Board of Supervisors

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October 20, 2026

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, Ca. 94612

Dear Board of Supervisors:

SUBJECT: ADOPT AN ORDINANCE ADDING CHAPTER 6.121 TO THE COUNTY OF ALAMEDA'S GENERAL ORDINANCE CODE PROHIBITING ILLEGAL DUMPING WITHIN THE UNINCORPORATED AREAS OF ALAMEDA COUNTY

RECOMMENDATION:

Conduct the first reading of an ordinance adding chapter 6.121 to the County of Alameda's General Ordinance Code prohibiting illegal dumping within the Unincorporated Areas of the County.

SUMMARY/DISCUSSION:

Illegal dumping inflicts a cost on Alameda County residents and taxpayers. It degrades the quality of life for residents and local businesses, and costs local governments millions of dollars to clean up annually. In 2024, Alameda County spent $3.8 million remediating 1,483 illegal dumping work orders — approximately $2,562 per incident.

In the last several years, no illegal dumping cases in unincorporated Alameda County have been prosecuted criminally or pursued through administrative enforcement. The lack of charges isn't for lack of dumping; it is due to a gap between State Criminal Law and Local Administrative Ordinances. This ordinance seeks to bridge that gap, in order to apply swift, decisive, and fair consequences for anyone who dumps their waste illegally in unincorporated Alameda County.

While Penal Code section 374.3 provides criminal penalties for dumping or causing waste to be dumped, the proposed ordinance provides an administrative enforcement process and extends liability to persons who entrust waste to an illegal dumper and owners of vehicles used for illegal dumping. Further, conviction under State law requires proof beyond a reasonable doubt. Even with photographic and/or video evidence, license plate information, a description of the incident, and/or indicia of the illegal dumper, the State still may not be able obtain a criminal conviction given this with this high burden of proof. The ordinance provides an administrative enforcement process that allows the County to hold dumping violators accountable without obtaining a criminal conviction, expands who can be held accountable, and provides administrative and civil enforcement including fines for illegal dumping in line with the cost of remediating illegal dump sites.

This ordinance applies only to the communities of Unincorporated Alameda County. It is substantially modeled after the County of Santa Cruz's illegal dumping ordinance, which imposes substantial fines on dumping violators. The current draft is approved as to form by County Counsel. The Unincorporated Services Committee heard the ordinance as an action item on October 22, 2025, and recommended approval to the full Board of Supervisors.

Expanded Definition of a Dumping Violator:

The ordinance expands the definition of dumping violator to include the waste generator and transporter. Each category includes exemptions designed to ensure that people engaging in appropriate behavior are not penalized.

- (New) **Waste Generator:** Any person who gives their waste to someone who then illegally dumps it.
  - *Exemption: Waste generators who had their waste matter removed by a licensed business.*
  - *Exemption: Waste generated through the ordinary course of living in an encampment.*
- (New) **Transporter:** Owner of the vehicle that was used to transport and deposit waste illegally.
  - *Exemption: Vehicle owners who did not consent to their vehicle being used.*
- **Illegal Dumper:** Any person who causes or permits waste matter to be illegally dumped.

Administrative Process:

The ordinance authorizes Enforcement Officers to take administrative enforcement actions when a dumping violator is identified. Dumping violators have the right to a hearing through a hearing officer that will be appointed by the Board of Supervisors, and Judicial Review by the Alameda County Superior Court. Service-in-lieu is available for those unable to pay.

Enhanced Administrative Fine Schedule:

Effective January 1, 2027, CA Penal Code § 374.3(e) establishes a minimum fine of $250, and a maximum of $5,000 for 4th time offenders. However, CA Penal Code fines require successful criminal prosecution to impose. Meanwhile, each illegal dump costs the County ~$2,500 to remediate. This proposed ordinance creates an administrative fines schedule that corresponds to the County anticipated cost of remediation.

	State Criminal Law		Local Civil Ordinance
	Penal Code 374.3(e)	AB 2310 (9/30/2026)	Proposed Local Fines Schedule
1st Offense	$250 - $1,000	$250 - $1,000	$2,500
2nd Offense	$500 - $1,500	$500 - $1,500	$5,000
3rd Offense	$750 - $3,000	$750 - $3,000	$10,000
4th Offense	N/A	$5,000	N/A

The ordinance also identifies the following three aggravating factors that allow the Enforcement Officer to assess a separate administrative penalty up to $10,000.00, regardless of the number of past violations by the same violator:

- Dumping more than 10 cubic yards or 2,000 pounds of waste.
- Dumping that Includes *harmful waste materials*, as defined in the ordinance.
- Dumps that occur within 150 feet of a body of water or an educational facility.

