ORDINANCE NO. 1055

ORDINANCE ADDING CHAPTER 23.5 TO THE SOLANO COUNTY CODE FOR PURPOSES OF ESTABLISHING A LITTER CONTROL PROGRAM

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Chapter 23.5 is added to the Solano County Code to read as follows:

CHAPTER 23.5

LITTER CONTROL PROGRAM

Section 23.5-100. Policy.

The Solano County Board of Supervisors declares that the protection of the public health and safety, the maintenance of the economic productivity and environmental quality of Solano County, and the conservation of natural resources require the implementation of a comprehensive litter and waste removal program throughout the County.

Section 23.5-200. Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Litter is any quality of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage, or junk.

Public property includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, county vacant property, parks, benches, playgrounds, other publicly-owned recreation facilities, and county waterways and bodies of water.
Containers are locally-approved metal or heavy-duty plastic receptacles with lids or covers used for the disposal and storage of solid waste.

Section 23.5-300. Regulations.
The regulations herein shall apply to the unincorporated portions of Solano County.

Section 23.5-305. Pedestrians and Motorists.
The following regulations apply to pedestrians and motorists on either public or private property within Solano County:

A. It shall be unlawful for any person to throw, discard, place, or deposit litter in any manner or amount on any public or private property in the unincorporated portions of the County, except in containers or areas lawfully provided therefor.

B. In the prosecution charging a violation of Section 23.5-305A from a motor vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner of said vehicle, shall constitute evidence a presumption that the registered owner was the person who committed the violation.

C. It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.

D. To facilitate proper disposal of litter by pedestrians and motorists, such publicly-patronized or used establishments and institutions as may be designated by the Department of Public Health of Solano County shall provide, regularly empty
and maintain in good condition adequate containers that meet standards prescribed by the department. This requirement shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, schools and colleges.

Section 23.5-310. Vehicles Transporting Loose Material. The following regulations apply to all motor vehicles operated in the unincorporated portions of the County.

A. It shall be unlawful for any person, firm, corporation, institution, or organization to transport any loose cargo by truck or other motor vehicle in the unincorporated portions of the County, unless said cargo is covered and/or secured in such manner as to prevent depositing of litter on public and private property.

B. The duty and responsibility imposed by Section 23.5-310A shall be applicable alike to the owner of the truck or other vehicle and the operator thereof.

C. In the prosecution charging a violation of Section 23.5-310A, a lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

Section 23.5-315. Loading and Unloading Operations. The following regulations apply to all commercial vehicular loading and unloading operations in the County:

A. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking, and loading and unloading of materials at exterior locations, shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.
B. It shall be the duty of the owner or occupant of such locations to remove, at the end of each working day, any litter that has not been containerized.

Section 23.5-320. Construction or Demolition Projects.

The following regulations apply to all construction or demolition projects in the County:

A. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted, the accumulation of any litter on the site before, during, or after completion of the construction or demolition project.

B. It shall be the duty of the owner, agent, or contractor to have on the site adequate containers for the disposal of litter, and to make appropriate arrangements for the collection thereof, or for transport by himself to any authorized facility for final disposition.

C. The owner, agent or contractor may be required, at any time, to show proof of appropriate collection or, if transported by himself, of final disposition at any authorized facility.

Section 23.5-325. Commercial Solid Waste Removal.

The following regulations apply to all commercial activities and enterprises in the County:

A. All establishments and institutions which generate solid waste for collection by an approved independent contractor shall abide by the following container requirements prescribed by the Department of Public Health: container bins in an adequate size and number to hold all waste products generated between regularly-established collections shall be maintained on the premises.

B. Containers shall be kept covered at all times. Any container which does not conform to prescribed standards or
which has defects likely to hamper collection or injure the
person collecting the contents thereof, or the public generally,
shall be replaced promptly by the owner or user of the con­
tainer upon receipt of written notice of such defects from
the Department of Public Health or independent contractor.
Failure to do so within five (5) days of such notification
shall constitute a violation of this section.

C. It shall be unlawful for any owner, manager or em­
ployee of a commercial establishment or institution to deposit
solid waste from that establishment or institution in any
receptacle maintained on a sidewalk, or at any other location
for disposal of litter by pedestrians.

Section 23.5-330. New Construction Solid Waste Removal.
The following regulations apply to all multiple-residential
or commercial construction in the County:

A. Before building permits shall be issued for con­
struction of commercial buildings and multiple-dwelling units,
plans for the adequacy, location and accessibility of solid
waste containerization and storage facilities must be approved
by the Department of Public Health.

B. No certificate of occupancy shall be issued for said
premises until the Department's approval of these facilities
has been obtained.

Section 23.5-400. Enforcement.
Any regulations of this ordinance, as set forth under
Section 23.5-300 et seq., may be enforced by Deputy Sheriffs and
by those persons in the Solano County Public Works Department,
and the Solano County Department of Public Health specifically
delegated with such authority by the Director of the Public
Works Department and the Director of the Department of Public
Health, respectively. Additionally, the following departments
are authorized to enforce the specific section of this ordinance,
as specified:

Building-Zoning Inspectors or Technicians --
Sections 23.5-320 and 23.5-330;

Deputy Fire Wardens --
Sections 23.5-325 and 23.5-330;

County Environmental Health Inspectors --
Sections 23.5-325 and 23.5-330;

County Park Rangers --
Sections 23.5-205A and other facilities wherein such
rangers have jurisdiction.

Section 23.5-500. Citations.

Any violation of the provisions of this Ordinance shall
result in the issuance of a Notice to Appear, pursuant to Penal
Code §§853.5 and 853.6, by either the agency witnessing the
violation or one of the agencies charged with the responsibility
of enforcing that section of the ordinance which has been
violated.

Section 23.5-550. Penalties.

The violation of any provision of this Ordinance is a
misdemeanor. The penalties prescribed herein for the viola-
tion of provisions of this Ordinance are as follows:

A. Any person convicted of a violation of Section
23.5-305A, involving the dumping of trash on public property,
or the private property of another shall be liable to punish-
ment by a fine of not less than Three Hundred Dollars ($300.00).

B. Any person convicted of a violation of any of the
provisions of Sections 23.5-310A, or 23.5-320A, B, or C, shall
be liable to punishment by a fine of not less than One Hundred
Dollars ($100.00).

C. Any person convicted of a violation of any of the
provisions of Sections 23.5-305D, 23.5-315E, 23.5-325A or C, or
23.5-330A shall be liable to punishment by a fine of not
les than Fifty Dollars ($50.00).

D. Any person convicted of a violation of Section 23.5-305A as to littering by a pedestrian or motorists, or convicted of a violation of the provisions of Sections 23.5-305C, 23.5-315A, or 23.5-325B shall be liable to punishment by a fine of not less than Twenty-five Dollars ($25.00).

Each and every day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

Section 23.5-600. Severability.

If any provision of this Ordinance, or any section thereof in any circumstances is held invalid, the validity of the remainder of the ordinance and of the application of any of the other provisions or sections shall not be affected.

SECTION II.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Daily Republic, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors,

By Garland Dunham, Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 12th
day of December, 1978.

On the motion of Supervisor ASERA and the second of Supervisor BRANN, this Ordinance was adopted at a regular meeting of said Board on the 26th day of December, 1978, by the following vote:

AYES: SUPERVISORS: ASERA, BRANN AND HEWITT

NOES: SUPERVISORS: SCOFIELD AND BRAZELTON

ABSENT: SUPERVISORS: NONE

WITNESS my hand and the Seal of said Board this 26 day of December, 1978.

NEIL CRAWFORD, County Clerk

By Garland Dunham, Deputy Clerk