

ORDINANCENO. 5412

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:

"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,

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 27th day of February 2024 by the following vote:

AYES Supervisors Alejo, Church, Lopez, and Askew

NOES None

ABSENT Supervisor Adams

ASTAIN None

Motion Passed 4 to 0



Glenn Church, Chair
Monterey County Board of Supervisors


A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: 

Deputy Vicente Ramirez

APPROVED AS TO FORM BY:



Kelly L. Donlon
Assistant County Counsel