FINANCING:

Citation and adjudication processes rely on existing staff. Hearing officer fees run parallel to.

VISION 2036 GOAL:

Adoption of this ordinance protects natural habitats and waterways, neighborhoods and businesses, and school zones from environmental hazards in furtherance of the 10X goal pathway of **Health for All** and **Accessible & Integrated Infrastructure** in support of our shared vision of a **Healthy Environment**, **Thriving and Resilient Population**, **Safe & Livable Communities**, and **Prosperous & Vibrant Economy**.

Sincerely,

Nate Miley
Alameda County Board of Supervisors
District 4

ORDINANCE NO. O-2026-XX

AN ORDINANCE ADDING CHAPTER 6.121 TO THE COUNTY OF ALAMEDA GENERAL ORDINANCE CODE PROHIBITING ILLEGAL DUMPING WITHIN THE UNINCORPORATED AREAS OF THE COUNTY

WHEREAS, the County of Alameda is authorized by California Constitution, Article XI, section 7, to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the Board of Supervisors has determined that the public health, safety and welfare of the residents of the County will be promoted, and the environmental settings of the unincorporated areas of the County will be maintained and improved through the strict enforcement of laws pertaining to illegal refuse disposal; and

WHEREAS, the proposed ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

NOW, THEREFORE, the Board of Supervisors of the County of Alameda hereby ordains as follows:

SECTION I

Chapter 6.121 of Title 6 is added to the Alameda County General Ordinance Code, as follows:

6.121.010 - Declaration of Public Policy.

The Board of Supervisors hereby finds and declares as follows:

a. The increase in illegal dumping on public and private property creates a condition of blight within unincorporated Alameda County that can result in the deterioration of property values, and loss of enjoyment of life for persons using adjacent and surrounding properties as well as the entire community.

b. Illegal dumping is disrespectful to unincorporated Alameda County, its citizens, and businesses, negatively impacts the business climate and promotes a perception that the laws protecting public and private property can be disregarded with impunity.

c. Illegal dumping is inconsistent with the County of Alameda's goals of maintaining property, preventing crime, and preserving aesthetic standards. Incidents of illegal dumping often spawn more illegal dumping and create conditions that can lead to more incidents of serious or violent crimes.

d. Dumping of mattresses, large furniture, electronic items, large appliances, and hazardous waste present problems as they are difficult and costly to remove.

e. The purpose and intent in enacting this Chapter is to protect public and private property from illegal dumping by increasing remedies for victims of illegal dumping and penalties for those engaging in illegal dumping to discourage such acts and to adequately compensate the public and private victims of illegal dumping.

f. The remedies and penalties for illegal dumping are currently inadequate to compensate the public and victims of such acts and to discourage illegal dumping.

g. All persons creating waste matter should be responsible for ensuring that such waste matter is properly disposed of in the manner provided by law, including not giving waste matter for disposal to a person who is not authorized or who does not legally dispose of such waste matter.

6.121.020 - Definitions.

The following terms are defined for use in this Chapter:

“Appliance” means a larger electronic or gas appliance such as a stove, refrigerator, microwave, water heater, or furnace.

“Commercial hauler” means any hauler who receives any compensation or benefit, monetary or otherwise, a monetary benefit for transporting and dumping waste matter on behalf a third party.

“Commercial quantity” means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard.

“Costs” means and includes, but is not limited to, court costs, attorneys’ fees, costs of removal and disposal of illegally dumped waste matter (including the reasonable equivalent market cost of disposal where the County performs the disposal itself or is not otherwise separately charged a disposal fee), costs of investigating the incident, and law enforcement costs, including, but not limited to time and expenses of all County agencies and departments incurred by the County in identifying, apprehending, and enforcing against persons who cause or commit illegal dumping in violation of this Chapter.

“Dumping violator” means any person who negligently, willfully, recklessly, or intentionally causes or permits waste matter to be illegal dumped and any person who gives or entrusts waste matter to another who illegally dumps such waste matter, and any vehicle owner whose vehicle is used to illegally dump. A dumping violator shall not include a real property owner who did not knowingly or intentionally cause waste matter to be illegally dumped on their private property.

“Electronic waste” means computers, computer monitors, televisions, audio equipment and any other electronic equipment that is required to be specially disposed of pursuant to State or local law, including, but not limited to a “covered electronic device” as defined in Section 42463 of the California Public Resources Code.

“Enforcement Officer” means any County employee or agent with the authority to enforce any provision of this Chapter, including, but not limited to, the Planning Director or their designee, the Sheriff or their designee, the Public Works Director or their designee, and the District Attorney or their designee.

“Foundation” means a ticking-covered structure used to support a mattress or sleep surface. The structure may include constructed frames, foam, box springs, or other materials, used alone or in combination.

