

CHAPTER THREE: ENVIRONMENTAL PROTECTIONS

Subchapter 3.03: Landfills

3.03.010 General Provisions.

(a) No person owning any interest, legal, equitable, leasehold, possessory, or any other kind or nature, in real property lying wholly or partly within the boundaries of the Town of Colma shall use or permit the use of such property as a dump or landfill except in compliance with this subchapter, and no person shall operate, maintain or establish a dump except in compliance with this subchapter.

(b) No person may operate any facility for the disposal of refuse, garbage or rubbish except for a landfill, as provided in this subchapter.

[History: formerly § 3.201; ORD. 256, 1/14/81; ORD. 638, 12/14/05; ORD. 708, 5/9/12]

3.03.020 Working Face.

The working face or exposed face of any dump shall be kept as small or narrow as possible.

[History: formerly § 3.202; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.030 Covering Intervals.

The working face of any dump shall be covered at such intervals of time, but no less than once each week, as is required by the San Mateo County Department of Public Health and Welfare (hereinafter "County Health Department") in its Solid Waste Facility Permit ("Permit") for such dump.

[History: formerly § 3.203; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.040 Covering Depth.

Suitable cover material shall be placed over all surfaces of compacted wastes. If native soil is used for cover it shall be compacted to a minimum thickness of six inches. Alternative cover materials shall be subject to City Council approval, which approval may limit the time such alternative cover material may be used in order to allow demonstration projects.

[History: formerly § 3.204; ORD. 256, 1/14/81; ORD. 464, 4/13/94; ORD. 638, 12/14/05]

3.03.050 Cover Material.

The cover material shall be suitable, as that term is defined in the discretion of the County Health Department in its application of appropriate state or regional standards. The operator shall provide the County Health Department with written substantiation of an off-site supply of suitable cover materials which can be used in the event on-site material is not adequate to provide cover at intervals of time provided in section 3.03.030 above.

[History: formerly § 3.205; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.060 Water.

Adequate water for fire protection and wetting down operations shall be made available, within 50 feet of disposal operation.

[*History:* formerly § 3.206; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.070 Rubbish Permitted.

All material in any dump other than cover material shall consist only of rubbish.

[*History:* formerly § 3.207; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.080 Garbage.

No garbage shall be permitted at any dump.

[*History:* formerly § 3.208; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.090 Salvage Operations.

Salvage operations shall be shielded by a fence at least five (5) feet high. Salvaged items shall be kept at least twelve (12) inches off the ground or on a concrete slab. No direct sale to the public shall be permitted. Salvaged items shall be removed from the premises daily or stored in a properly constructed vector-proof building.

[*History:* formerly § 3.209; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.100 Burning.

Burning shall be prohibited.

[*History:* formerly § 3.210; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.110 Rodents and Flies.

A rodent and fly control program shall be enforced.

[*History:* formerly § 3.211; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.120 Sanitary Facilities.

Sanitary toilet facilities shall be provided for the operators.

[*History:* formerly § 3.212; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.130 Hours of Operation.

A schedule of days and hours of operation shall be posted. The disposal site of any dump shall be closed from 5:00 p.m. to 2:30 a.m. every day of the week. No signs shall be posted on said

site other than a sign no larger than 18 inches by 36 inches showing the hours of operation, and other signs posted about the property which shall read *Private Property No Trespassing*.

[History: formerly § 3.213; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.140 Inspections.

The City Health Officer shall inspect the site and operations not less than four (4) times annually.

[History: formerly § 3.214; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.150 Compaction.

All rubbish shall be deposited at the toe of the fill to facilitate maximum compaction. The rubbish shall be spread and compacted in layers with repeated passages of equipment so as to eliminate voids within the cell. The loose layer shall not exceed a depth of approximately two (2) feet before compaction. The slope of the working face shall be maintained at a ratio which will allow effective compaction of the wastes.

[History: formerly § 3.215; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.160 Final Cover.

All completed disposal areas shall be compacted and provided with a final cover of at least three (3) feet of clean soil. A lesser thickness of final cover may be allowed upon a demonstration that, due to thorough compaction of refuse or other factors, differential settlement is likely to be minimal. At least one foot of the final cover shall be compacted to attain permeability no greater than 10^{-6} cm/sec.

