



ADMINISTRATIVE CITATION

THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY PLANT DEBRIS DISPOSAL BAN ORDINANCE 2008-01 SECTION 9(c) PROVIDES THAT AN ADMINISTRATIVE CITATION MAY BE ISSUED FOR VIOLATIONS OF ORDINANCE 2008-01 PER GOVERNMENT CODE SECTION 53069.4.

DATE OF CITATION: 4/16/2018 **CITATION NUMBER:** CITPD00000
CITED PARTY(S): BUSINESS NAME
MAILING ADDRESS: 00 STREET ADDRESS, CITY CA ZIP CODE
ADDRESS/LOCATION OF VIOLATION(S): 00 STREET ADDRESS, CITY
CITATION INSPECTION DATE: 3/14/2018

Violation	Ordinance Section	Date of Violation(s)	Number of Violations	Fine Per Violation	Fine
Disposal of Covered Materials – Plant Debris ¹	2008-01.4	3/14/2018	1	\$100.00	\$100.00
Fine Amount					\$100.00

¹Violations are assessed as a single violation as evidenced on the date of inspection. Covered Materials – Plant Debris: all accumulations of grass, leaves, shrubbery, vines, tree branches and trimmings that are normally associated with the care and maintenance of gardens and landscaping, except for palm trees and any parts of palm trees.

Description of Violation(s): On or about the Citation Inspection Date the above violation of Alameda County Waste Management Authority (ACWMA or Authority) Ordinance 2008-01 was witnessed at the Address/Location of Violation(s). The Cited Party was previously issued an Official Notification of their obligations under ACWMA Ordinance 2012-01 and 2008-01. Subsequently, the Cited Party was issued a Notice of Violation on when a violation of either Ordinance 2012-01 or 2008-01 was witnessed by an Authority Representative. The Notice of Violation set the date to correct the violation as “Immediately” for any witnessed violations. 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 (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**

The Fine Amount is imposed per Section 9 of the ACWMA Ordinance 2008-01. All penalties shall be payable to the Alameda County Waste Management Authority 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.

	Actions Required to Cure Violation(s)	Period to Correct
X	Do not dispose of Plant Debris in garbage containers	Immediately
X	Provide separate collection service for Plant Debris	Immediately
X	Pay Fine within 30 days of receipt of Citation	30 days

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 9(b), 9(c) and 9(d) of Ordinance 2008-01, the Administrative Fine for violations of Ordinance 2008-01 is not to exceed \$100 (first violation), \$200 (second violation within one-year), and \$500 (each additional violation within one year). Each violation of Ordinance 2008-01 shall constitute a separate violation for each day on which a violation of the requirement. 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 Plant Debris Landfill Ban, visit 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 made 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. The appeal shall be accompanied by an appeal fee in the amount equal to the **Fine Amount**. 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.

Recommendations:

To help keep Plant Debris separate from garbage and comply with ACWMA Ord. 2008-01, the Alameda County Waste Management Authority recommends the following:

- Place signs on or near garbage, recycling and organics containers to show that plant debris belongs in organics collection containers.
- Provide information at least annually to tenants, employees, and contractors describing how to properly sort materials.
- Visit www.RecyclingRulesAC.org for more information and assistance on how to comply.