“Harmful waste matter” means a hazardous substance as defined in Section 374.8 of the California Penal Code; a hazardous waste as defined in Section 25117 of the California Health and Safety Code; waste that, pursuant to Division 30 (commencing with Section 40000) of the California Public Resources Code, cannot be disposed in a municipal solid waste landfill without special handling, processing, or treatment; or waste matter in excess of one cubic yard.

“Household furniture” means large furniture, such as a table, buffet, armoire, dresser, and similar size furniture.

“Illegal dumping” means the willful, intentional, reckless, or negligent depositing, dropping, dumping, placing, or throwing of any waste matter onto public or private property that is not expressly designated for the purpose of disposal of waste matter. “Illegal dumping” does not include litter as defined herein.

“Licensed Hauler” means a hauler of solid waste or hazardous materials who has obtained the required permits, licenses, or approvals to haul solid waste or hazardous waste within the unincorporated areas of Alameda County.

“Litter” means the discarding of waste matter related to consumer goods and that are reasonably understood to be ordinarily carried on or about the body in the ordinary course of personal use or consumption, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspaper, magazines, or other similar waste matter that escapes or is allowed to escape from a container, receptacle, or package.

“Litter violator” means any person, who negligently, willfully, recklessly, or intentionally causes or permits waste matter to be littered.

“Mattress” means resilient material or combination of materials that is used alone or in combination with other products and is intended for or promoted for sleeping upon. “Mattress” includes a foundation and a renovated mattress or renovated foundation. “Mattress” does not include the following:

1. An unattached mattress pad or unattached mattress topper, including items with resilient filling, with or without ticking, intended to be used with or on top of a mattress.
2. A sleeping bag or pillow.
3. A car bed, crib, or bassinet mattress.
4. Juvenile products, including a carriage, basket, dressing table, stroller playpen, infant carrier, lounge pad, or crib bumper, and the pads for those juvenile products.

“Major violation” means illegal dumping of a commercial quantity, containing harmful waste matter, of a mattress, upholstered furniture, household furniture, appliance, one or more tires, universal waste, or electronic waste.

“Hearing Officer” means such person appointed by or contracted with the Board of Supervisors, or its designee, to perform such services pursuant to the authority granted to the Board by Government Code Section 25845, subdivision (i), who may be compensated for their services.

“Outdoor encampment**”** means any area on public or private property where one or more persons reside or temporarily shelter outside of a lawfully permitted dwelling unit, including the use of tents, makeshift structures, vehicles, trailers, or recreational vehicles. “Outdoor encampment” does not include the lawful occupancy of a mobilehome, recreational vehicle, or other dwelling located within a lawfully established mobilehome park, recreational vehicle park, or campground.

“Person” includes a natural person, firm, partnership, association, limited liability company, or corporation.

“Public nuisance” means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal (California Civil Code Sections 3479 and 3480).

“Real property owner” means any person with a fee interest in a parcel of real property and any person who manages real property for commercial or residential rental.

“Trailer” means a “trailer” as defined in California Vehicle Code Section 630.

“Upholstered furniture” means furniture that is covered by soft, padded textile, leather vinyl or similar covering, such as armchairs and sofas.

“Universal waste” means lamps, batteries, mercury-containing devices, and lighting ballasts.

“Vehicle” means a vehicle as defined in California Vehicle Code Section 670, and a motor vehicle as defined in California Vehicle Code Section 415.

“Vehicle owner” means an “owner” as defined in California Vehicle Code Section 460, but excludes a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person who is not the registered owner and holds a security interest in the vehicle.

“Waste matter” means any tangible material or substance, whether or not recyclable, reusable, or of value, includes, without limitation:

1. Municipal solid waste: garbage, refuse, rubbish, recyclable materials, organics/yard clippings, and solid waste.
2. Construction and demolition debris: concrete, asphalt, dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material, lumber, drywall/gypsum, roofing, fixtures, plumbing/electrical component which are dumped or deposited as refuse, including concrete slurry, washout or other sludge.
3. Bulky Items: mattresses and foundations, upholstered or household furniture, appliances, and electronic waste.
4. Automobile/marine waste: tires, vehicle parts, batteries, used oil or filters, fuels, and other petroleum products and residues.
5. All forms of liquid waste not otherwise defined in or deemed to fall within the purview of Section 25117 of the California Health and Safety Code, including, but not limited to, water-based or oil-based paints, chemical solutions, water contaminated with any substance rendering it unusable for irrigation or construction, oils, fuels, and other petroleum distillates or byproducts.
6. Any form of biological waste not otherwise designated by law as hazardous waste, including, but not limited to, body parts, carcasses, and any associated container, enclosure, or wrapping material used to dispose these matters.
7. A physical substance used as an ingredient in any process, now known or hereafter developed or devised, to manufacture a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or that is a byproduct or result of the manufacturing process of the controlled substance.

