

Model Illegal Dumping Ordinance

PRODUCED BY THE ALAMEDA COUNTY ILLEGAL DUMPING (ACID) TASK FORCE.

PRESENTED AT THE BAY AREA REGIONAL CONVENING ON ILLEGAL DUMPING -- OCTOBER 29TH, 2025.

Instructions for Use:

This model ordinance is written for direct adoption by any city or county. Before adoption:

1. **Fill in all bracketed placeholders** (e.g., [Jurisdiction], [Chapter No.], [Hearing Body], [Enforcement Officer]) with local terms.
2. **Identify the most appropriate local department / agency** to hold the administrative investigation and administrative process.
3. **Confirm cross-references** to state statutes are current and consistent with local code format.
4. **Have local counsel review** for preemption, enforcement authority, and citation consistency.
5. **Integrate into the Municipal Code** using local numbering and publication requirements.
6. **Adopt by ordinance** following local standard and including relevant details in the staff report.

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Disclosure:

This model ordinance is provided for reference and drafting purposes only. It has not been reviewed for legal sufficiency, local compliance, or consistency with any individual jurisdiction's municipal code. Each jurisdiction is responsible for its own legal and policy review before adoption.

MODEL ORDINANCE — Illegal Dumping

ORDINANCE NO. O-20XX-XX

AN ORDINANCE ADDING CHAPTER [CHAPTER NO.] TO THE [JURISDICTION] [MUNICIPAL / GENERAL] CODE PROHIBITING ILLEGAL DUMPING WITHIN THE [JURISDICTION]

WHEREAS, the [Governing Body] is authorized to make and enforce, within its limits, local, police, sanitary, and other ordinances and regulations not in conflict with general law; and

WHEREAS, unlawful disposal of waste (illegal dumping) on public and private property creates blight, adversely affects public health and safety, reduces property values, harms the environment, and undermines the quality of life of [Jurisdiction] residents and businesses; and

WHEREAS, certain forms of waste (mattresses, bulky furniture, electronic waste, hazardous materials, large appliances, commercial loads) present special removal costs and environmental risks; and

WHEREAS, the [Governing Body] intends by this Chapter to protect public and private property, to provide increased remedies and penalties for illegal dumping, and to discourage illegal disposal of waste; and

WHEREAS, this ordinance is intended to operate in conjunction with applicable State laws and regulations governing waste, hazardous materials, vehicle forfeiture and licensing reporting.

NOW, THEREFORE, the [Governing Body] of the [Jurisdiction] ordains as follows:

- Chapter [CHAPTER NO.] is added to the [Jurisdiction] Code as follows:

Article I — Findings and Purpose

[CHAPTER NO].010 — Declaration of Public Policy

The [Governing Body] finds and declares that illegal dumping is a public nuisance that threatens public health, safety, property values, and the environment. This Chapter is adopted to: (1) prohibit illegal dumping within the [Jurisdiction]; (2) provide administrative and criminal remedies and penalties to deter illegal dumping; (3) recover the public costs of investigating, abating and removing illegally dumped waste; and (4) require responsible disposal practices by waste generators and haulers.

Article II — Definitions

[CHAPTER NO].020 — Definitions

For purposes of this Chapter, the following definitions apply. Where State law is referenced, it is noted as such.

“Appliance” means large electronic or gas-fueled household appliances such as stoves, refrigerators, microwaves, water heaters, or furnaces.

“Commercial hauler” means any person or entity that receives monetary compensation for transporting and disposing of waste on behalf of third parties.

“Commercial quantity” means waste generated in the course of a trade, business, profession, or occupation, or any amount equal to or exceeding one (1) cubic yard.

“Costs” means, and includes without limitation, court costs, attorneys’ fees, costs of removal and disposal of illegally dumped waste (including equivalent disposal cost if the jurisdiction is not billed), costs of investigation, and law enforcement costs (including the time and expenses of local law enforcement, code enforcement, public works, and other local agencies and staff) incurred by the [Jurisdiction] in identifying, investigating, abating, or prosecuting illegal dumping.

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

“Electronic waste” (e-waste) means computers, computer monitors, televisions, audio equipment, and other electronic equipment required to be specially disposed of pursuant to State law (e.g., California Public Resources Code).

