

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTIONS 10.41.010 AND 10.41.040 OF THE MONTEREY COUNTY
CODE TO INCREASE FINES FOR LITTERING**

County Counsel Summary

This ordinance amends Sections 10.41.010 and 10.41.040 of the Monterey County Code, authorizing the newly defined Enforcement Official to impose tiered fines for littering violations as an administrative citation with the first violation punishable by a civil penalty of not more than \$2,500, the second violation within 12 months punishable by a civil penalty of not more than \$5,000, and the third violation within 12 months punishable by a civil penalty of not more than \$10,000.

The Board of Supervisors of the County of Monterey hereby ordains as follows:

SECTION 1. FINDINGS

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors recognizes that illegal dumping and littering have significant negative impacts on the health, safety, and welfare of the citizens of Monterey County.

C. The Board of Supervisors further recognizes that illegal dumping and littering in Monterey County have significant deleterious effects on the environment and on the unique natural resources and wildlife present within the County.

D. This ordinance protects the public health, safety, and welfare, and that of the natural resources of the County and the environment, by providing for the enforcement of violations of Chapter 10.41, which prohibits littering and dumping generally, via an enhanced fine structure.

D. This ordinance is exempt under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Section 15308 because the ordinance is an action taken by the County to assure the enhancement and protection of the environment and involves procedures for protection of the environment.

SECTION 2. Section 10.41.010 of the Monterey County Code is hereby amended to read as follows:

In this Chapter, unless the context otherwise requires:

- A. "Approved container" means a watertight can with close-fitting cover, side bail handles, and a capacity of twenty (20) gallons through ninety-six (96) gallons.
- B. "Board" means the Board of Supervisors of the County of Monterey.
- C. "Commercial solid waste" means refuse generated by stores, shops, offices, restaurants, hospitals, and any commercial, industrial or agricultural establishment.
- D. "County" means the unincorporated area of the County of Monterey.
- E. "Debris" means rubbish resulting from construction, demolition or alteration of any building or structure, including brick, mortar, wood and glass.
- F. "Disposal facility" includes any place, location, tract of land, area or premises permitted by the Monterey County Health Department and approved by the California Integrated Management Board to be used for disposal of solid wastes.
- G. "Enforcement Official" means any officer, employee, or agent of the County or any deputy or designee of such officer, employee, or agent that is charged with responsibility for enforcement of any provision of this Code.
- H. "Food waste" means all institutional, residential, and commercial food product waste.
- I. "Franchisee" means a person who has been granted a franchise by the Board to collect and haul refuse for hire.
- J. "Garbage" means all putrescible waste, all animal or vegetable refuse or residue, and all wrappers, packing materials and containers that result from the preparation or care for, or treatment of, food stuffs intended to be used as food. "Garbage" includes all putrescible wastes resulting from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit or vegetable.
- K. "Green waste" means all grass clippings, leaves, branches, tree trunks, and other yard waste generated by residential and commercial property owners.
- L. "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- M. "Director of Health" means the Director of the Monterey County Health Department or his or her designee.
- N. "Household hazardous waste" means any hazardous waste generated incidental to owning or maintaining a place of residence. "Household hazardous waste" includes pesticides, waste motor oil and antifreeze, car batteries, paints and related products, acids, and cleaners.

"Household hazardous waste" does not include any waste generated in the course of operating a business at a residence.

O. "Itinerant trash hauler" means a person collecting and hauling trash.

P. "Lost income discount" means a discount of thirty (30) percent (LifeLine) off the first approved container from the curbside refuse collection rate for property owners with incomes that fall below the Federal Poverty Guidelines.

Q. "Mandatory collection area" means a geographical area designated or specified in this Chapter or by resolution of the Board in which solid waste collection services acquired from the franchisee by all residential, multi-residential and commercial establishments which generate solid waste in the County.

R. "Owner" means owner of record of a parcel of land in the County.

S. "Permittee" means a person who has been issued a permit pursuant to this Chapter by the Health Department who collects refuse for hire.

T. "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

U. "Putrescible waste" means organic matter with a decomposition capacity to emit noticeable quantities of odor and gaseous byproducts, including kitchen waste, yard waste, dead animals and food waste.

V. "Recyclables" means solid waste which is aluminum, glass, paper, newspaper, cardboard, plastic, ferrous metal, white goods, yard or green waste and other materials that would otherwise become solid waste which can be processed and 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.

W. "Refuse" means both garbage and rubbish.

X. "Registered hazardous waste hauler" means a registered hazardous waste hauler as defined in Section 66176 of Title 22 of the California Administrative Code while engaged in the hauling of hazardous waste.

Y. "Rubbish" means nonputrescible waste, including unusable, unwanted or discarded material resulting from normal community, business or residential activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons or may depreciate property values in its vicinity, or both, including any rubbish having any salvage value. "Rubbish" does not include discarded appliances, furniture, bulky items that cannot and will not be readily placed in an approved container and materials generated by the owner and held by the owner to be salvaged for reuse or recycling.

Z. "Solid waste" means all putrescible and non-putrescible solid, semisolid and liquid wastes, accumulated or delivered for collection and disposal or recycling within the County,

including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts of abandoned vehicles, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid waste, and other discarded solid or semisolid wastes. "Solid waste" does not include hazardous waste or radioactive wastes regulated under Health and Safety Code Section 114960 et seq., or medical wastes which are regulated under Health and Safety Code Section 117600 et seq.

AA. "Source separation" means the separation or segregation of solid waste, at the place of generation or production of wastes and resources for separate collection, processing, recycling, reuse or recovery or disposal.

BB. "Trash" means nonputrescible waste, including discarded appliances, furniture, and similar bulky items which cannot be readily placed in an approved container but excluding debris, commercial solid waste, garbage and rubbish.

CC. "Yard waste" means leaves, grass, weeds and wood materials from trees and shrubs.

SECTION 3. Section 10.41.040 of the Monterey County Code is hereby amended to read as follows:

A. A person shall not throw or deposit, or cause to be thrown or deposited, any refuse upon any premises whatsoever except at a permitted disposal facility.

B. Transporting refuse in container used for burning. A person shall not transport refuse in any container that has been used for burning.

C. State Law Relative to Littering. The attention of all persons is directed to Section 374 *et seq.* of the Penal Code and other provisions of the laws of the State prohibiting the littering of public highways.

D. Violations. The Enforcement Official may issue an administrative citation for the violation of this Section as a civil penalty as follows:

1. The first violation shall be punishable by a fine of not more than two thousand five hundred dollars (\$2,500).
2. The second violation during a twelve (12) month period shall be punishable by a fine of not more than five thousand dollars (\$5,000).
3. The third, and any subsequent, violation during a twelve (12) month period shall be punishable by a fine of not more than ten thousand dollars (\$10,000).

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of

the remaining portions of this ordinance. The Board of Supervisors hereby declares 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 declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Glenn Church, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:



Kelly L. Donlon
Assistant County Counsel