6.121.030 - Illegal dumping and littering unlawful.

A. It is unlawful and a violation of this Chapter for any person to illegally dump waste matter or fail to dispose of waste matter as required by this Code or State or Federal law.

B. It is unlawful to knowingly hire a person to dispose of waste matter who is not legally authorized to dispose of waste matter in the unincorporated County of Alameda.

C. It is unlawful and a violation of this Chapter for any person owning or controlling real property within the unincorporated area of Alameda County to knowingly permit or allow waste matter from such property to be illegally dumped, or to allow for improper disposal of waste on their property.

D. A violation of this Chapter shall be subject to enforcement through criminal prosecution, civil action, administrative citation, and civil penalties, as provided for herein.

E. Waste matter discarded in the ordinary course of daily living activities within an outdoor encampment area by persons who reside in the outdoor encampment shall not constitute illegal dumping under this Chapter. This exemption does not apply to the deposit of bulky

items, hazardous waste, construction or demolition debris, or waste matter brought into the encampment by a person who does not reside at the outdoor encampment**.**

6.121.040 - **Illegal dumping and littering as public nuisances.**

The Board of Supervisors hereby declares and finds that illegal dumping and littering are public nuisances subject to abatement, remedies, and penalties according to the provisions and procedures contained in this Code and this Chapter.

6.121.050 - **Criminal penalties available for illegal dumping.**

A. Illegal Dumping is a Misdemeanor. Illegal dumping on any public or private property is a misdemeanor violation of this Code and this Chapter, in addition to any State law violations and is punishable by up to 6 months in County Jail.

C. Littering is an Infraction. Littering on any public or private property of another is an infraction violation of this Code and this Chapter and is subject to fines imposed by Government Code section 25132(b), in addition to any State law violations.

D. Forfeiture of vehicle of commercial haulers. In addition to any fines and imprisonment imposed for a violation of this Ordinance, any person acting as a commercial hauler who is convicted of illegal dumping may be subject to the following:

1. Vehicle Impoundment. If the violation involved the use of a motor vehicle, the court may, upon a second or subsequent conviction within five years, order the vehicle used in the commission of the illegal dumping to be impounded for a period not to exceed 30 days, pursuant to California Vehicle Code Section 23112.7.

2. Cost Recovery. The owner of the vehicle shall be liable for all towing and storage costs associated with the impoundment. Any costs collected for violations under this section may be used to fund a reward fund for apprehension of dumping violators.

3. Exemption. A vehicle shall not be impounded under this section if the owner can demonstrate that it was used in the commission of the offense without the owner's knowledge or consent.

E. Business licensing reporting requirement. If a person is convicted of a misdemeanor for an illegal dumping violation under this Chapter or under state law, and that person holds a license or permit substantially related to the activity for which they were convicted, Penal Code section 374.3(h)(4) requires the court to notify the applicable licensing or permitting entity within the Department of Consumer Affairs of that conviction. The applicable licensing or permitting entity is required to record the conviction and post it on the public profile of the license or permit holder on its publicly accessible website, as provided in Penal Code section 374.3(h)(4). The Enforcement Officer or Hearing Officer may identify any applicable state or local license or permit held by the dumping violator in its administrative decision and refer that information to the appropriate licensing, enforcement, or prosecuting agency.

6.121.060 – Administrative enforcement actions.

A. Whenever an Enforcement Officer becomes aware of any act or omission constituting a violation of this Chapter, the Enforcement Officer may:

1. Issue an administrative order finding that the person is responsible for a violation of this Chapter and directing such dumping violator to pay an administrative penalty in the applicable amount set forth in Section 6.121.0**7**0;

2. Issue an abatement order directing any dumping violator to provide adequate protection of public health, welfare, the environment or natural resources by abating the nuisance resulting from the violation;

3. If, in the opinion of the Enforcement Officer, the nuisance constitutes an immediate threat to public health or safety, summarily abate the nuisance;

4. Request that the County Counsel immediately seek relief as may be necessary or appropriate from a court of competent jurisdiction. The court, upon finding that a public nuisance exists, or that the conditions complained of may endanger public health, welfare, the environment or natural resources arising out of or resulting from such nuisance, in whole or in part, shall grant relief to abate the nuisance consistent with the requirements of this Chapter and the public interest to secure adequate protection of the public health, welfare, environment, or natural resources; and/or

5. Request that the District Attorney immediately bring criminal charges against the dumping violators.

B. Any administrative or abatement order issued by the Enforcement Officer pursuant to this Section shall include a statement of the factual and legal grounds upon which the order is issued, a schedule for completion of specific actions ordered, and the amount of administrative penalties assessed, if applicable. The order shall inform the person to whom it is issued of the right to contest the order and procedure to request a hearing under Section 6.121.090. The order shall also conspicuously advise the person to whom it is directed that failure to request the hearing within the time and in the manner provided in Section 6.121.090 will result in the order becoming final and binding.

