

ORDINANCE NO. 2 5 9

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

1 Mariposa shall accumulate or dispose of, or permit the accumulation
2 or disposal of garbage or refuse on public or private premises in
3 such a manner as to create a public or private nuisance or to injure
4 or tend to injure or endanger public health or safety.

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION XII. The Board of Supervisors of the County of
28 Mariposa reserves the right to establish one or more franchise
29 areas within the County of Mariposa and to let either an exclusive
30 or a non-exclusive franchise within any such franchise area pursuant
31 to the provisions of Chapter 2, Part 2, Division 5 of the Health
32 and Safety Code. No permit issued to a refuse collector pursuant to

1 this ordinance shall be valid in a franchise area for which an
2 exclusive franchise has been granted except the permit issued to
3 the person, firm or corporation holding the franchise for such area.

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

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

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

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

30 SECTION XVII. Any government or governmental subdivision
31 collecting, transporting or disposing of refuse or garbage shall be
32 exempt from the license provision of this ordinance, provided that

1 the Health Department finds that all equipment and disposal sites
2 used by such government or governmental subdivision meet the re-
3 quirements of this ordinance and any other applicable ordinances or
4 State laws.

5 SECTION XVIII. Any person who is dissatisfied with any
6 version or ruling of the Health Department on applications for per-
7 mits or rules, regulations, directives or decisions of the Health
8 Department may appeal to the Board of Supervisors, who shall have
9 the power to grant or deny said application. Said application is
10 taken by filing with the Clerk of the Board of Supervisors a notice
11 of appeal within ten (10) days after the date of said decision or
12 ruling. The notice shall be signed by the appellant or his attor-
13 ney and shall be sufficient if it states in substance that appellant
14 appeals from a specified decision or ruling. A notice of appeal
15 shall be liberally construed in favor of its sufficiency. No later
16 than thirty (30) days after receipt of said notice of appeal, the
17 Board of Supervisors shall set the matter for public hearing and
18 shall cause public notice of such hearing to be given by causing
19 one notice thereof to be published in a newspaper of general cir-
20 culation in the County at least ten (10) days before the date of
21 said hearing. At said hearing, the appellant shall present a state-
22 ment and adequate evidence in such form as the Board of Supervisors
23 may require.

24 SECTION XIX. If any section, sub-section, paragraph, sen-
25 tence, clause or phrase in this ordinance is for any reason held to
26 be invalid or unconstitutional, such invalidity or unconstitutionali-
27 ty shall not effect the validity or constitutionality of the re-
28 maining portions of this ordinance, it being hereby expressly
29 declared that this ordinance and each section, sub-section, para-
30 graph, sentence, clause and phrase thereof would have been adopted
31 irrespective of the fact that any one or more sections, sub-sections,
32 paragraphs, sentences, clauses or phrases be declared invalid or

1 unconstitutional.

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

5 AYES: Hurlbert, Gordo, Miller, Schatz

6 NOES: None

7 NOT VOTING: None

8 ABSENT: McGregor

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16 ATTEST:

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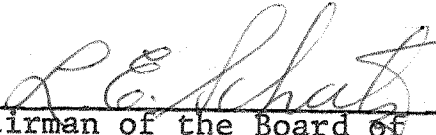
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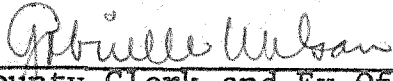
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Chairman of the Board of
Supervisors of the County of
Mariposa, State of California


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