required 65% diversion rate?*** First, CALGreen applies to the overall project. If your hauling activity is just one component, check with the general contractor to see if any materials were recycled or otherwise diverted from the landfill. For example, demolished concrete and asphalt could have been reused onsite. The City does allow you to use this type of "third party" diversion credit to meet the 65% requirement. Ultimately both the State and the City want you to use your best efforts. If the material you are hauling cannot be recycled, the City can provide you with a Good Faith exemption from the 65% requirement. These are handled on a case by case basis.

***If I need help filling out the project form or have other questions who can help me?*** Please contact Public Services at (714) 754-5323 and we will assist you.

***Owner/Builders:*** Owner/Builders are encouraged to use a City Franchise Waste Hauler. If your project can benefit from use of a contractor with a City-issued Self-Haul Permit, that is acceptable. However, please note that this Contractor Self-Haul election generates a specialized non-refundable fee and, if a permitted self-haul contractor is not used, you will incur administrative penalties.

Residents/Commercial Businesses are legally allowed to self-haul waste from their property without a permit. However, a per-project self-haul fee will be added to your building permit. You are also required to: 1) Keep and provide all weight tickets for the material you haul; 2) If you rent a vehicle to do this hauling, you must provide that receipt; and 3) ensure that tonnage/weight information and tickets/receipts show a 65% diversion rate was achieved by your project to avoid administrative penalties.

***What is Universal Waste and is it prohibited?*** Universal waste is hazardous to human health and the environment and cannot be discarded in landfills. The following items are types of universal waste: batteries, cell phones, electronic waste and CRT's, electronic devices, fluorescent lamps, thermostat, mercury wastes like thermometers and toys, and non-empty aerosol cans such as propane, butane, and pesticides.



# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
06/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Services Southwest, Inc. Houston TX Office 5555 San Felipe Suite 1500 Houston TX 77056 USA	<b>CONTACT NAME:</b> PHONE (A/C. No. Ext): 8662837122      FAX (A/C. No.): (800) 363-0105	
	<b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> Cardno, Inc. 10004 Park Meadows Drive Suite 300 Lone Tree CO 80124 USA	<b>INSURER(S) AFFORDING COVERAGE</b>	
	INSURER A:	Zurich American Ins Co
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
		NAIC #
		16535

**Company Name & Address**

**COVERAGES**      **CERTIFICATE NUMBER: 570076955859**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.      **Limits shown are as requested**

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD: WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR Per Project Agg \$2M  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		GLO018396104	06/30/2019	06/30/2020	EACH OCCURRENCE: \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence): \$1,000,000 MED EXP (Any one person): \$10,000 PERSONAL & ADV INJURY: \$1,000,000 GENERAL AGGREGATE: \$10,000,000 PRODUCTS - COMP/OP AGG: \$2,000,000
	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/>		BAP 0183962-04	06/30/2019	06/30/2020	COMBINED SINGLE LIMIT (Ea accident): \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION					EACH OCCURRENCE AGGREGATE
A	<input type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below.	Y/N <input type="checkbox"/> N <input type="checkbox"/> N/A	WC018396004	06/30/2019	06/30/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT: \$1,000,000 E.L. DISEASE-EA EMPLOYEE: \$1,000,000 E.L. DISEASE-POLICY LIMIT: \$1,000,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 The City of Costa Mesa and its elected and appointed boards, officers, agents and employees are included as Additional Insured in accordance with the policy provisions of the General Liability and Automobile Liability policies. General Liability policy evidenced herein is Primary and Non-contributory to other insurance available to The City of Costa Mesa, but only in accordance with the policy's provisions.

**CERTIFICATE HOLDER****CANCELLATION**

The City of Costa Mesa  
 Attn: Dept. of Public works  
 77 Fair Drive  
 Costa Mesa CA 92626 USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
*Aon Risk Services Southwest, Inc.*

Holder Identifier :

Certificate No : 570076955859

## ORDINANCE NO. 18-01

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 1 (SOLID WASTE COLLECTION) OF CHAPTER IV (GARBAGE, RUBBISH AND WEEDS) OF TITLE 8 (HEALTH AND SANITATION) OF THE COSTA MESA MUNICIPAL CODE

**WHEREAS**, the 2016 California Green Building Standards Code (“CalGreen Code”) expands the number and type of projects the City is required to administer, monitor, and report on to the State, including the tracking of all new construction, permitted additions and alterations to non-residential buildings, and additions and alterations to residential buildings that increase a structure’s conditioned area; and