C. Any administrative or abatement order shall be served in person or by prepaid certified mail, return receipt requested and shall include a copy of this Chapter and a statement describing the sections violated. It shall set forth a reasonable time for correcting the violations, but in no event less than three (3) calendar days nor more than sixty (60) calendar days, and may set forth suggested methods of correcting the violations. The enforcement officer shall inspect the property where the violation occurred within the time limit for correcting the violations, to determine whether the violations have been corrected. If the property is found to be in compliance with this Chapter, the matter shall be dropped and no further enforcement action taken. If the property is not found to be in compliance with this Chapter, further enforcement action shall occur as set forth in this Chapter including fines and/or fees according to Section 6.121.080.

6.121.070 – **Administrative penalty for illegal dumping violations.**

A. In addition to the costs of administrative enforcement as provided in Section 6.121.060, any dumping violator is liable to the County for administrative penalties in the amount of two thousand five hundred dollars ($2,500.00) for each violation set forth in the administrative order.

B. A dumping violator shall be liable to the County for a second violation of this Chapter for an administrative penalty in the amount of five thousand dollars ($5,000.00).

C. A dumping violator shall be liable to the County for a third violation of this Chapter for an administrative penalty in the amount of ten thousand dollars ($10,000.00).

D. **Aggravating Factors:** Notwithstanding subsections A–C, where the Enforcement Officer determines and states in writing that a violation: (i) involves ten (10) cubic yards or more, or 2,000 pounds or more of waste; (ii) includes harmful waste materials; or (iii) occurs in, into, or within 150 feet of (a) a water body, wetland, riparian corridor, storm drain or outfall, or state/federally designated critical habitat, or (b) a public or private K-12 school, preschool or

childcare facility, the Enforcement Officer may assess a separate administrative penalty up to ten thousand dollars ($10,000.00), regardless of the number of past violations by the same violator.

E. Liability under this Chapter may be imposed in a civil action or administratively. Any such civil action may be joined with an action for any other remedy, including injunctive relief, available pursuant to State law or pursuant to this Code.

E. Neither the imposition nor the payment of an administrative penalty for violating this Chapter shall relieve the dumping violator from their obligation to abate any public nuisance resulting from the violation, nor shall it bar further enforcement action by the Enforcement Officer. Nothing in this Section shall affect or modify in any way the obligation or liability of any person under any other provision of State, federal or local law, including common law, for damages, injury, loss, or liability for nuisance abatement and nuisance abatement costs incurred by the County.

6.121.080 – **Administrative penalty for failure to abate public nuisance.**

A. In addition to the costs of administrative enforcement set forth in Section 6.121.060 and the administrative penalties set forth in Section 6.121.070, if a dumping violator fails to abate a public nuisance under this Chapter, the following additional administrative penalties shall apply:

1. One thousand dollars ($1,000.00) for a first violation;

2. Two thousand five hundred dollars ($2,500.00) for a second violation;

3. Five thousand dollars ($5,000.00) for each additional violation.

B. Neither the imposition nor the payment of an administrative penalty for violating this Chapter nor the payment of an administrative penalty for failure to abate a nuisance pursuant to this Section shall relieve the responsible person from their obligation to abate any public nuisance resulting from the violation, nor shall it bar further enforcement action by the Enforcement Officer.

C. The Enforcement Officer may waive the administrative penalty in this Section in their discretion if the person responsible corrects the violation in accordance with all conditions established by the Enforcement Officer.

D. Nothing in this Section shall affect or modify in any way the obligations or liabilities of any person under any other provision of State, federal or local law, including common law, for damages, injury, loss, or for liability for nuisance abatement and nuisance abatement costs incurred by the County .

6.121.090 – **Review of administrative enforcement orders.**

A. Request for Hearing.

1. Within fifteen (15) calendar days of mailing of the written notification specified in Section 6.121.060, the dumping violator may request a hearing before a Hearing Officer to contest any administrative or abatement order assessed. If a request for hearing is not received within fifteen (15) calendar days from mailing of the written notification, the County may abate and remove the waste matter as a public nuisance without holding a public hearing, and any administrative penalties shall be imposed without further contest.

2. If the alleged dumping violator submits a sworn written statement denying responsibility for the waste matter on their land within the ten-day period to request a hearing, the statement shall be construed as a request for a hearing.

