ORDINANCE NO. 178

AN ORDINANCE REGULATING THE TRANSPORTATION AND DISPOSAL OF GARBAGE, WASTEMATTER AND REFUSE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO DO ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful for any person, persons, firm, association or corporation, without first having obtained from the County of Solano by and through its Director of Public Health, the appropriate written permit so to do, hereinafter provided for,

(a) To transport or cause to be transported along and upon the public streets, roads, highways and places of the County of Solano, any garbage, house refuse, swill, butchers' offal, putrid or stinking vegetable and animal matter, dead animals, bones, old and filthy rags, automobile bodies, junk or refuse or any other matter, for the purpose of dumping the same.

(b) To rent, lease, hire, use, keep or maintain any place, land or premises within the County of Solano for the purpose of depositing or dumping thereon the garbage, waste matter and refuse specified in Subdivision (a) of this section.

SECTION 2. It shall be unlawful to deposit or dump or cause to be thrown, deposited or dumped into any tide-water, lakes, streams or reservoirs in the County of Solano any of the garbage, waste matter or refuse specified in Subdivision (a) of Section 1 of this ordinance.

SECTION 3. It shall be unlawful and a misdemeanor for any person, persons, firm, association or corporation

(a) To use, keep or maintain any place, land or premises within the County of Solano as a depositary or dumping place for the garbage, waste matter or refuse specified in Subdivision (a), Section 1, of this ordinance, without providing for the same a caretaker whose duty it shall be to control and minimize rodents, flies, smoke, noisome odors, and all other pests and nuisances in the same.

(b) To leave, scatter, or permit to be left or scattered on the public roads and places within the County of Solano any garbage, waste matter or refuse specified in Subdivision (a), Section 1, of this ordinance, or drippings therefrom, in the course of the transportation of such matter on said public roads and places; or to use for the purpose of such transportation of such matter any vehicle or container which is not sufficiently tight and sealed to permit such matter while being so transported therein, to leave, scatter or fall out of the same.

(c) To use any site, place, land or premises for the purpose of depositing or dumping thereon the garbage, waste matter and refuse specified in Subdivision (a), Section 1, of this ordinance, whereupon the deposit of the same shall constitute a nuisance as defined by the laws of the State of California or the ordinances of the County of Solano.

SECTION 4. Any person, persons, firm, association or corporation desiring a permit under the provisions of this ordinance shall apply for the same to the Director of Public Health of the County of Solano whose duty it shall be to investigate such application and determine whether or not the same should be granted under the provisions of this ordinance, and to issue such license if such applicant is entitled to the same hereunder, and deny the same if such applicant is not entitled to the same hereunder. It shall be the duty of such applicant to give to the said Director of Public Health and the employees of the Department
of Public Health operating under his authority, all such information as may be necessary in connection with his investigation of such application.

Permits issued hereunder shall be of two classes, to wit:

**Class 1:** Permit to be known as "Permit to Operate a Refuse Collection System, (Subdivision (a), Section 1, of Ordinance No.____)"; and

**Class 2:** Permit to be known as "Permit to Establish and Operate Refuse Disposal Site (Subdivision (b), Section 1, of Ordinance No.____)".

Said Class 1 permit shall be in the following form, to wit:

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PERMIT (Class 1) No._____ 

PERMIT TO OPERATE A REFUSE COLLECTION SYSTEM 
(Subdivision (a), Section 1, Ordinance No.____) 
COUNTY OF SOLANO 

In conformity with the provisions of Ordinance No.____ a permit is hereby granted to

whose address is ____________, California, to transport or cause to be transported along and upon the public streets, roads, highways and places of the County of Solano, any garbage, house refuse, swill, butchers' offal, putrid or stinking vegetable and animal matter, dead animals, bones, old and filthy rags, automobile bodies, junk, or refuse of any nature, for the purpose of dumping the same. This permit expires one year from its date and must then be renewed.

This permit is subject to the following conditions:

1. It shall not be assigned, and is not assignable.
2. It may be revoked, and all operations thereunder shall cease, upon notice from the Director of Public Health, in writing,
   a. If the holder thereof shall violate any of the sanitation laws of the State of California, or Ordinances of the County of Solano, particularly Ordinance No.____ of said County.
   b. That the Director of the Public Health of the County of Solano, his employees and deputies, shall have the right to inspect all equipment and accessories of the holder of this permit at all times, whether on or off the road.
   c. If the holder hereof shall go out of business or sell out.
   d. If the person named as holder herein is not the true user thereof.

Issued by: ________________________
Director of Public Health of the County of Solano

Dated: ____________ 19__. 

PERMIT (Class 2) No._____

PERMIT TO ESTABLISH AND OPERATE REFUSE DISPOSAL SITE. 
(Subdivision (b), Section 1, Ordinance No.____) 
COUNTY OF SOLANO 

In conformity with the provisions of Ordinance No.____ of the County of Solano, State of California, a permit is hereby granted to

whose address is ____________, California, to either rent, lease, hire, and to use, keep and maintain the following described place, land or premises within the County of Solano, to wit:

(description of property sufficient to indicate location and area) 

for the purpose of depositing and dumping thereon garbage, house refuse, swill, butchers'
offal, putrid or stinking vegetable and animal matter, dead animals, bones, old and filthy
garbage, automobile bodies, junk, or refuse of any nature. This permit expires one year from the
date thereof, and must then be renewed.

