

CHAPTER 23.5 LITTER CONTROL PROGRAM

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Sec. 23.5-10. 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.

(Ord. No. 1432, §1)

Sec. 23.5-11. Definitions

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

Containers mean locally-approved metal or heavy-duty plastic receptacles with lids or covers used for the disposal and storage of solid waste.

Litter means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classes 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.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-12. Regulations

The regulations herein shall apply to the unincorporated portions of Solano County.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-13. 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.

(b) In the prosecution charging a violation of section 23.5.13(a) 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 such vehicle, shall constitute in 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 environmental management, division of environmental health of the county shall provide adequate containers that meet standards prescribed by this chapter. 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.

(Ord. No. 1055, §1; Ord. No. 1432, §1))

Sec. 23.5-14. 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 such cargo is converted and/or secured in such manner as to prevent depositing of litter on public and/or private property.

(b) The duty and responsibility imposed by section 23.5-14(a) 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 23.5-14(a) a lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-15. Loading and unloading operations

The following regulations apply to all commercial vehicular loading and unloading operations in the unincorporated areas of 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.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-16. Construction or demolition projects

The following regulations apply to all construction or demolition projects in the unincorporated areas of 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 or herself 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 or herself, of final disposition at any authorized facility.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-17. 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: 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 container upon receipt of written notice of such defects from the department of environmental management, division of environmental health or independent contractor. Failure to do so within five days of such notification shall constitute a violation of this section.

(c) It shall be unlawful for any owner, manager or employee 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.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-18. 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 construction 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 environmental management, division of environmental health.

(b) No certificate of occupancy shall be issued for such premises until the department's approval of these facilities has been obtained.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-19. Enforcement

Any regulations of this chapter, as set forth under section 23.5-12 et seq., may be enforced by deputy sheriffs and by those persons in the Solano county transportation department, and the Solano county department of environmental management, division of environmental health specifically delegated with such

authority by the director of the transportation department and the director of the department of environmental management, respectively. Additionally, the following departments are authorized to enforce the specific sections of this chapter, as specified:

- (a) Building-zoning inspectors or technicians--Sections 23.5-16 and 23.5-18;
- (b) County park rangers--Sections 23.5-13(a) and (c) at facilities wherein such rangers have jurisdiction.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-20. Citations

Any violation of the provisions of this chapter shall result in the issuance of a notice to appear, pursuant to Penal Code Sections 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 this chapter which has been violated.

(Ord. No. 1055, §1; Ord. No. 1432, §1)

Sec. 23.5-21. Penalties

(a) Any person, firm or corporation violating the provisions of this chapter shall be guilty of an infraction, except that a violation of this chapter after a conviction of Section 5652 of the Fish and Game Code or of Section 13001 or 13002 of the Health and Safety Code, or of Section 23111, 23112 or 23113 of the Vehicle Code, shall be a misdemeanor

(b) No portion of this chapter shall be construed to restrict a private owner in the use of his the owner's own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a the local environmental health division of the environmental management department, local fire department or fire protection district, or the State Division of Forestry in which case the provisions of this section shall apply.

(c) Every person convicted of a violation of this section shall be punished by a mandatory fine of ten dollars.

(d) The court may, in addition to the fine imposed upon a second or subsequent conviction, require, in addition to any other condition of probation, that any person convicted of a violation of this chapter pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

(Ord. No. 1067, §1.)

Sec. 23.5-22. Severability

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

(Ord. No. 1055, §1.)