**WHEREAS**, permitting self-hauling by contractors will create an easier and more cost-effective option for contractors to legally haul construction and demolition materials generated within the City, while aiding the City in meeting State-mandated administration, monitoring, and reporting requirements for such diversion; and

**WHEREAS**, in 2016, 23,557.60 tons of City waste was taken to Orange County landfills by non-franchised hauling activity; and

**WHEREAS**, establishing a mechanism through which containers used for illegal hauling activities can be confiscated, and imposing fees for such confiscation, will aid in deterring illegal hauling in the City; and

**WHEREAS**, Assembly Bill (AB) 341 (Mandatory Commercial Recycling) and Assembly Bill (AB) 1826 (Mandatory Commercial Organics Recycling) establish monitoring and reporting requirements, and penalties for failing to comply with such requirements; and

**WHEREAS**, establishing administrative penalties will support the City’s compliance efforts with AB 341, AB 1826, and CalGreen Code monitoring and reporting requirements; and

**WHEREAS**, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule), in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Sections 8-76, 8-77, 8-78, 8-79, 8-81, 8-82, 8-83, 8-84, and 8-87 of Article 1 (Solid Waste Collection) of Chapter IV (Garbage, Rubbish and Weeds) of Title 8 (Health and Sanitation) of the Costa Mesa Municipal Code are hereby amended as follows:

A. Section 8-76 shall be amended to read as follows:

Sec. 8-76. - Definitions.

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

- (a) *Collection*: The operation of gathering together and transporting solid waste to the point of disposal.
- (b) *County*: County of Orange.
- (c) *Commercial units*: Any commercial business establishment including, but not limited to, hotels, motels, offices and professional buildings, and retail establishments of all kinds, including supermarkets, filling stations, department and variety stores.
- (d) *Contractor Self-Haul*: The act of hauling solid waste, subject to this article, by construction and demolition contractors as an ancillary function to their primary business activity.
- (e) *Disposal*: The complete operation of treating and disposing of the accumulations of refuse and of the product or residue arising from such treatment.
- (f) *Disposal station*: A facility established, maintained and operated by the City or the County for the disposal of refuse.
- (g) *For-hire hauling*: A business relationship that provides compensation for the hauling of solid waste subject to this article.
- (h) *Garbage*: Solid waste as defined in California Public Resources Code Sections 40191 and 49503.
- (i) *Multifamily residential units*: A permanent building containing two (2) or more dwelling units including, but not limited to, mobile home parks.
- (j) *Hazardous waste*:
  - (1) All waste defined or characterized as hazardous waste by the Federal Solid Waste Disposal Act (42 U.S.C. § 3251 et seq.), as amended, including the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 et seq.), and all future amendments thereto, or regulations promulgated thereunder; and
  - (2) All waste defined in California Public Resources Code Section 40141 or characterized as hazardous waste by the Principal agencies of the State of California (including without limitation the Department of Health Services and the California Waste Management Board) having jurisdiction over hazardous waste generated by facilities within such state; provided that the term "hazardous waste":

- a. Is intended to mean and include those substances which are not normally expected to be disposed of by generally accepted sanitary landfill disposal methods;
  - b. Shall include radioactive wastes; and
  - c. Shall be construed to have the broader, more encompassing definition where there exists a conflict in the definitions employed by two (2) or more governmental agencies having concurrent or overlapping jurisdiction over hazardous waste.
- (k) *Illegal hauling*: The act of performing for-hire hauling of any solid waste material subject to this article without obtaining a City-issued permit.
- (l) *Industrial units*: Any business establishment engaged in manufacturing, warehousing, construction, and/or demolition.
- (m) *Infectious waste*: Solid waste capable of producing an infection or pertaining to or characterized by the presence of pathogens or medical waste as regulated by the Medical Waste Management Act (California Health and Safety Code Section 25015 et seq.). It includes but is not limited to certain wastes generated by medical practitioners, hospitals, nursing homes, medical testing labs, mortuaries, taxidermists, veterinarians, veterinary hospitals, medical testing labs, and any waste which includes animal wastes or parts from slaughterhouses or rendering plants.
- (n) *Intermediate processing facility*: A solid waste transfer or processing station or facility as defined in California Public Resources Code Section 40200.
- (o) *Material recovery facility*: A solid waste facility where source-separated recyclables are processed and recovered.
- (p) *Permittee*: Any person or solid waste enterprise who collects, hauls or disposes of any form of solid waste, hazardous waste or infectious waste for compensation pursuant to a permit issued under this section.
- (q) *Public highway*: Any public street, alley, road, public place or highway open to and used by the traveling public and not used as a private right-of-way.
- (r) *Recycling*: The process of collecting, sorting, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream as defined in California Public Resources Code Section 40180.
- (s) *Recyclable material*: Solid waste material that through a process of collecting, sorting, cleansing, treating and reconstituting is returned 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.