[History: formerly § 3.216; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.170 Limitations.

Each day's dumping operations shall be limited to an area in which the disposal operations can be completed by the end of each day's operation.

[History: formerly § 3.217; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.180 Fires.

No open fires or open burning of any type shall be permitted at any dump site.

[History: formerly § 3.218; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.190 On-site Personnel.

A representative of the dump operator in each instance shall be present during dumping and covering operations to control and supervise all activities.

[History: formerly § 3.219; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.200 Records.

An accurate record shall be kept of the following records:

- (a) A record of the total volume and weight of refuse (in cubic yards and tons) deposited on the site during each month. This record shall include the daily average of refuse deposited.
- (b) A monthly record of the volume of fills completed (in cubic yards) showing the locations and dimensions on a sketch map.

This record shall be available to officers and employees of the Town of Colma at all times.

[History: formerly § 3.220; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.210 Rodent Inspection.

Inspection of the premises shall be made by the operator (or representative) at least once a week for evidence of rodents and evidence of insect breeding. Any infestation shall be effectively controlled by the proper use of poisons, gas, traps or insecticidal sprays, as prescribed by the City Health Officer.

[History: formerly § 3.221; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.220 Nuisances.

No person shall allow a nuisance to exist at or near a dump site or maintain any condition at or near said site that might constitute a nuisance as to neighboring properties or persons.

[History: formerly § 3.222; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.230 Unauthorized Dumping.

Unregulated and unauthorized dumping at or about any dump site is prohibited.

[History: formerly § 3.223; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.240 Gates.

The gates of any dump shall be closed and locked during hours when the dump is not in operation.

[History: formerly § 3.224; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.250 Loose Rubbish.

No debris or rubbish shall be left on or about said property in a loose condition.

[History: formerly § 3.225; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.260 Interpretation of Subchapter.

Insofar as any of the conditions, restrictions or provisions of this subchapter are concerned, and insofar as they may be repetitive or cumulative, it is the intention of the City Council of the Town of Colma that they shall add to and not subtract from one another, it being the intention of said City Council that this subchapter and each of its provisions shall be most strictly construed against any person owning, maintaining or operating a dump, their agents, servants and employees.

[History: formerly § 3.226; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.270 Permits.

This subchapter is not intended to, nor does it operate as a grant of permission to operate, maintain or establish a dump. No person may establish, operate or maintain a dump until and unless such person has first obtained a Solid Waste Facility Permit from the County Health Department and a use permit from the Town of Colma under Chapter Five of the Town of Colma Municipal Code. Building or other permits and licenses as required by law or subchapter shall continue to be required.

[History: formerly § 3.227; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.280 Higher Standards.

The provisions of this subchapter are intended to prescribe minimum standards of sanitation, health and safety, and shall not be deemed to conflict with any use permit or variance heretofore or hereafter granted relating to establishment, operation or maintenance of a dump insofar as such condition or restriction prescribes minimum standards of sanitation, health and safety equal to or higher than the standards prescribed by this subchapter, and any condition or restriction in a use permit or variance imposing an equal or higher standard shall have full force and effect.

[History: formerly § 3.228; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.290 Enforcement and Penalties.

(a) It shall be the duty of the City Health Officer to enforce the provisions of this subchapter, and it shall be the duty of the Police Department and all officers and agencies of the City otherwise charged with the enforcement of law to enforce this subchapter.

(b) Any person violating any provision of this subchapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as prescribed by statute. Each day such violation is permitted to exist after notification thereof shall constitute a separate offense.

(c) In addition to the remedy herein provided, the City Attorney may institute proceedings for injunctive relief against violations of the provisions of this subchapter.

[History: formerly § 3.229; ORD. 256, 1/14/81; ORD. 638, 12/14/05]

3.03.300 Separability.

If any section, subsection, sentence, clause, phrase, or portion of this subchapter is declared unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this subchapter. The Council hereby declares it would have adopted this subchapter and each section, subsection, sentence, clause, phrase and portion thereof, without the incorporation of any section, subsection, sentence, clause, phrase or portion thereof declared unconstitutional.

[*History*: formerly § 3.300; ORD. 256, 1/14/81; ORD. 638, 12/14/05]