3. Notice of the hearing shall be mailed by registered mail at least ten (10) calendar days before the hearing to the dumping violator.

B. Hearing Evidence and Findings.

1. All hearings under this Chapter shall be held before a Hearing Officer, which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony from witnesses to the illegal dumping and the circumstances concerning its deposit on private or public property. The Hearing Officer shall not be limited by the technical rules of evidence.

2. The owners of the land on which the waste matter was deposited may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing and deny responsibility for the placement or continuing presence of waste matter thereof on the land, with their reasons for such denial.

3. If it is determined at the hearing that the waste matter was placed on the land without the consent of the landowners and that the landowners have subsequently not acquiesced to its presence, the County shall not assess administrative costs or costs for removal of the waste matter against the landowners of the property on which the waste matter was deposited.

4. For purposes of conducting any administrative hearing under this Article, at least two pieces of addressed mail or other identifying information in the dumped material shall be deemed to create a rebuttable presumption that the identified person or persons is responsible for the dumped waste material and is subject to the penalties and remedies provided for in this Chapter.

C. Action by Hearing Officer – Content of Order – Notice of Decision. At the conclusion of the hearing, the Hearing Officer may impose conditions to ensure the abatement of the public nuisance. The Hearing Officer may include a requirement that the responsible party remove the waste matter from the public or private property and/or a determination as to whether administrative penalties shall be imposed on the responsible party. If any interested parties make a written presentation to the Hearing Officer but do not appear, they shall be notified in writing of the decision.

D. Appeal to the Alameda County Superior Court.

1. Any person aggrieved by the decision of a Hearing Officer on an administrative order or abatement order may obtain judicial review of the decision as provided in this section. Judicial review is available only if the person first timely requested and obtained an administrative hearing pursuant to Section 6.121.060. The County may also seek judicial review of a final decision of the Hearing Officer.

    a. A person aggrieved by a final administrative order imposing an administrative fine or penalty may seek judicial review pursuant to Government Code section 53069.4. The appeal shall be filed within the time prescribed by Government Code section 53069.4

    b. A person aggrieved by a final abatement order may seek judicial review by filing a petition for writ of mandate in the Alameda County Superior Court pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, within the time prescribed by those statutes.

    c. Where a person seeks judicial review of a final administrative order that imposes both an administrative fine or penalty and an abatement order, judicial review of each shall proceed under the applicable statutory procedure.

6.121.100 – **Civil Penalties.**

A. In addition to the administrative enforcement penalties set forth in Sections 6.121.070 and 6.121.080, the County may assess civil penalties against a dumping violator or litter violator.

B. Civil Penalties.

1. Determining the Amount of Civil Penalty. In determining the amount of a civil penalty, all relevant circumstances shall be considered, including but not limited to: costs to the County relating to clean-up caused by the dumping violator, special costs to the County in the form of the payment of any reward, the quantity of waste matter, whether the waste matter contains harmful waste matter, the history of previous violations by the dumping violator, the assets, liabilities and net worth of the person, and any corrective action taken by dumping violator.

2. The County may pursue civil penalties, as follows:

   a. First major violation, seven hundred fifty dollars ($750.00);

   b. A major second violation, one thousand five hundred dollars ($1,500.00) penalty;

   c. Any subsequent major violation, two thousand five hundred dollars ($2,500.00) penalty.

3. The County may order a dumping violator to remove illegally dumped waste matter from County or private property (with the property owner's prior consent). If a dumping violator is noticed to remove illegally dumped material and fails to remove the same within 24 hours after notice by the County, such failure to timely remove the illegally dumped material constitutes a separate violation and is a major violation subject to civil penalties.

4. Penalty or Citation Days. For purposes of calculating the number of days for assessment of a civil penalty, the days start to run when the illegal dumping is first discovered by a witness, subject to the evidentiary presumption below, and end when the cleanup is complete.

5. Burden of Producing Evidence as to When Illegal Dumping Occurred. If the County does not have direct evidence as to when the illegal dumping occurred, in assessing civil penalties, the act of illegal dumping shall be presumed to have occurred five days prior to its discovery and the burden of producing evidence as to when it occurred shall be on the dumping violator. The presumption may be rebutted by contrary evidence.

6. In addition to assessing civil penalties, a dumping violator also shall be assessed costs relating to the illegal dumping. Each person who participates in an act of illegal dumping is jointly and severally liable with all other persons who participated in that act of illegal dumping for the costs of that act of illegal dumping.