- (t) *Refuse*: Solid waste as defined in California Public Resources Code Sections 40191 and 49503.
- (u) *Residential units*: All those dwelling units not included in the definition of multifamily residential units unless otherwise designated by the city.
- (v) *Scavenge*: The unauthorized removal of any recyclable materials as defined by California Public Resources Code Sections 41950 and 41951 or solid waste without a permit under this article.
- (w) *Solid waste*: All solid waste as defined in California Public Resources Code Sections 40191 and 49503.
- (x) *Solid waste enterprise*: A solid waste enterprise as defined in California Public Resources Code Section 49504.
- (y) *Solid waste handling services*: A solid waste handling service as defined in California Public Resources Code Section 49505.
- (z) *Transfer station*: A solid waste transfer or processing station or facility as defined in California Public Resources Code Section 40200.
- (aa) *Organic waste*: Organic material including food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed with food waste.

B. Section 8-77 shall be amended to read as follows:

Sec. 8-77. – Permit.

- (a) No person, contractor, or solid waste enterprise shall charge a fee or accept any form of compensation to collect any solid waste, hazardous waste or infectious waste upon, along or across any public highway in the city from any commercial, industrial or multifamily residential units, or residential units without first applying for and receiving all permits required from the city. In addition to the permit required under this article, a business license must be obtained prior to doing business within the city, and a separate vehicle permit for each and every vehicle used for collecting solid waste, hazardous waste or infectious waste and setting of containers within the city right-of-way. The permittee shall place each permit issued pursuant to this article in the lower right front window of the vehicle so that it is clearly visible from the street.
- (b) The city shall develop and implement a procedure for evaluating the performance of any and all permittees operating under the provisions of this article. Permitted haulers shall submit reports on their hauling activity, as required by the director of public services. These reports shall be submitted in the format and frequency established by the director of public services. Failure to provide said reports, by their established due date, will result in an administrative penalty. If said reports are not submitted within forty-five (45) days of the imposition of an administrative penalty, along with payment of said penalty, the

hauler's permit will be revoked as provided in section 8-79. Failure to meet minimum diversion rates will result in the revocation of the permit as provided in section 8-79.

- (c) Any person, contractor or solid waste enterprise who is issued a permit pursuant to this article shall comply with all of the regulations in this article including but not limited to the source reduction and recycling provisions of section 8-84.
- (d) Any person, contractor or solid waste enterprise desiring to obtain a permit to remove or convey any solid waste, hazardous waste or infectious waste upon or along any public highway within the city from any commercial, industrial or residential multifamily unit(s), or residential unit(s), shall sign and file an application with the city and pay a permit application fee established by resolution of the city council. To the extent permitted by law, the information submitted in the application shall be kept confidential.
- (e) Each permit application shall be filed with the public services department and shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The number and type of vehicles to be used by the applicant.
  - (3) Additional information, as established by the director of public services, to assist the city's administration and oversight authority as established by State law.
  - (4) For hazardous waste and infectious waste, written proof that the person or solid waste enterprise has obtained all necessary permits from the county, State of California and federal agencies for the collection of such waste and has insurance coverage for the transport and disposal of such waste.
- (f) For-hire haulers shall be required to obtain a "solid waste franchise" permit. This permit will allow for the provision of recurring and temporary services in all areas franchised by the City of Costa Mesa. In addition to the requirements established for all permit applicants herein, the solid waste franchise permit applicant shall also be required to submit:
  - (1) A written source reduction and recycling plan with details and time frame for implementation on how the permittee will provide the programs to its customers, as required by the City of Costa Mesa Source Reduction and Recycling Element, which include but are not limited to all of the following:
    - a. Reduction of solid waste to maintain a fifty percent (50%) diversion rate through source reduction, recycling and composting, and a sixty-five percent (65%) diversion rate for construction and demolition waste.
    - b. Economic incentives to achieve the diversion rates set forth in subparagraph a. herein.