This permit is subject to the following conditions:

1. It shall not be assigned, and is not assignable.

2. It may be revoked, and all operations thereunder shall cease upon notice from
the Director of Public Health, in writing,
   a. If the holder thereof shall violate any of the sanitation laws of the
   State of California, or ordinances of the County of Solano, particularly Ordinance
   No. ______ of said County.
   b. That the Director of Public Health of the County of Solano, his
   employees and deputies, shall have the right at all times to enter upon the
   premises above described, and inspect the same, and all equipment and accessories
   of the holder of this permit used in operating the same.
   c. If the holder thereof shall go out of business or sell out.
   d. If the person named as holder herein is not the true user of this
   permit.
   e. If said premises are operated without the caretaker in charge who is
   hereinafter named.

3. This permit shall be good and in force only during the time that the care­
taker hereinafter named shall remain in charge as such, and shall lapse when such person
leave the employ of the holder hereof.

Upon the caretaker herein named leaving the employ of the holder of this
permit, said holder shall forthwith apply to the Director of Public Health for a new permit,
naming the new caretaker to be designated therein.

The caretaker under this permit is ___________ , and his address is

Dated: ___________ 19

Director of Public Health of the
County of Solano

SECTION 2. It shall be unlawful, and a misdemeanor for any person, persons, firm,
association or corporation to continue operations under any permit issued under the provisions
of this Ordinance, after having received notice in writing from the Director of Public
Health that the same has been revoked.

SECTION 3. Any person, persons, firm, association or corporation whose application
for a permit has been refused, or whose permit has been revoked by the Director of Public
Health, shall have the right within thirty days after such application has been refused, or
such permit has been revoked, to appeal from the action of said Director of Public Health,
to the Board of Supervisors of the County of Solano, by a written notice of appeal filed,
with the Clerk of said Board, and it shall be the duty of said Board of Supervisors, at its
next regular meeting after such written notice of appeal has been received, to hear such
appeal, and evidence upon the same, and to sustain or overrule the action of said Director
of Public Health, and the decision of the said Board of Supervisors shall be final. In the
event the action of said Director of Public Health shall be overruled by said Board of
Supervisors, it shall be the duty of said Director of Public Health forthwith to issue the
permit applied for, or to rescind the revocation of the permit revoked, 'as the case may be.

SECTION 4. A permit fee of $10.00 is hereby fixed for all permits required by this
Ordinance, which fee must be paid by the applicant to the Director of Public Health at the
time of applying for the same, and which must be returned to such applicant, should the same
be denied, and which shall be forthwith deposited in the County Treasury by the Director of
Public Health, immediately upon his receiving the same, in the event such application is
All permits shall be issued for the term of one year only from and after the date thereof, and must be then renewed, and a new permit issued in the same manner as herein required for the original permit, and upon payment of the same fees.

SECTION 8. In no case shall a permit be issued to any application who or which has been convicted of the violation of any sanitation law of the State of California, or of any provision of any sanitation ordinance of the County of Solano.

SECTION 9. It shall be the duty of the Director of Public Health of the County of Solano,

(a) To fully investigate into and act upon all applications for permits under the provisions of this ordinance, and collect and dispose of all permit fees in accordance with its provisions.

(b) After such investigation, to issue all permits provided for herein, and to refuse to issue all permits in cases forbidden by the provisions hereof, and to revoke any permit, the holder of which has violated any provision of the sanitation laws of the State of California, or of the sanitation ordinances of the County of Solano, in operations under such permit.

(c) To regularly inspect all operations of holders of permits hereunder, their premises and equipment, and in the course of such inspection to require the holder of any permit to take such steps, and do such things as will abate any public nuisance; prevent disease, and minimize and control rodents, flies, smoke, noisome odors and all other pests and nuisances that may exist, and prosecute, or cause to be prosecuted, any violation of the sanitation laws of the State of California, and of the sanitation ordinances of the County of Solano, that may come to his notice.

SECTION 10. It shall be unlawful and a misdemeanor for any person, persons, firm, association or corporation to operate under any permit not issued to it, or to procure any permit by false or fraudulent misrepresentations or statements of fact.

SECTION 11. No permit issued under the provisions of this Ordinance shall be assignable.

SECTION 12. It shall be unlawful and a misdemeanor for the holder of any permit hereunder to refuse to permit the Director of Public Health, his agents and employees, to make the inspections of premises and equipment of the holder of such permit, or to impede or obstruct said Director, his agents and employees, in the performance of their duties as such under the provisions of this ordinance.

SECTION 13. Every person, persons, firm, association or corporation maintaining and operating a garbage dump within Solano County shall enclose the same with a tight board fence at least eight (8) feet high, the boards on the outside to be surfaced and painted a dark olive green, and to be free from advertising or other printed matter.

SECTION 14. Any person, persons, firm association or corporation violating any of the provisions of this Ordinance shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars ($100.00) or by imprisonment in the County Jail not exceeding fifty (50) days, or by both such fine and imprisonment.
SECTION 15. This ordinance shall take effect thirty days from and after its passage, and all permits issued and not outstanding under the provisions of Ordinance No. 130 of the County of Solano shall be void, and must be then replaced by permits under the provisions of this Ordinance, and said Ordinance Number 130, and all other ordinances in conflict herewith are hereby repealed.

SECTION 16. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Solano hereby declared that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be held invalid.

This ordinance shall be published once in the "Morning Times Herald", a newspaper of general circulation in the County of Solano, prior to the fifteenth day after its passage.

Chairman of the Board of Supervisors of the County of Solano, State of California.

The foregoing ordinance was regularly introduced, passed and adopted by the Board of Supervisors of the County of Solano at a regular meeting of said Board held on the 5th day of December 1938, by the following vote:

Ayes: Supervisors Brown, Demmon, Foley, Schmeiser and Danielson.

ABSENT: None

NOES: None

WITNESS my hand and official seal as such Clerk this 5th day of December, 1938.

G. G. Halliday
Clerk