ORDINANCE NO. 259

AN ORDINANCE FOR THE REGULATION OF GARBAGE AND REFUSE COLLECTION, TRANSPORTATION AND DISPOSAL.

The Board of Supervisors of the County of Mariposa do ordain as follows:

SECTION I. This ordinance shall be known and cited as the Refuse Disposal Ordinance of Mariposa County.

SECTION II. It is the purpose of this ordinance to institute within the County of Mariposa an orderly program for the collection, transportation and disposal of refuse and garbage in order to promote public health, safety and welfare.

SECTION III. As used in this ordinance, the following words or terms shall have the meaning defined as follows:

(a) "Disposal area" means any authorized site, location, tract of land, area, structure or premises used or intended to be used for garbage or refuse disposal.

(b) "Authorized" means licensed or permitted under the laws of the State of California or ordinance of the County of Mariposa.

(c) "Garbage" includes all refuse accumulations of animal, fruit, vegetable or other matter that results from the preparation, use, cooking, dealing in or storage of food, meat, fish, fowl, fruits or vegetables.

(d) "Refuse" means rubbish and all refuse and waste matter other than garbage.

(e) "Refuse collector" means any person, firm, corporation or public or private agency or employee or agent thereof who is or intends to be engaged in the collection, transportation, or disposal of refuse or garbage in the County of Mariposa.

(f) Any term not specifically defined in this ordinance shall be given its usual and customary meaning as the same is used in common parlance.

SECTION IV. No person, firm or corporation in the County of
Mariposa shall accumulate or dispose of, or permit the accumulation
or disposal of garbage or refuse on public or private premises in
such a manner as to create a public or private nuisance or to injure
or tend to injure or endanger public health or safety.

SECTION V. No person, firm or corporation in the County of
Mariposa shall collect, transport or dispose of garbage or refuse
in the County of Mariposa for consideration, either as a full-time
or a part-time business or occupation, excepting in full compliance
with the terms of this ordinance and the rules and regulations of
the Mariposa County Health Department.

SECTION VI. Every person, firm or corporation who collects,
transports or disposes, or who intends to collect, transport or
dispose, of garbage or refuse in the County of Mariposa for considera-
tion, must first obtain a license so to do from the Mariposa County
Health Department. Before a license to collect, transport or dis-
pose of garbage or refuse for a consideration may be granted by the
Mariposa County Health Department, an application for such license
must be filed, approval of the collection, transportation or dis-
posal system or equipment must be obtained and the annual license
fee therefor paid in full in advance.

SECTION VII. Every vehicle used or intended to be used for
the collection or transportation of garbage or refuse must be in
good mechanical condition, be equipped with a water-tight or leak-
proof bed or its equivalent which will prevent the leakage of
liquids or fluids during collection and transportation of garbage
or refuse, and must be equipped with a fixed canopy or a tarpaulin
or other suitable cover which the health department finds capable of
preventing spillage of refuse or garbage on public roads during
transportation.

SECTION VIII. Every refuse collector shall pay to the
County of Mariposa an annual license fee of $25.00. Annual licenses
shall cover the period commencing July 1 and ending June 30 of the

-2-
following year, except that original licenses issued following the
effective date of this ordinance and prior to July 1, 1966, shall
cover the period commencing from the date of the issue thereof and
ending June 30, 1966. Thereafter licenses shall be issued and fees
paid upon a fiscal year basis as above indicated.

SECTION IX. All refuse and garbage collected in the County
of Mariposa shall be disposed of in a manner and location meeting
the approval of the Mariposa County Health Department.

SECTION X. Every person, firm or corporation subject to
the provisions of this ordinance shall dispose of refuse and
garbage in either a public or private refuse disposal area specifi-
cally licensed or approved or operated by the County of Mariposa.

SECTION XI. Every refuse collector using county owned or
operated refuse disposal areas for the disposal of refuse or
garbage shall pay to the County of Mariposa the following fees for
use of such disposal area:

(a) A refuse collector having fifty (50) or fewer cus-
tomers shall pay a monthly fee of Ten Dollars ($10.00).

