

# Title 5

## GARBAGE REGULATIONS

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### Chapter 5.01

#### ADMINISTRATIVE PROVISIONS

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5.01.010 Purpose. The purpose of these regulations is to implement the provisions of Article 9, Chapter 1, Part 5, Divisions 12 of the Water Code of the State of California (Sections 31135 et seq.) authorizing the District to acquire, construct, and operate facilities for, or to contract with others for, the collection and disposal of garbage, waste, and trash of the District and its inhabitants; and further, to regulate sanitation services and to regulate the placement of disposal of waste materials in order to prevent the contamination or pollution of the surface waters of the District. (*Ca Wtr Code §§31135, 31145*)

5.01.100 Title, Citation and Reference. These regulations shall be known as the “Garbage Regulations of Stinson Beach County Water District,” may be cited as “Garbage Regulations” and will be referred to herein as “these regulations.”

5.01.200 Scope. These regulations establish the terms and conditions for the accumulation, collections, and disposition of refuse in the Stinson Beach County Water District.

5.01.204 Exemptions. These regulations shall not be applicable to the Government of the United States, State of California, or any instrumentality or political subdivision thereof.

5.01.300 Penalties. Any person violating any of the provisions of these Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the County Jail for not exceeding 30 days, or by a fine not exceeding three hundred (\$300.00) dollars, or by both such fine and imprisonment.

5.01.400 Citations. Citations for violation of these Regulations may be issued by Deputy Sheriffs of the County of Marin, members of the California Highway Patrol, County Health Officers and Officers and Employees of the Stinson Beach County Water District in lieu of arrest as provided in Sections 845.6, 853.7 and 853.8 of the California Penal Code as it may be hereinafter amended.

5.01.900 Severability. If any section, subsection, paragraph, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or constitutionality of the remaining portions of these Regulations, it being hereby expressly declared that these Regulations and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

## **Chapter 5.05**

# **DEFINITIONS**

Sections:

- 5.05.100 General
- 5.05.105 Garbage
- 5.05.110 Rubbish
- 5.05.115 Refuse
- 5.05.120 Person

5.05.100 General. As used in this regulation, unless a different meaning is apparent from the context or specified elsewhere in this regulation, the following terms shall have the following meanings:

5.05.105 Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food; dead animals, and putrescible market and industrial wastes.

5.05.110 Rubbish. Non-putrescible solid waste consisting of materials such as paper, cardboard, tin cans, wood, glass, bedding, crockery, similar materials, discarded metal, auto parts, appliances and all other materials included under the term garbage excluding therefrom earth, discarded building materials and garden waste consisting of leaves, grass and garden clippings.

5.05.115 Refuse. Garbage and/or rubbish or any mixture thereof.

5.05.120 Person. Includes natural person, corporation, company, firm, association, organization, or combination acting as a unit, and officer, agent, employee and servant of any of the foregoing.

## **Chapter 5.10**

# **STORAGE AND HANDLING**

Sections:

- 5.10.110 Uncovered Garbage
- 5.10.120 Windblown Garbage
- 5.10.130 Deposits in Streets
- 5.10.140 Disposal
- 5.10.150 Use of Public Refuse Receptacles
- 5.10.160 Accumulation of Refuse

5.10.110 Uncovered Garbage. It shall be unlawful to place or permit to remain within the District, any garbage or any other material subject to decay other than garden waste, except that such material be placed in a suitable covered container.

5.10.120 Windblown Garbage. It shall be unlawful to cause or permit to accumulate any dust, ashes, or refuse that can be blown away by the wind, except in a suitable covered container.

5.10.130 Deposits in Streets. It shall be unlawful to deposit, or permit to fall, from any vehicle, or otherwise, any refuse or ashes on any public street or alley. Nothing contained in this Section shall be construed to prohibit placing refuse or ashes in a suitable container preparatory to having such material collected for disposal in the manner provided herein.

5.10.140 Disposal. It shall be unlawful to dispose of any refuse, or ashes anywhere within the District except leaves and grass by composting, except in an incinerator, or disposal device, properly constructed and operated in accordance with law, or in a lawfully established dump. Any material not disposed of as aforesaid shall be placed in containers for collection except as provided in Sections 5.10.110 and 5.10.120

5.10.150 Use of Public Refuse Receptacles. It shall be unlawful for any person to place or cause to be placed in any refuse receptacle owned by the Stinson Beach County Water District or the County of Marin and located upon any public street, public beach or public place within the District any refuse originating within or upon any private property. Provided, however, that pedestrians or other persons using the said street or public place shall be permitted to deposit in said receptacle refuse not accumulated on private property.

5.10.160 Accumulation of refuse. No person, owner, agent, or occupant of any premises, whether vacant or improved, shall allow any accumulation of garbage to remain thereon for longer than 16 days, or any accumulation of rubbish for more than 30 days, nor for any period of time if the same is found by the County Health Officer or the Governing Board of this District to constitute a nuisance.

It shall be unlawful for any owner of property to allow refuse to be accumulated thereon in violation of the preceding paragraph, and upon 72 hours written notice to the owner of the premises where such refuse is accumulated by a representative of this District or the Health Officer of the County of Marin, entry may be made on the premises and such accumulated refuse may be removed by the District or its designee, and the cost of such removal as established by the Board of Directors, shall be paid by the owner of the premises.

## **Chapter 5.15 COLLECTION**

Sections:

- 5.15.010 Mandatory Collection
- 5.15.020 Collection Intervals
- 5.15.030 Collection by Franchisee
- 5.15.040 Collection by Others

5.15.010 Mandatory Collection. It shall be mandatory for the owner, occupant or both of any business place, private dwelling or residence to contract with the District's exclusive franchisee for collection of garbage.

5.15.020 Collection Intervals. All garbage accumulated at any business place, private dwelling or residence shall be collected at regular intervals, weekly.

5.15.030 Collection by Franchisee. The aforesaid required collection shall be by District's franchisee. Collection and the cost of collection of such garbage shall be the responsibility of the owner, occupant, or both of any occupied premises.

5.15.040 Collection by Others. It shall be unlawful for any person to collect or carry garbage of others upon the public streets within this District without first having secured a franchise from this District.

However, nothing herein shall prevent an occupant or owner of any business place, private dwelling or residence, from lawfully collecting and hauling garbage accumulated on his premises. It shall be unlawful for other than the owner or occupant of the premises on which said garbage is accumulated or District's franchisee to remove the garbage of another. (*Amd Ord GB 90-01 and 92-01*)

## **Chapter 5.20**

# **FRANCHISE**

Sections:

- 5.20.100 Criteria for Award of Franchise
- 5.20.200 Franchise Confers Exclusive Rights
- 5.20.300 Contract

5.20.100 Criteria for Award of Franchise. The criteria upon which the franchise will be awarded will be the cost of service to the community and the extent of such service.

5.20.200 Franchise Confers Exclusive Right. An award of such franchise shall confer upon the franchisee the exclusive right during the term of the franchise to collect, transport and dispose of all garbage produced or accumulated within the Stinson Beach County Water District, subject only to such exceptions as are specifically set forth in this ordinance.

5.20.300 Contract. The contract, as provided for in Section 5.20.110 above, follows marked "Schedule A.