- c. Technical, instructional, promotional, and educational programs to achieve the diversion rates set forth in subparagraph a. herein.
- d. Composting programs to facilitate the achievement of the diversion rates set forth in subparagraph a. herein.
- e. Special waste programs.
- f. Organic waste recycling programs. In order to comply with the requirements of Chapter 12.9 of Part 3 of Division 30 of the Public Resources Code, the director of public services shall require a permit applicant to demonstrate its ability to provide organics recycling services as a condition of permit issuance.
- g. Other information or additional financial information, including, but not limited to, the right to audit financial records, or require a performance bond, or other suitable evidence of financial responsibility, if at any time such information is found to be necessary by the city council. The permittee will provide a certified copy of the permittee's last fiscal year's financial report, audited by a certified public accountant. All financial information contained in the permit application made to the city pursuant to this article shall be deemed to be confidential and shall be retained by the city for its use and, under no circumstances, will such information be released to anyone other than the permittee without the consent of the permittee.

(g) The Costa Mesa Sanitary District ("CMSD") will continue its franchise for all single-family residential and multi-family residential receiving curbside service. No other permittee will be allowed to operate in areas governed by the CMSD.

(h) Contractor self-haul permit applicants must comply with items (a) through (e) of this section and shall also provide per-project forms, as required by the director of public services, and subsequently submit all waste disposal and diversion tickets associated with their project(s) at the time prescribed by the director of public services. Failure to submit both the required form and all associated weight tickets shall subject the permittee to an administrative penalty as outlined in section 8-84.

C. Section 8-78 shall be amended to read as follows:

Sec. 8-78. – Issuance or denial of permit.

(a) When an application has been made to the city for a permit pursuant to this article, it shall be the duty of the director of the public services department to consider the matter; and he or she shall have the right to grant, condition or deny the permit request, and such decision shall be subject to an appeal to the city council pursuant to Chapter IX of Title 2 of this Code. In granting, conditioning or denying the permit request, the director of public services and the city council may take into consideration factors, including, but not limited to, the following:

- (1) The ability of the permittee to comply with the solid waste handling service standards enumerated in this article.
  - (2) The ability of the permittee to comply with the equipment standards enumerated in this article.
  - (3) The ability of the permittee to comply with the provisions regarding insurance or bonds enumerated in this article.
  - (4) The ability of the permittee to provide programs and comply with the City of Costa Mesa Source Reduction and Recycling Element and implement the source reduction and recycling plan proposed by the permittee pursuant to paragraph (f) of section 8-77.
- (b) The decision by the city council on a permit application shall be final.
- (c) No permit granted pursuant to this article shall be assigned or transferred without the consent of the director of public services. The term of the solid waste franchise permit shall be for a period of seven (7) years, provided that on each anniversary date of a permit it shall be automatically extended for one (1) additional year so that the term remains seven (7) years unless at least sixty (60) days prior to the anniversary date either the city or permittee notifies the other in writing that the permit will not be renewed in which case the term shall not be extended for an additional year and will have only six (6) years remaining and shall not be automatically extended thereafter. Nothing in this subdivision shall prevent the city from terminating a solid waste franchise permit before the end of its term pursuant to the provisions of section 8-79. No permit granted pursuant to this article shall limit the right of the city to grant an exclusive or nonexclusive franchise for solid waste handling services in the city. A permit issued under this article shall not grant the permittee rights under California Public Resources Code Section 49520, where at the time the permit is granted the permittee did not have a right to continue service under such section.

D. Section 8-79 shall be amended to read as follows:

Sec. 8-79. – Revocation of permit.

- (a) In the event that any person, contractor or solid waste enterprise holding a permit to collect solid waste, hazardous waste, or infectious waste upon or along any public highway within the city from any commercial, industrial, or multifamily residential unit(s), or residential unit(s) violates any of the conditions of such permit, the requirements of section 8-87, the provisions of this article, or any other ordinance, statute, or regulation relating to the collection, storage, or disposal of solid waste, hazardous waste, or infectious waste, or collects such solid waste in an unlawful, improper, or unsanitary manner, the director of public services may revoke such permit issued to such person, contractor, or solid waste enterprise as provided by this section.