(b) A refuse collector having more than fifty (50) but
fewer than seventy-six (76) customers shall pay a monthly fee of
Fifteen Dollars ($15.00).

(c) A refuse collector having more than seventy-five (75)
but fewer than one-hundred and one (101) customers shall pay a
monthly fee of Twenty Dollars ($20.00).

(d) A refuse collector having more than one-hundred (100)
customers shall pay a monthly fee of Twenty-Five Dollars ($25.00).

SECTION XII. The Board of Supervisors of the County of
Mariposa reserves the right to establish one or more franchise
areas within the County of Mariposa and to let either an exclusive
or a non-exclusive franchise within any such franchise area pursuant
to the provisions of Chapter 2, Part 2, Division 5 of the Health
and Safety Code. No permit issued to a refuse collector pursuant to
this ordinance shall be valid in a franchise area for which an
exclusive franchise has been granted except the permit issued to
the person, firm or corporation holding the franchise for such area.

SECTION XIII. The Board of Supervisors reserves the right
to establish a schedule of maximum fees to be charged by any
licensee or franchisee for the collection, transportation or dis-
posal of refuse or garbage.

SECTION XIV. It is unlawful for any person, firm or corpora-
tion to place, deposit, or dump, or to cause to be placed, deposi-
ted or dumped, upon the right-of-way of any public highway, street,
thoroughfare, or upon any camping place or public grounds, or on
any privately owned premises without permission of the owner there-
of, or into any lake or stream or dry watercourse within the County
of Mariposa, any refuse or garbage, except in authorized sites.

SECTION XV. The Mariposa County Health Department may deny,
revoke or suspend any permit if the vehicle or vehicles, area or
areas, equipment or other facilities for the collection, transpor-
tation or disposal of refuse or garbage fails to meet the standards
set up by this ordinance, or rules or regulations of the Health
Department adopted under the authority of this ordinance or any
other county ordinance or state law for proper collection, trans-
portation or disposal of garbage.

SECTION XVI. Any person, firm or corporation violating any
of the provisions of this ordinance, or any lawful order, or the
provisions of any permit issued hereunder, shall be guilty of a
misdemeanor, and upon conviction thereof shall be punishable by a
fine of not more than Five Hundred Dollars ($500.00), or by im-
prisonment in the County Jail for a period not exceeding six (6)
months, or by both such fine and imprisonment.

SECTION XVII. Any government or governmental subdivision
collecting, transporting or disposing of refuse or garbage shall be
exempt from the license provision of this ordinance, provided that
the Health Department finds that all equipment and disposal sites used by such government or governmental subdivision meet the requirements of this ordinance and any other applicable ordinances or State laws.

SECTION XVIII. Any person who is dissatisfied with any version or ruling of the Health Department on applications for permits or rules, regulations, directives or decisions of the Health Department may appeal to the Board of Supervisors, who shall have the power to grant or deny said application. Said application is taken by filing with the Clerk of the Board of Supervisors a notice of appeal within ten (10) days after the date of said decision or ruling. The notice shall be signed by the appellant or his attorney and shall be sufficient if it states in substance that appellant appeals from a specified decision or ruling. A notice of appeal shall be liberally construed in favor of its sufficiency. No later than thirty (30) days after receipt of said notice of appeal, the Board of Supervisors shall set the matter for public hearing and shall cause public notice of such hearing to be given by causing one notice thereof to be published in a newspaper of general circulation in the County at least ten (10) days before the date of said hearing. At said hearing, the appellant shall present a statement and adequate evidence in such form as the Board of Supervisors may require.

SECTION XIX. If any section, sub-section, paragraph, sentence, clause or phrase in this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the validity or constitutionality of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or

-5-
unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 10th day of June, 1965, by the following vote:

AYES: Hurlbert, Gordo, Miller, Schatz
NOES: None
NOT VOTING: None
ABSENT: McGregor

Chairman of the Board of Supervisors of the County of Mariposa, State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors

-6-