“Enforcement Officer” means any [Jurisdiction] employee or agent authorized to enforce this Chapter, including but not limited to the [Local Planning Director or designee], [Chief of Police or designee], [Public Works Director or designee], and the [City Attorney / District Attorney or designee]. *(Adjust list as appropriate for local structure.)*

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

“Harmful waste matter” means: (1) hazardous substances as defined in State law (e.g., Penal Code or Health & Safety Code definitions); (2) hazardous waste as defined in State Health & Safety Code § 25117 (State law); (3) waste that under Division 30 (commencing with Section 40000) of the California Public Resources Code requires special handling for landfill disposal; or (4) waste matter in excess of one (1) cubic yard.

“Household furniture” means large household furniture such as tables, buffets, armoires, dressers, and similar items.

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

“Licensed hauler” means a hauler of solid waste and/or hazardous waste who has obtained required permits and approvals from the relevant **Jurisdictional waste program / business licensing division** and under applicable State law.

“Litter” means the discarding of small quantities of consumer-related waste that is reasonably understood to be ordinarily carried on or about a person (e.g., beverage containers, wrappers, newspapers) and that escapes or is allowed to escape from a container or receptacle.

“Litter violator” means any person who negligently, willfully, or intentionally causes or permits litter.

“Mattress” means resilient material or combinations of materials intended for sleeping upon; includes foundations and renovated mattresses/foundations. Excludes unattached mattress pads/toppers, sleeping bags, pillows, car/crib/bassinet mattresses, and specified juvenile products.

“Major violation” means illegal dumping that: (a) constitutes a commercial quantity; (b) contains harmful waste matter; or (c) consists of mattresses, upholstered furniture, household furniture, appliances, tires, universal waste (e.g., lamps, batteries, mercury-containing devices), or electronic waste.

“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 tents, makeshift structures, vehicles, trailers, or RVs).

“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 (see California Civil Code §§ 3479-3480 — State law).

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

“Trailer” has the meaning in California Vehicle Code (State law).

“Upholstered furniture” means furniture covered by soft or padded textile, leather, vinyl, or similar covering (e.g., sofas, armchairs).

“Vehicle” means a vehicle as defined in California Vehicle Code (State law).

“Vehicle owner” means “owner” as defined in California Vehicle Code (State law), excluding certain financial institutions as set forth in Vehicle Code definitions.

“Waste matter” means any tangible material or substance, whether or not recyclable or reusable, including but not limited to:

1. Municipal solid waste: garbage, refuse, recyclables, organics/yard waste, and other solid waste.
2. Construction and demolition debris: concrete, asphalt, soil, rock, aggregate, lumber, drywall, roofing, fixtures, plumbing/electrical components, concrete slurry or washout.
3. Bulky items: mattresses and foundations, upholstered or household furniture, appliances, and electronic waste.
4. Automobile/marine waste: tires, vehicle parts, batteries, used oil, fuels, and petroleum byproducts.
5. Liquid wastes not otherwise governed by State law, including paints, chemical solutions, contaminated water, oils.
6. Biological waste not otherwise designated hazardous by law (e.g., carcasses).
7. Substances used or created as part of illegal controlled substance manufacture (see California Health & Safety Code sections referenced in State law).

Article III — Illegal Dumping; Nuisance; Penalties

[CHAPTER NO].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 by State or Federal law.

B. It is unlawful to knowingly hire a person to dispose of waste who is not legally authorized to dispose of such waste in the [Jurisdiction].

C. It is unlawful for any person owning or controlling real property within the [Jurisdiction] to knowingly permit or allow waste matter from such property to be illegally dumped or improperly disposed.

D. Violations of this Chapter may be enforced by criminal prosecution and/or administrative enforcement, as provided herein.

E. Waste matter generated and discarded in the ordinary course of daily living activities within an outdoor encampment by persons who reside in the encampment shall **not** constitute “illegal dumping” under this Chapter. This exemption does not apply to bulky items, hazardous waste, construction or demolition debris, or waste matter brought into the encampment by persons who do not reside there.

[CHAPTER NO].040 — Illegal dumping and littering as public nuisances

The [Governing Body] declares that illegal dumping and littering are public nuisances subject to abatement under this Chapter.

[CHAPTER NO].050 — Criminal penalties available for illegal dumping

A. Illegal dumping is a misdemeanor. Illegal dumping on public or private property is a misdemeanor violation of this Code and of this Chapter and, in addition to administrative penalties, may be punishable by up to six (6) months imprisonment.

B. Littering is an infraction and is subject to fines set forth under applicable State law (see Government/State code references as applicable).

C. Forfeiture of vehicle for commercial haulers (OPTIONAL – May overlap other municipal codes). In addition to criminal penalties, a person acting as a commercial hauler convicted of illegal dumping may be subject to vehicle impoundment upon second or subsequent conviction within five years, in accordance with applicable State Vehicle Code provisions. Impoundment and cost recovery provisions may be adopted where authorized and necessary; jurisdictions without local authority for vehicle impound should omit or adapt this subsection.