- (b) The director of public services may revoke a permit by issuing a written order to the permittee and the order shall state the grounds for such revocation, and that if proof of compliance is not provided to the director of public services within thirty (30) calendar days from the date of the written order, the permit will be revoked forty-five (45) calendar days from the date the written order was mailed. The order shall be mailed by certified mail to the permittee. The written order shall be subject to an appeal to the city council pursuant to Chapter IX of Title 2 of this Code. Upon revocation of a permit, the permittee shall cease all services subject to the permit within seventy-five (75) calendar days from the date the order is mailed. The director may adopt regulations to implement the provisions of this section.
- (c) If a solid waste franchise permittee fails to comply with the requirements of section 8-84, including, but not limited to, the achievement of diversion requirements, the following procedure will be followed:
- (1) The director will determine whether the permittee has made a good faith effort to comply with the conditions of the permit and the requirements of this article. The director will consider evidence submitted by the permittee concerning this matter and the permittee has the burden of establishing that it has made reasonable and feasible good faith efforts to achieve compliance. Evidence to be considered on this issue includes, but is not limited to, how close to compliance the particular deficiency is, the efforts the permittee has taken to meet the requirement, the expense required to provide the permittee with the means for compliance, the results of similar permittees in meeting the requirement, the availability of new technologies which the permittee could utilize to satisfy the requirement, the plans submitted by the permittee showing what steps it plans to take to enable it to fully comply with the requirement and the time that will take, whether permittee has already taken reasonable steps to alter its operations in time to meet the requirement, and what impact the permittee's failure has on the city's overall compliance with the state requirements for solid waste reduction and diversion. The permittee's good faith efforts must conform to any guidelines established by the city and/or the state in this regard.
  - (2) The provisions of this subsection authorizing the director to consider the good faith efforts of a permittee shall only be applicable so long as the state authorizes and grants a comparable good faith exception concerning the city's responsibilities under state law.
  - (3) If the director determines that a good faith effort has been made by the permittee, the director may decide not to revoke the permit. If the permit is not revoked, the director may impose new conditions to the permit, such as: (i) the permittee must prepare a full compliance plan to show how it intends to meet the diversion requirement, (ii) the plan must be submitted within 30 days and approved by the director, (iii) the permittee must comply with that plan, or (iv) any other conditions that the director concludes are appropriate and will help meet the requirements of state law and the city ordinance.

(4) If a permit is not revoked because the director determines that a good faith effort had been made, the permit revocation process may be commenced again at any time the director determines new grounds therefor exists, including, but not limited to, noncompliance with any new conditions placed upon the permit at the time the good faith determination was made.

(d) If a permit is revoked, no permit shall be thereafter granted to such person to collect solid waste, hazardous waste or infectious waste in the city until such time as the permittee can prove the ability to comply with this article.

E. Subsection (f) of Section 8-81 shall be amended to read as follows:

(f) Solid waste franchise permittees shall maintain a place of business at some fixed place and shall maintain a telephone, listed in the telephone directory in his or her own name or in the firm name by which he or she is most commonly known. At all times during the hours between 8:00 a.m. and 5:00 p.m. of each day upon which collections are made, said office must be staffed to receive complaints regarding collection. An emergency number shall be made available to city hall for the hours between 5:00 p.m. and 8:00 a.m. and for days upon which collections are not made.

F. Subsection (a) of Section 8-82 shall be amended to read as follows:

(a) The permittee shall at all times keep fully insured, at his or her own expense, all persons employed by him or her in connection with the contract or permit workers' compensation insurance as required by the State of California, and shall hold the city free and harmless from all liabilities that may arise by reason of the injuries to any employee of the permittee who is injured while performing any work or labor necessary to carry out the provisions of a contract or permit. The permittee, during the life of the permit, shall keep on file with the city clerk evidence that the permittee is fully and properly insured as required by State law.

G. Section 8-83 shall be amended to read as follows:

Sec. 8-83. - Regulations.

(a) It shall be unlawful for any person to place, deposit, dump or cause to be placed, deposited or dumped any solid waste, hazardous waste or infectious waste in or upon any private property or in or upon any public property which the public is admitted by easement or license without the consent of the owner, or in or upon any public highway, street, alley, sidewalk, gutter, parkway or upon any private road, alley, sidewalk, gutter or driveway in common use, or upon any public property other than property designated or set aside as a disposal station for such purpose by resolution of the city council or county board of supervisors.

(b) It shall be unlawful for any person to place, deposit or dump solid waste, hazardous waste or infectious 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 city, or within a distance of five hundred (500) feet from any established residence or dwelling

house within the city, or to cause or suffer or permit such solid waste, hazardous waste or infectious 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 city, without first having obtained a use permit pursuant to the zoning laws of the city, county, and State of California, or pursuant to any other zoning law that may be hereafter adopted in the place and stead of said zoning laws of the city. The provisions of this subsection shall not apply to solid waste, hazardous waste or infectious waste placed into a container for pickup by a solid waste enterprise operating pursuant to a permit issued under this article.

