



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 24-001

January 30, 2024

Introduced: 1/19/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Consider introducing, waiving reading, and setting February 13, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance to amend Sections 10.41.010 and 10.41.040 of the Monterey County Code to increase fines for littering in unincorporated Monterey County.

Proposed California Environmental Quality Act (CEQA) Action: Consider finding that the adoption of this ordinance is categorically exempt per Section 15308 of the CEQA Guidelines because the action consists of creating regulations for the protection of the environment.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find the adoption of this ordinance is categorically exempt per Section 15308 of the CEQA Guidelines because the action consists of creating regulations for the protection of the environment; and
- b. Introduce, waive first reading, set February 13, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance to amend Sections 10.41.010 and 10.41.040 of the Monterey County Code to increase fines for littering in unincorporated Monterey County.

SUMMARY/DISCUSSION:

Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations to protect the natural resources of the County and promote the public health, safety, and welfare of its citizens.

On November 28, 2023, the Monterey County Environmental Health Bureau provided an update to the Board of Supervisors in response to Board Referral No.2023-20 addressing litter fines. Staff were subsequently directed to proceed with amending Monterey County Code to add specific litter fines.

Current regulations are set forth in Monterey County Code Section 10.41.040 as follows:

“10.41.040- Litter Generally:

- 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.”

As Chapter 10.41 does not set forth a specific fine for violations of these regulations, such violations are subject to general fines as currently set forth in Monterey County Code Section 1.22.100, "Administrative Citations and Fines," which imposes administrative fines for violations in the amount of \$100 for a first violation, \$200 for a second violation within a year, and \$500 for a third violation within a year.

Board Referral No. 2023.20 seeks to amend Monterey County Code to increase fines to deter littering, prevent illegal dumping, promote an enjoyable environment, and protect our natural resources. The purpose of amending the code is to facilitate an effective response to holding those responsible for illegal dumping and littering by clarifying code violations, increasing penalties, and updating language to emphasize local roles and responsibilities.

Illegal dumping and littering of solid waste and refuse is a common, repeated and increasing occurrence despite regulatory and service-related activities performed by the County of Monterey's various departments and agencies. Residents and local groups of ordinary citizens who volunteer their own personal time and efforts to clean up after those who break the law, do not deter law breakers. Many jurisdictions understand that public education and physical eradication efforts also require a robust enforcement element for an effective system to succeed.

A survey of littering fines for five counties was conducted with fines ranging from \$100 to \$10,000.

Location	1st	2nd	3rd
San Jose	\$2500	\$5000	\$10,000
Santa Cruz	\$100	\$200	\$500
San Benito	\$2500	\$5000	\$10,000
San Luis Obispo	-	-	-
Fresno	Public Resources Code	Public Resources Code	Public Resources Code

First, to clearly set forth those County officials who are empowered to enforce this regulation, Staff recommend that the definition of "Enforcement Official" be added to the definitions section of 10.41.010 in its alphabetically appropriate location as new subsection G, and that all subsequent definition subsections be correctly re-alphabetized, as that this definition read as follows:

"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."

Monterey County Code Section 10.41.040 be amended to read as follows:

"10.41.040- Litter Generally:

- 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)."

These amendments will assist any responding County agency that would encounter littering. The proposed increased fines are intended to be a deterrent to littering not an unintended financial burden. Ideally, a first offense will not warrant a subsequent second or third fine.

It is worth noting that other jurisdictions, within California and other states, have discussed the benefits of implementing fines at the statewide Illegal Dumping Conference. This conference highlights "the three E's" of education, eradication, and enforcement as the best approach for addressing illegal dumping. Locally, the Illegal Dumping Litter Abatement Task Force, known as IDLATF, has modeled its subcommittees after this three-pronged approach. The Education & Outreach subcommittee has worked on distributing a quarterly newsletter, creating media posts/videos, promoting the Disposal Voucher Program, and more as part of the efforts to continuously educate the public on why they shouldn't illegally dump and alternatives to illegal dumping. The Eradication subcommittee has hosted regular community cleanups throughout the County, collaborating with franchise solid waste haulers who also host cleanup events for residents, and working with Public Works to clean up illegal dumpsites, and more. The Enforcement and Eradication subcommittees have been developing a pilot surveillance program and implementing significant fines for illegal dumping/litter will strengthen enforcement efforts through distinct consequences to illegal dumping.

The Education and Outreach subcommittee's efforts are provided in multiple languages. The pilot surveillance programs of the Enforcement and Eradication subcommittees emphasize efforts in underserved communities, activities which mirror efforts of the Environmental Health Bureau.

This activity supports the Monterey County Health Department 2018-2024 Strategic Plan Goals: 1) Empower the community to improve health; 2) Enhance community health and safety through prevention. This activity also supports two of the ten essential public health services specifically: 5. Develop policies and plans that support individual and community health efforts and 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

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The Office of the County Counsel has approved this ordinance as to form.

FINANCING:

Adoption of the ordinance itself will not have direct financial impacts. Costs for implementation, enforcement, public outreach, and education will be covered through existing department budgets.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The proposed ordinance supports the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

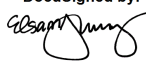
- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst III, 796-1297

Approved by:

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Date 1/22/2024 | 10:33 AM PST

Elsa Mendoza Jimenez, Director of Health Services, 755-4526

Attachments:

Board Report

A - Draft ordinance (redline)

B - Draft ordinance (clean)