

ORDINANCE NO. 1812

**ORDINANCE ADDING CHAPTER 9.48 REGARDING
ILLEGAL DUMPING AND LITTERING**

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Legislative findings.

A. The California Penal Code, section 374.3, sets forth criminal penalties for unlawful dumping. This ordinance is intended to supplement those penalties with administrative fines in order to give the County additional tools to address the increasing problem of illegal dumping in the County. The ordinance allows for administrative penalties against vehicle owners based on liability standards set forth under Vehicle Code section 17150.

B. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, sections 15061 (the “common sense” exemption), 15307 (actions by regulatory agencies for protection of natural resources), and 15308 (actions by regulatory agencies for protection of the environment).

SECTION II. Chapter 9.48 is hereby added to the Amador County Municipal Code as follows:

“Chapter 9.48
ILLEGAL DUMPING AND LITTERING

Sections:

9.48.010 Unlawful dumping and littering.

9.48.020 Abatement and Penalties.

9.48.010 Unlawful dumping and littering.

- (a) It is unlawful to litter or dump, or cause to be littered or dumped, waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.
- (b) It is unlawful to litter, place, deposit, or dump, or cause to be littered, placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property.

- (c) Each day that waste placed, littered, deposited, or dumped in violation of subdivision (a) or (b) remains is a separate violation.
- (d) This section does not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.
- (e) To the extent permitted by law, an owner or operator of a motor vehicle or trailer is liable and responsible for illegal dumping and for all costs, penalties and fines relating to the illegal dumping when the owner's vehicle is used with the express or implied permission of the owner or operator, irrespective of whether the owner or operator knew or should have known of the intended use of the vehicle.

9.48.020 Abatement and Penalties.

- (a) Administrative penalties for minor violations.

First violation. A first violation within a 12-month period shall be subject to an administrative penalty of \$100.

Second violation. A second violation within a 12-month period shall be subject to an administrative penalty of \$250.

Third or Subsequent violation. The third or any subsequent violation within a 12-month period shall be subject to an administrative penalty of \$500.

- (b) Administrative penalties for commercial quantities. A person who unlawfully dumps commercial quantities, defined under Penal Code section 374.3 as being an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard, shall be subject to an administrative penalty of \$1000.

- (c) Procedure for administrative penalties.

1. Administrative penalties are to be administered by the Code Enforcement Division or Sheriff's Office. Citations are to be hand-delivered or sent by certified mail to the violator's last-known address.
2. The alleged violator may appeal the citation by paying a \$50 fee to the County Clerk and by filing a statement referencing the citation and setting forth any legal or factual grounds for the appeal. Any hardship requests shall be set forth in the appeal. Appeals shall be heard by the Board of Supervisors. If the violator agrees,

the Board of Supervisors may assign community service to cover all or part of the penalty.

- (d) Abatement. The County shall have the right to abate any violation under this chapter. If the County abates the violation, the County shall be entitled to collect from the violator all costs and fees associated with the abatement. The delivery of the bill and the appeal procedure shall be the same as set forth in subsection (c). The County may use any legal means to collect the costs and fees after the violator has had an opportunity to appeal the clean-up cost invoice, and the County shall be entitled to collect any additional costs and fees associated with the collection thereof.
- (e) Remedies cumulative. The remedies provided for in this chapter are in addition to and do not supersede or limit any and all other remedies provided by law. The remedies provided in this chapter are cumulative and not exclusive.”

SECTION III. This ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12th day of October 2021, by the following vote:

AYES: Frank U. Axe, Richard M. Forster, Jeff Brown, Brian Oneto, Patrick Crew

NOES: None

ABSENT: None


Richard M. Forster, Vice Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County, California


Deputy