- (c) No person shall burn any solid waste, hazardous waste or infectious waste within the city without having first complied with all rules and regulations of the city, the county, the South Coast Air Quality Management District and the state.
- (d) No person shall scavenge or bury any solid waste, hazardous waste or infectious waste within the city.
- (e) Special arrangements must be made and permits issued by the county, State of California, and federal agencies for the disposal of any of the following items: Ammunition; explosives; industrial waste; chemicals; infectious; hazardous and radioactive waste; acids; drugs; medicines; human feces; unwrapped animal feces; and items which are too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs and tree stumps.
- (f) Branches of trees, hedges, etc., shall be cut in lengths of not over four (4) feet and placed in containers or tied into bundles not exceeding fifty (50) pounds. All vacuum cleaner dust sweepings or ashes shall be wrapped and placed in the container. Newspapers and magazines may be bundled in bundles not exceeding fifty (50) pounds maximum. All metal containers may be placed in an enclosed container or wrapped in bundles not exceeding fifty (50) pounds maximum. In areas of curbside refuse collection, the requirements of this subsection are superseded by any requirements of the CMSD.
- (g) It shall be unlawful for a person, contractor or solid waste enterprise to commingle solid waste collected from within the jurisdiction of the City of Costa Mesa with solid waste collected from any other jurisdiction. A violation of this subsection shall result in the revocation of the permit pursuant to section 8-79.
- (h) For any type of solid waste collection in the city, it shall be unlawful for any person to use the services offered by a person, service, or enterprise that has not obtained all the required permits from the city pursuant to this article.
- (i) It shall be unlawful for any person, contractor or solid waste enterprise to place solid waste collection containers on public property without the appropriate city permit. For the first violation of this subsection, the city will impound container(s) of non-permitted persons, contractors or solid waste franchises forty-eight (48) hours after such container(s) are observed by the city or the city's agent. For the second violation of this subsection, the city will impound containers of non-permitted persons, contractors or

solid waste enterprises previously noticed or impounded twenty-four (24) hours after such container(s) are observed the city or the city's agent. Any subsequent violations shall be subject to immediate confiscation.

Permitted haulers shall place signage and/or markings on their containers to clearly identify them as property of the permitted hauler, as required by the city. When a container that does not contain signage or markings to clearly identify it as the property of a permitted hauler is observed, a notice shall be placed upon the container to inform its owner that illegal hauling has been established. The owner of that container will have forty-eight (48) hours to remove said container or place signage identifying it as property of the permitted hauler so that the city or city's agent can determine if it is the property of a permitted hauler.

If containers placed in violation of this section are not removed within the time periods set forth herein, an impound fee, per container, shall be imposed to cover the costs of impound, disposal of materials, container storage, and an administrative penalty fee for city enforcement and administration. The impound fee shall be established by city council resolution. If the owner of the impounded container does not pay the full impound fee to the city within ninety (90) days of impound, the impounded container shall become the property of the city to satisfy the impound fee.

The city reserves the right to, on an annual basis, enter into an impound services agreement, in accordance with the city's procurement policies. The selected solid waste enterprise shall be a solid waste franchise permittee and shall be authorized to enforce the city's franchise by confiscating any roll-off containers or trash bins used for illegal hauling within city limits. The contracted solid waste enterprise shall be authorized to collect the impound fee set forth herein. The owner of the container shall pay the impound fee in order to remove the property out of impound. If the owner does not pay within ninety (90) days of impound, the contracted solid waste enterprise shall keep the impounded container to satisfy its service and hauling charges.

- (j) All businesses as defined by Public Resources Code section 42649.1 generating four (4) cubic yards of trash per week, and all multi-family properties of five (5) units or more, must arrange for the collection and recycling of solid waste as follows:
  - (1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials with a permittee.
  - (2) Subscribe to a recycling service with a permittee that may include mixed waste processing that yields diversion results comparable to source separation.
- (k) On or before April 1, 2016, all businesses as defined by Public Resources Code section 42649.8 et seq., including multi-family residential dwellings of five (5) or more units, must arrange for recycling services specifically for the organic waste that they generate in the manner specified in subsection (k) as follows:



- (1) On and after April 1, 2016, a business that generates eight (8) cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste;
  - (2) On and after January 1, 2017, a business that generates four (4) cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste;
  - (3) On and after January 1, 2019, a business that generates four cubic yards or more of commercial solid waste, as defined in Public Resources Code section 42649.1, per week, shall arrange for recycling services specifically for organic waste; and
  - (4) On or after January 1, 2020, if the state Department of Resources Recycling and Recovery determines that statewide disposal of organic waste has not been reduced to fifty (50) percent of the level of disposal during 2014, a business that generates two (2) cubic yards or more per week of commercial solid waste shall arrange for the organic waste recycling services specifically for organic waste, unless the department of resources recycling and recovery determines that this requirement will not result in significant additional reductions of organics disposal.
- (l) All businesses as defined by Public Resources Code section 42649.8 et seq. including multi-family residential dwellings of five (5) or more units located within the city shall do one or more of the following, except that a multifamily residential dwelling is not required to arrange for the organic waste recycling for food waste:
- (1) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste with a permittee that recycles organic waste;
  - (2) Recycle its organic waste onsite or self-haul its own organic waste for recycling;
  - (3) Subscribe to a mixed waste processing service from a permittee that recycles organic waste; and/or
  - (4) Donate or sell organic waste to a person or entity authorized by law to receive such waste.
- (m) Property management companies that contract for trash service for any commercial, institutional, or multi-family properties subject to this article are required to contract or otherwise make available recycling services to comply with this section.

H. Section 8-84 shall be amended to read as follows:

Sec. 8-84. - Source reduction and recycling.

- (a) This section is enacted for the purpose of compliance with the California Integrated Waste Management Act of 1989 in accordance with California Public Resources Code Sections 40000 et seq. ("Act"). The city has adopted a source reduction and recycling element and household hazardous waste element pursuant to said Act which provides for the imposition and collection of charges to fund the preparation, adoption and

implementation of said elements. Such charges shall be determined, fixed and established by the city council by resolution. Such charges may be changed by the city council from time to time by resolution.

(b) A solid waste franchise permittee, as a condition of the permit, shall comply with the following source reduction and recycling requirements:

(1) The permittee shall take all necessary steps to cause the industrial, commercial, multifamily residential units, and residential units who produce solid waste subject to the permit and the Act to divert solid waste as required by California Public Resources Code Section 41870 through source reduction, recycling and composting.

(2) The permittee shall provide quarterly reports to the public services department, on the form and in the format required by the city, summarizing its progress in diverting solid waste generated by its customers in the city as required by California Public Resources Code Sections 41870 and 41821. The quarterly reports shall identify the tonnage collected, tonnage recycled, tonnage composted, percentage of waste recycled and/or composted, materials recycled, and the facilities receiving all waste generated. In addition, quarterly reports shall provide the level of customer specific data required to enable the city to be in compliance with State-mandated reporting requirements. Quarterly reports shall be due 30 days after the calendar quarter's end. Late reports shall be subject to a fine, which shall be established by city council resolution. All requested report data shall be provided. Incomplete reports shall not be accepted and shall be considered as late reports until they are fully completed.

(3) As a permittee of the city, the permittee shall be an authorized recycling agent of the city and shall become the owner of all solid waste and recyclable materials, and hazardous waste and infectious waste collected pursuant to the permit. The permittee is solely responsible for arranging for the collection, transportation, recycling, and disposal of all solid waste, hazardous waste or infectious waste collected pursuant to the permit. The recyclables become the property of the permittee once placed in the collection bin.

(4) The permittee shall collect a source reduction and recycling fee as imposed by resolution of the city council pursuant to the California Public Resources Code Section 41902 and this section.

(c) A contractor self-haul permittee, as a condition of the permit, shall comply with the following requirements to show compliance with section 8-84:

(1) Apply for per-project permits. These per-project permits are required for each job performed during the calendar year in which the permittee is authorized by the city to haul the solid waste they generate.

(2) Pay required per-project fees, which shall be established by city council resolution.

(3) Complete and submit all required forms.

- (4) Divert sixty-five percent (65%) of the solid waste generated by the contractor's business activity on that project, or present the city with evidence showing the maximum amount of solid waste was diverted from landfills.
- (5) Pay any penalty assessed by the city for failure to provide required reports, weight tickets, or other requested substantiation of compliant hauling activity requested by the city. These penalties are as follows:
  - (A) A penalty amount equal to three times the established per-project fee, for failure to submit any required form or weight ticket for that project.
  - (B) A penalty amount equal to two times the established per-project fee, for failure to achieve a sixty-five percent (65%) diversion rate or provide substantiation that the maximum solid waste possible was diverted from landfill. It shall solely be at the city's discretion, to determine if the maximum solid waste possible was diverted from landfill.
- (d) Failure of the permittee to comply with the provisions of this section shall subject the permittee to additional civil penalties as determined and approved by city council pursuant to California Public Resources Code Section 41954.
- (e) Notwithstanding the provisions of section 8-83, a person or entity owning or occupying an industrial, commercial, multifamily residential, or residential unit shall be permitted to create and use compost, as defined in California Public Resources Code Section 40116, on the private or public property that such person or entity owns or occupies.
- (f) The requirements of this section shall not apply to the solid waste handling services provided by the solid waste enterprise under contract with the CMSD, provided the CMSD establishes source reduction and recycling standards that are compliant with all State mandates upon the waste collected under the CMSD's contract.