6.121.110 – **Determination of separate violations for administrative penalties and civil penalties.**

A. Determining Separate Violations. The following are considered separate instances of illegal dumping each of which is subject to an individual assessment of a civil penalty:

1. Each individual mattress, piece of upholstered furniture, household furniture, appliance, tire(s), universal waste, or electronic waste. For purposes of assessment of penalties, a mattress and foundation constitute two separate instances of illegal dumping even if they are from a set.

2. A commercial quantity of waste matter that also contains harmful waste matter, a mattress, upholstered furniture, household furniture, appliance, tire(s), universal

waste, or electronic waste may be cited both as a commercial quantity and separately as harmful waste matter.

3. Each individual act of illegal dumping at the same location.

4. An amount of illegal dumping that exceeds three cubic yards or requires more than one pick-up truck load to remove may be cited for each amount of three cubic yards or truck loads required to remove the waste matter.

B. Each act of illegal dumping is subject to an administrative penalty and civil penalty in accordance with the provisions of this Chapter. Illegal dumping on the same location, at different times are each considered a separate violation. Each act of illegal dumping on a separate area of a single location is a separate violation even if each occurs on the same general time and day. Each person who participates in an act of illegal dumping is subject to a separate administrative citation or civil penalty.

6.121.120 – **Civil actions against dumping violators.**

A. Any person or entity, public or private, on whose property waste matter has been illegally dumped, may bring a civil action against a dumping violator. In addition, a duly established business improvement district, merchants' association, property owner, or business, non-profit, community, or neighborhood association or organization that cleans up illegal dumping on behalf of its members may bring an action against a dumping violator to recover its costs of removal, in addition to the damages set forth in section 6.121.110(B).

B. Costs and Damages Recoverable. The following damages may be assessed against a dumping violator:

1. The cost of abatement including the costs of public employee staff hourly rates and benefits;

2. Any cost for loss of use of the property on which the illegal dumping has been placed;

3. Costs of investigation, including the cost of any code enforcement, private investigators, or police resources used to investigate each incident, as are set out in the master fee schedule;

4. Attorney fees and costs involved in the investigation;

5. Cost of suit;

6. Treble damages if the dumping violator has been found to have committed more than one act of illegal dumping within a three-year period; and

7. Punitive damages if appropriate under applicable State law and under State law standards.

C. Joint and Several Liability. Each person who participates in an act of illegal dumping is jointly and severally liable with any other person who participates for all costs, damages, penalties, and attorneys' fees related to that act of illegal dumping.

6.121.130 – **Attorney's fees for illegal dumping actions.**

In any administrative, civil, or special proceeding to abate illegal dumping, the County may, at the initiation of the proceeding, seek an award of reasonable attorney's fees. If the County seeks an award of reasonable attorney's fees, the award shall be made to the prevailing party.

Article IV. Special Liabilities and Responsibilities

6.121.140 – **Mattress and upholstered furniture identification.**

A. Any business that provides, rents, or offers beds, household furniture, or upholstered furniture as part of accommodations or licensing is required to place a permanent, legible mark in an inconspicuous location clearly identifying the owner of such items. This requirement applies to, but is not limited to, hotels, motels, rooming houses, and rental property owners who provide furnishings with unit rentals.

B. Any business which fails to comply with this Section shall be subject to an administrative penalty for each piece not marked for identification.

6.121.150 – **Liability of parent or guardian of a minor.**

The parent(s) or legal guardian(s) of a minor who engages in illegal dumping shall be personally liable for all costs incurred by the County or any person or business due to the illegal dumping caused by the minor's actions. This includes attorney's fees, court costs, and any administrative citations or civil penalties related to the civil or administrative prosecution of claims for damages, to the maximum extent permitted by California Civil Code Section 1714.1 or other applicable laws.

6.121.160 **- Liability of owner or operator of vehicle or trailer used in illegal dumping.**

To the extent permitted by law, the owner and/or operator of a motor vehicle or trailer are liable for all costs, penalties, and fines related to illegal dumping if the vehicle was used with the owner's consent, regardless of whether the owner knew or should have known about the illegal use.

6.121.170 – **Responsibility of waste matter creator or generator for illegally dumped material.**

All persons creating or generating waste matter are responsible for seeing that it is disposed of in the manner provided by law. Waste matter creators or generators shall not give waste matter to a commercial hauler who is not a licensed business. Waste matter creators or generators shall be jointly and severally liable for waste matter illegally dumped in their behalf by an unlicensed hauler.

6.121.180 – **Responsibility of landlord for property of tenant illegally dumped following vacation of unit.**

A. A landlord who rents commercial or residential property is responsible for the abandoned property of a tenant after the tenant vacates. If the tenant's property is removed by the landlord following eviction of a tenant, the landlord must ensure that the removed property is either returned to the tenant or properly disposed of in accordance with law. If the tenant's property is illegally dumped by the tenant on public or private property in front of or adjacent to the tenant's former rental unit, the landlord must properly dispose of the dumped property. If the tenant's property is identified as illegally dumped waste matter at a different location, the landlord must provide the tenant's identity and contact information to the Enforcement Officer upon request.