D. License reporting requirement (State law). If a person is convicted of a misdemeanor for illegal dumping and that person holds a license or permit substantially related to the activity for which convicted, the court shall notify the applicable licensing or permitting entity as required by State law (see, e.g., Penal Code § 374.3(h)(4)(A)-(B)). That licensing

entity shall record the conviction and publish it on the licensee's public profile as required by State law.

Article IV — Administrative Enforcement

[CHAPTER NO].060 — Administrative enforcement actions

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

1. Issue an administrative order finding the responsible person(s) and directing payment of administrative penalties in the amounts set forth in [CHAPTER NO].070; and/or
2. Issue an abatement order directing the dumping violator to take actions necessary to abate the nuisance and protect public health, welfare, the environment or natural resources; and/or
3. If the Enforcement Officer determines the nuisance constitutes an immediate threat to public health or safety, summarily abate the nuisance; and/or
4. Request that the [City/County] Attorney immediately seek injunctive or other judicial relief; and/or
5. Request that the District Attorney or other prosecuting authority bring criminal charges.

B. Any administrative or abatement order shall state the factual and legal grounds, a schedule for completion of corrective actions, and the amount of administrative penalties assessed, if any. The order shall inform the recipient of the right to contest the order and to request a hearing under [CHAPTER NO].090 and shall conspicuously state that failure to timely request a hearing will render the order final and binding.

C. Orders shall be provided in person or by prepaid certified mail, return receipt requested, and shall include a copy of this Chapter and a statement identifying the section(s) found to be violated. The order shall set a reasonable time for correction (not less than three (3) calendar days nor more than sixty (60) calendar days). The Enforcement Officer shall inspect the property within the stated correction period and proceed with further enforcement if the violation is not corrected.

[CHAPTER NO].070 — Administrative penalties for illegal dumping

A. In addition to costs of administrative enforcement, any dumping violator is liable for administrative penalties of Two Thousand Five Hundred Dollars (\$2,500.00) for each violation set forth in the administrative order.

B. For a second violation by the same dumping violator, the administrative penalty shall be Five Thousand Dollars (\$5,000.00).

C. For a third or subsequent violation by the same dumping violator, the administrative penalty shall be Ten Thousand Dollars (\$10,000.00).

D. **Aggravating factors.** Notwithstanding subsections A–C, where the Enforcement Officer determines in writing that a violation: (1) involves ten (10) cubic yards or more, or 2,000 pounds or more of waste; (2) includes harmful waste materials; or (3) occurs in, into, or within 150 feet of (a) a water body, wetland, riparian corridor, storm drain or outfall, state or federally designated critical habitat, or (b) a public or private K-12 school, preschool or childcare facility — the Officer may assess the per-violation penalty specified in subsection C (up to \$10,000) for that violation, regardless of prior violations by the same violator.

E. Liability under this Article may be imposed administratively pursuant to this section. The imposition or payment of an administrative penalty does not relieve the dumping violator of the obligation to abate the public nuisance, nor prevent further enforcement action under other applicable law. Nothing in this Section affects obligations under State, federal or local law for damages or nuisance abatement costs.

[CHAPTER NO].080 — Administrative penalties for failure to abate

A. If a dumping violator fails to abate a public nuisance as ordered, the following additional administrative penalties apply:

1. One Thousand Dollars (\$1,000.00) for a first failure to abate.
2. Two Thousand Five Hundred Dollars (\$2,500.00) for a second failure to abate.
3. Five Thousand Dollars (\$5,000.00) for each additional failure to abate.

B. The imposition or payment of a penalty for failure to abate does not relieve the responsible party of the obligation to abate the nuisance nor bar other enforcement actions.

C. The Enforcement Officer may waive the additional penalty in whole or in part if the responsible party corrects the violation in accordance with conditions established by the Enforcement Officer.

[CHAPTER NO].090 — Review of administrative enforcement orders; hearings and appeals

Request for Hearing. Within ten (10) calendar days of the mailing date of the written administrative order, the dumping violator may request a hearing before the [Hearing Body — e.g., Board of Zoning Adjustments or designated hearing officer]. Failure to request a

hearing within ten (10) days allows the [Jurisdiction] to abate and remove the waste and impose penalties without a hearing.

A sworn written statement denying responsibility for the waste submitted within the ten-day period will be construed as a request for hearing.