I. Section 8-87 shall be amended to read as follows:

Sec. 8-87. - Franchise fee.

- (a) *Grant of franchise.* The city hereby grants a solid waste hauling franchise to any solid waste enterprise upon the issuance to it of a permit issued pursuant to section 8-77 of this article. The term of the franchise shall run concurrently with the term of the permit and shall end upon the termination of the permit. The valid possession of such a permit shall be deemed to make a solid waste enterprise a franchisee under this section.
- (b) *Franchise fee.* Every holder of a franchise issued pursuant to this section ("franchisee") shall pay a franchise fee as set by city council resolution based on the percentage of quarterly gross receipts. The purpose of the franchise fee is to provide funds to the city to pay for the maintenance and rehabilitation of the public highways in the city and for other general revenue purposes. Franchisees shall pay an annual minimum franchisee fee in the amount of ten thousand dollars (\$10,000.00). This fee shall be prorated in the amount of two thousand five hundred dollars (\$2,500.00) per quarter beginning with the

quarter in which the franchise is granted. Such annual minimum franchisee fee payments shall be paid to the city upon issuance of a permit pursuant to section 8-77 of this article and, thereafter, by January 1 of each calendar year. Failure to timely pay franchise fees shall result in a penalty in the amount of five percent (5%) of the delinquent franchise fee owed, plus an additional one and one-half percent (1.5%) of the fee for each month, or any portion thereof, that payment is late. Failure to timely pay franchise fees may also result in the commencement of permit revocation proceedings. The annual minimum franchisee fee shall be credited only toward the franchise fees that accrue during the same calendar year in which the minimum fee is paid.

- (c) *Quarterly franchise fee reports and payments.* Every franchisee is required to submit a quarterly franchise fee report and pay the established franchise fee on all gross receipts for that quarter. Pre-paid franchise fees are used to satisfy this quarterly obligation up to the full pre-payment amount. Failure to submit payment and the required report within forty-five (45) days of the end of each calendar quarter shall result in a fine, which shall be established by city council resolution, for each non-submittal. Submission of an incomplete report shall constitute a failure to submit a report and shall be subject to the same fine as that for non-submittal.
- (d) *Records requirements.* Every franchisee shall maintain all records relating to its solid waste handling services pursuant to this section, including, but not limited to, customer lists, billing records, services requests, cash receipts records, records demonstrating compliance with the requirements of section 8-84(b) of this article, and other documents and materials that reasonably relate the franchisee's compliance with this section. Upon five (5) business days' notice, such records shall be made available for city inspection at the franchisee's regular place of business. If the franchisee's regular place of business is not located within the county, the franchisee shall make such records available for city inspection at a location within the county, as determined by the city.
- (e) *Audit requirements.* An independent auditing firm shall perform an audit, at the city's expense, of any franchisee's records (the "city audit") to ensure compliance with the provisions of this section on an annual and/or as-needed basis, to be determined by the city. The scope of the city audit shall be set by city council resolution. If a city audit determines that a franchisee has not paid its full franchise fee, the city shall invoice the franchisee for the amount of the net deficiency plus a penalty fee equal to twenty percent (20%) of the net deficiency.
- (f) *Exemption for CMSD.* The franchise fee imposed pursuant to this section shall not be imposed upon any solid waste enterprise that has a franchise or contract with the Costa Mesa Sanitary District for any revenue the solid waste enterprise earns under that franchise or contract.

**Section 2.** Compliance with CEQA. Adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

**Section 3.** Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**Section 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 5.** Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

**Section 6.** Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

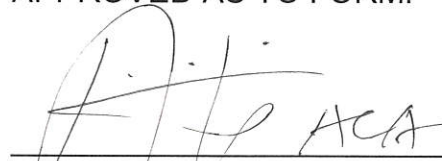
**PASSED AND ADOPTED this 2<sup>nd</sup> day of January, 2018.**

  
Sandra L. Genis, Mayor

ATTEST:

  
Brenda Green, City Clerk

APPROVED AS TO FORM:

  
Thomas Duarte, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 18-01 was duly introduced for first reading at a regular meeting of the City Council held on the 5<sup>th</sup> day of December, 2017, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 2<sup>nd</sup> day of January, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Foley, Righeimer, Stephens, Mansoor, Genis

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3<sup>rd</sup> day of January, 2018.



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BRENDA GREEN, CITY CLERK