B. Landlords are also subject to obligations under Section 6.65 of this Code (Unincorporated County Real Property Nuisances Ordinance), including maintaining premises free of illegally dumped waste.

Article V. Community Service

6.121.190 – **Community service in lieu of fine.**

A. A dumping violator cited with an administrative citation or civil penalty pursuant to this Chapter may request to perform community service in lieu of payment of the civil penalty or administrative citation. A dumping violator may not use community service to offset actual costs incurred by the County to address the illegal dumping incident. Community service

must be performed in a program approved by the County Administrator or their designee, or an agency managed by an enforcement officer.

1. A dumping violator cited with an administrative citation or civil penalty who requests permission to perform community service in lieu of payment of citation or penalty, as provided in this subsection A., must make the request in writing and file it with the County no later than 15 calendar days, excluding weekends and holidays, after service of the citation. All requests made pursuant to subsection A. must include the address of the responsible person(s) for the purpose of correspondence by the issuing department. A request to perform community service does not extend or toll the time the illegal dumper must appeal any charge or penalty.
2. The County shall notify the dumping violator by first class mail, postage prepaid, whether the request to perform community service has been approved, and if approved, shall identify the program(s) that the responsible person must complete, and the date by which such program shall be completed.
3. Eligibility for community service shall be based on factors including:
    a. The number of incidents of illegal dumping the dumping violator has engaged in;
    b. Whether the dumping violator previously participated in community service;
    c. Whether the dumping consisted of Harmful Waste Matter;
    d. The cost of the illegal dumping damage; and
    e. The dumping violator's ability to pay penalties.
4. Granting or denying request for community service.
    a. The decision to grant or deny a community service request shall be in the sole discretion of the County Administrator or their designee, or an agency managed by an enforcement officer;
    b. In the event the request to perform community service is denied the administrative citation or civil penalty otherwise payable must be made by the date specified in the notice denying the request;
    c. Even if the dumping violator performs community service the County may still pursue other recovery of fines or costs, taking into consideration dumping violator's participation in one of the programs.
5. Community service may include, but not be limited to, picking up litter or waste matter from public areas throughout the County. The amount of community service shall be in proportion to the amount of administrative citation or civil penalty.
6. The obligation to pay the administrative citation or civil penalty otherwise required shall be suspended during the time period provided for completion of the approved program as set forth in the written notification approving the request sent by the issuing department under Subsection A.2., above.
7. The dumping violator must provide proof of completion of the approved program by submitting to the issuing department within five calendar days following the date by which the program was to be completed, a certificate of completion issued by the program provider. Failure to present such proof within the required time period shall result in the reinstatement of the administrative penalty otherwise due as stated in the administrative citation without further notification by the issuing department. Payment of the amount due shall be made within seven calendar days of the date by which the program was to be completed as specified in the notice provided under Subsection A.2., above.

B. Any notices of violations issued for circumstances for which community service is available shall include information regarding the availability of community service.

Article VI. Reward Fund

6.121.200 **– Establishment of illegal dumping reward fund.**

A. The Board of Supervisors may by resolution establish an illegal dumping reward fund for the public benefit of identifying and apprehending dumping violators. The fund is to provide monetary rewards to encourage public participation in the identification and apprehension of dumping violators.

B. The Board of Supervisors may fund the illegal dumping reward fund from general purpose funds and/or funds recovered from administrative citations, civil penalties, or treble or punitive damages recovered from dumping violators, or other sources.

Article VII. Miscellaneous

6.121.210 **– Amendments to State laws adopted herein.**

In the event that any California statute adopted or referred to in this Chapter is amended or succeeded by another enactment of the California Legislature, it shall be deemed such amendments shall be automatically deemed adopted as part of this Chapter of the Alameda County General Code.

6.121.220 **- County Administrator regulations.**

The County Administrator, or their designee, is authorized to establish any regulations to aid in administration or enforcement of this Chapter, but the lack of such regulations shall not delay or otherwise impede application or enforcement of any provision of this Chapter.

SECTION II

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the XX day of XXXX, 2026, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

_____

David Haubert
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

Britney Davis, Clerk Board of Supervisors
County of Alameda

By: _____
Deputy

APPROVED AS TO FORM:

ANDREA L. WEDDLE, INTERIM COUNTY COUNSEL

By: Signed by: Melanie S. O'Brien 2194A1F8C5644AD... _____
Melanie S. O'Brien
Deputy County Counsel