Notice of the hearing shall be mailed at least ten (10) days before the hearing date.

Hearing; Evidence; Findings. Hearings shall be held before the [Hearing Body], which may receive testimony and evidence it deems pertinent and is not strictly bound by technical rules of evidence. Property owners on whose land the waste was deposited may appear or submit sworn statements. If the [Hearing Body] finds waste was placed without the landowner's consent and the landowner has not acquiesced to its presence, the [Jurisdiction] shall not assess removal or administrative costs against the landowner.

For purposes of these proceedings, two (2) pieces of addressed mail or other identifying information in the dumped material shall create a rebuttable presumption that the identified person is responsible for the dumped material.

Decision; Content; Notice. The [Hearing Body] may order removal, abatement, and assess administrative penalties. Parties not present who submitted written presentations shall be notified of the decision in writing.

Appeal. An appeal of the [Hearing Body] decision may be filed with the [Governing Body] within ten (10) calendar days of mailing of the decision. The appeal must set forth the grounds and supporting facts. The [Jurisdiction] shall set a hearing date (not less than ten (10) days nor more than sixty (60) days after appeal filing) and provide notice. The [Governing Body] decision shall be final.

Article IV — Special Liabilities & Responsibilities

[CHAPTER NO].140 — Mattress and upholstered furniture identification

A. Businesses that provide, rent, or offer beds or upholstered/household furniture as part of accommodations (e.g., hotels, motels, rooming houses, furnished rentals) shall place a permanent, legible identifying mark on each item indicating the owner.

B. Failure to comply may subject the business to an administrative penalty for each item not so marked, as set in the [Jurisdiction] master fee schedule.

[CHAPTER NO].150 — Liability of parent or guardian of a minor

Parent(s) or legal guardian(s) of a minor who engages in illegal dumping shall be personally liable to the maximum extent permitted by law for costs incurred by the [Jurisdiction] or any private person due to the minor's illegal dumping (including attorneys' fees, court costs, and administrative penalties).

[CHAPTER NO].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 used in illegal dumping are liable for costs, penalties and fines if the vehicle was used with the owner's consent, unless the owner can show the vehicle was used without their knowledge or consent.

[CHAPTER NO].170 — Responsibility of waste matter creator or generator

All persons creating or generating waste are responsible for ensuring proper disposal. Waste creators shall not give waste to commercial haulers who are not licensed. Generators who give waste to unlicensed haulers are jointly and severally liable for illegally dumped material.

[CHAPTER NO].180 — Responsibility of landlord for tenant property abandoned or dumped after vacation of unit

A landlord who removes tenant property following eviction must return the property to the tenant or ensure lawful disposal. If tenant property is illegally dumped in front of or adjacent to the former unit, the landlord must properly dispose of it. If tenant property is illegally dumped elsewhere, the landlord must provide tenant identity and contact information to the Enforcement Officer upon request. Landlords remain subject to applicable local nuisance provisions.

Article VI — Community Service

[CHAPTER NO].190 — Community service in lieu of fine

A. A dumping violator cited for an administrative citation may request to perform community service in lieu of payment of an administrative penalty (but not to offset actual [Jurisdiction] costs). Community service must be approved by the [Jurisdiction Administrator/Manager] and performed in an approved program.

1. Requests must be filed in writing within fifteen (15) calendar days (excluding weekends/holidays) after service of the citation and include the responsible person's mailing address.
2. The [Jurisdiction] shall respond by first class mail whether the request is approved and, if approved, specify the program and completion date.
3. Eligibility shall consider incident history, whether harmful waste was involved, cleanup cost, previous participation in community service, and the violator's ability to pay.
4. The [Jurisdiction Administrator/Manager] shall have sole discretion to grant or deny community service requests. Denial requires payment by the date specified.
5. Community service options may include litter pickup or other public cleanup tasks, proportionate to the penalty amount.
6. Payment obligations are suspended during the approved program period, but failure to provide proof of completion re-instates the administrative penalty.

B. Notices of violations subject to community service shall include information about the availability of community service.

Article VII — Miscellaneous

[CHAPTER NO].200 — Amendments to State laws adopted herein

If any referenced California statute is amended or replaced, such amendment is deemed adopted as part of this Chapter to the extent consistent with the intent of this Chapter and permitted by law.

[CHAPTER NO].210 — [Jurisdiction] Administrator/Manager regulations

The [Jurisdiction] [Administrator/Manager (or equivalent)] may adopt regulations to aid administration and enforcement of this Chapter; lack of such regulations shall not delay enforcement.