



## ADMINISTRATIVE CITATION

THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MANDATORY RECYCLING ORDINANCE 2012-01 SECTION 11(b) PROVIDES THAT AN ADMINISTRATIVE CITATION MAY BE ISSUED FOR VIOLATIONS OF ORDINANCE 2012-01 PER GOVERNMENT CODE SECTION 53069.4.

**DATE OF CITATION:** 4/11/2018                      **CITATION NUMBER:** CITMR03107  
**CITED PARTY(S):** BUSINESS NAME  
**MAILING ADDRESS:** 00 STREET ADDRESS, CITY CA ZIP CODE  
**ADDRESS/LOCATION OF VIOLATION(S):** 1 STREET ADDRESS, CITY  
**CITATION INSPECTION DATE:** 4/11/2018

Violation	Ordinance Section	Date of Violation(s)	Number of Violations	Fine Per Violation	Fine
1. Disposal of Covered Materials – Recyclables <sup>1</sup>	2012-01.4(a)	N/A	0	N/A	\$0
2. Disposal of Covered Materials – Organics <sup>1</sup>	2012-01.4(a)	N/A	0	N/A	\$0
3. Garbage in Recyclables container(s) <sup>1</sup>	2012-01.4(b)	4/11/2018	1	\$100.00	\$100.00
4. Garbage in Organics container(s) <sup>1</sup>	2012-01.4(b)	N/A	0	N/A	\$0
5. Failure to provide containers and/or collection service for Recyclables <sup>2</sup>	2012-01.5(a)&(b)	N/A	0	N/A	\$0
6. Failure to provide containers and/or collection service for Organics <sup>2</sup>	2012-01.5(a)&(b)	4/11/2018	1	\$150.00	\$150.00
<b>Fine Amount</b>					<b>\$250.00</b>

<sup>1</sup> Each violation identified in categories 1-4 above is assessed as a single violation occurring on the date of inspection. Covered Materials – Recyclables are: cardboard, newspaper, white paper, mixed recyclable paper, recyclable glass food and beverage containers, metal (aluminum and steel) food and beverage containers, PET (#1) and HDPE (#2) plastic bottles. Covered Materials – Organics are: discarded food and compostable paper.

<sup>2</sup> Violations identified in categories 5-6 above are assessed as multiple violations, one violation for each day not corrected and fined at \$5/day. Each violation is considered an ongoing violation until it is cured or the citation dismissed. Failure to provide containers and/or collection service for Covered Materials was determined on the day of inspection and by a review of the service records available.

**Description of Violation(s):** On or about the Citation Inspection Date the above violation(s) of Alameda County Waste Management Authority (ACWMA or Authority) Ordinance 2012-01 were witnessed at the Address/Location of Violation(s). The Authority issued the Cited Party an Official Notification of their obligations under ACWMA Ordinance 2012-01. Subsequently, on 12/2/2014 the Authority issued to the Cited Party a Notice of Violation identifying a violation(s) of the Ordinance as witnessed by an Authority Representative. The Notice of Violation set the date to correct the violation(s) as “Immediately” for any witnessed violation(s) in category 1-4 above, and 60 days from the date of the Notice of Violation (2/2/2015) for any violation(s) in category 5 or 6 above. The Cited Party has not corrected the violation noted in the Notice of Violation or has committed a new violation(s) and therefore has not met one or more of the Ordinance requirement(s) within the specified time period.

**Payment of Fine:** The Fine amount is payable online at [www.CitationProcessingCenter.com](http://www.CitationProcessingCenter.com) (credit/debit) or by check made payable to:

**ACWMA – Citation Processing Center**  
P.O. Box 7275  
Newport Beach, CA 92658-7275

*(Include citation number on check)*

Toll-free number for fine payment questions:            **(800) 969-6158**

**Payment of Fine (continued):** The Fine Amount is imposed per Section 11 of the ACWMA Ordinance 2012-01. All penalties shall be payable to the Alameda County Waste Management Authority (see instructions on p. 1) and must be paid within 30 days of the date this citation is received. The failure of any person to pay the civil penalties assessed by this Administrative Citation within the time period specified on the citation may result in additional fines and charges including but not limited to attorney fees, interest, and recovery fees. In pursuit of the collection of fines, the Enforcement Official may: refer the matter to the court, notify the Interagency Intercept Program to attach any state tax returns, attach liens, and/ or use other means available under the law.

	<b>Actions Required to Cure Violation(s)</b>	<b>Time Period to Correct</b>
	Do not dispose of Covered Materials (Recyclables) in garbage containers	<b>Immediately</b>
	Do not dispose of Covered Materials (Organics) in garbage containers	<b>Immediately</b>
X	Do not dispose of garbage in containers designated for recycling	<b>Immediately</b>
	Do not dispose of garbage in containers designated for organics	<b>Immediately</b>
	Provide containers and/or collection service for Covered Materials – Recyclables	<b>Immediately</b>
X	Provide containers and/or collection service for Covered Materials – Organics	<b>Immediately</b>
X	Provide signage on or near containers for Solid Waste and Covered Materials describing proper segregation of Covered Materials from garbage	<b>Immediately</b>
X	Provide information at least annually to tenants, employees, and contractors to keep Covered Materials from garbage	<b>Immediately</b>
X	Pay Fine within 30 days of receipt of Citation	<b>30 days</b>

To avoid future citations, the Cited Party must take the actions required as listed in the table above.

**Authority to Impose Fine:** This is an Administrative Citation issued pursuant to Government Code section 53069.4 and section 5 of ACWMA Ordinance No. 2013-01. Under sections 11(b), 11(d) and 11(e) of Ordinance 2012-01, the Administrative Fine for violations of Ordinance 2012-01 is not to exceed \$100 (first violation), \$200 (second violation within one-year), \$500 (each additional violation within one year). Each violation of Ordinance 2012-01 shall constitute a separate violation for each day on which it occurs. A separate Administrative Citation and fine may be imposed for each requirement of this Ordinance violated for each day on which a violation occurs. Future violations could be assessed a higher fine. The Authority may recover costs and attorneys' fees incurred in connection with successful enforcement of this Ordinance. The Enforcement Official may pursue any other legal remedy to collect the administrative fines.

**CITATION ISSUED BY:**

Rachel Balsley, Enforcement Official

Date

**For more information about the Mandatory Recycling Ordinance, visit [www.RecyclingRulesAC.org](http://www.RecyclingRulesAC.org).**

**Right to Appeal:** You have a right to appeal this Administrative Citation within thirty (30) calendar days from the issuance date of the citation. Issuance date shall be the date the citation is served on the cited party. An appeal shall be submitted in writing and mailed to "ACWMA – Citation Processing Center" at P.O. Box 7275, Newport Beach, CA, 92658-7275. An appeal form may be obtained at [www.RecyclingRulesAC.org/Citations](http://www.RecyclingRulesAC.org/Citations). The appeal shall be accompanied by an appeal fee in the amount equal to the **Fine Amount** as shown on page 1. A hearing will be held only if a written request for appeal is made and received within 30 days of the issuance date of this citation and the appeal fee is paid. After receiving the written notice of appeal, the Hearing Administrator shall request that the Hearing Officer schedule a date, time, and place for the Administrative Citation hearing. Written notice of the date, time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing on the person appealing the citation by Certified Return Receipt U.S. Mail or process service.

**Right to Judicial Review:** Any person aggrieved by the administrative decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in Alameda County within 20 days after service of the Final Administrative Order and in accordance with the timelines and provisions set forth in California Government code Section 53069.4.