

CAPISTRANO BAY DISTRICT
AGENDA REPORT
September 29, 2015

New Business

ITEM 14

Proposed Revision to Ordinance No. 05-116, LITTERING & POLLUTANTS

The current District ordinance for littering and pollution is somewhat vague regarding the discharge of pollutants from parked vehicles. The following draft ordinance shows the proposed revisions to the language in the ordinance specifying discharges from parked vehicles:

ORDINANCE NO. 15-116 (*was* #05-116)

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT PROHIBITING LITTERING AND THE RELEASE OF CONTAMINANTS AND POLLUTANTS.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance Nos. 116, 116-A and 05-116 are hereby repealed.

2. STATEMENT OF POLICY AND NECESSITY.

A. The Capistrano Bay District is empowered to regulate the collection, treatment or disposal of garbage or refuse matter.

B. The circulation and dissemination of handbills, flyers and advertisements contribute to the litter and refuse to be collected by the District, and further subjects the residents of the District to intrusions of privacy and are likely to disturb their peace and security.

C. The washing or polishing of cars for hire within the District without the proper conveyance and collection of detergents, heavy metal-laden water and other particulate, **and the discharge of oils and fluids from parked vehicles**, contributes to the contamination and degradation of water quality of the nearby ocean.

D. The washing and grooming of pets for hire within the District without the proper conveyance and collection of detergents and other particulate

contributes to the contamination and degradation of water quality of the nearby ocean.

3. DEFINITION

"Litter" shall mean garbage, paper, wrappings, cardboard, handbills, flyers, circulars, leaflets, pamphlets or similar written material, rock, gravel, sand, cement, construction materials and other discarded objects and materials such as household appliances and furniture.

4. PROHIBITIONS

A. No person shall throw or deposit litter in or upon Beach Road except in receptacles authorized for collection in such a manner as to prevent such litter from being carried or deposited by the elements and upon such street, or upon private property.

B. No person while a driver or a passenger in a vehicle shall throw or deposit litter upon Beach Road or upon private property.

C. No person shall drive or move any truck or other vehicle within Beach Road unless such vehicle is so constructed or loaded as to prevent the load contents or litter from being blown or deposited upon such street or private property.

D. No person shall throw or deposit litter on any open or vacant private property within the District, whether such property is owned by such person or not.

E. No person shall throw or deposit litter on any occupied private property within the District, whether such property is owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon Beach Road or upon any private property.

F. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that the provisions of this section shall not prohibit the storage of litter in authorized private receptacles.

G. No person shall wash or cause to be washed, polish or cause to be polished, any vehicle or any part thereof within the District, when a charge is made for such service, without a proper means of conveyance and collection of detergents, heavy metal-laden water and other particulate.

H. No person shall leave a vehicle parked in the community on the road or on a driveway that is leaking oil, brake fluid, gasoline, diesel, power steering fluid, antifreeze or other contaminates.

I. No person shall wash or cause to be washed, groom or cause to be groomed, any pet within the District, when a charge is made for such service, without a proper means of conveyance and collection of detergents and other particulate.

5. PENALTY

Any person found violating this ordinance is guilty of an infraction and shall be fined as follows:

(1) For a first offense, punished as an infraction by a fine of fifty dollars (\$50).

(2) For a second offense and subsequent offenses, punished as an infraction by a fine of not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250).

6. NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section of the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted this 29th day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ambrose S. Masto, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)