



## Legislation Details (With Text)

**File #:** 19-507 **Name:**  
**Type:** Staff Report **Status:** Public Hearing  
**File created:** 6/3/2019 **In control:** Special City Council  
**On agenda:** 6/12/2019 **Final action:** 6/12/2019  
**Title:** Report regarding an Ordinance repealing and replacing Title 8, Chapter 8.20 of the South San Francisco Municipal Code relating to illegal dumping and littering. (Sarah Henricks, Management Analyst II).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1. Illegal Dumping and Littering Prohibitions in Other Jurisdictions

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Report regarding an Ordinance repealing and replacing Title 8, Chapter 8.20 of the South San Francisco Municipal Code relating to illegal dumping and littering. (Sarah Henricks, Management Analyst II).

### **RECOMMENDATION**

**Staff recommends that the City Council introduce an Ordinance repealing and replacing Chapter 8.20 of the South San Francisco Municipal Code to prohibit both illegal dumping and littering on public and private property, and waive further reading.**

### **DISCUSSION**

The City of South San Francisco ("City") currently prohibits littering through Chapter 8.20 of the South San Francisco Municipal Code, which was first adopted in 1962 and last amended in 1975. Chapter 8.20 is known as the City's "anti-littering ordinance." However, Chapter 8.20 does not specifically address illegal dumping, nor distinguish it from littering. Additionally, Chapter 8.20 establishes that any violation of the Chapter shall constitute an infraction, punishable by a fine pursuant to California Government Code Section 36900. Government Code Section 36900 identifies the applicable fine schedule for infractions as being \$100 for the first violation, \$200 for the second violation, and \$500 for the third and each subsequent violation within one year of the first violation.

"Litter" is currently defined in the South San Francisco Municipal Code as "garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare." While the current definition of "litter" is broad enough to include large and/or hazardous items of particular concern, the impacts of littering and dumping are distinguishable and warrant separate fine structures, accordingly. Furthermore, the act of dumping often involves waste matter of a significant size, such as furniture and appliances, and a violation of Chapter 8.20 is currently punishable as an infraction. The corresponding fine schedule for infractions - the maximum of which is only \$500 - has proven to be an ineffective deterrent against the dumping of such items. Conversely, merely amending Chapter 8.20 to

make all current “littering” violations misdemeanors with an increased fine schedule would be over-inclusive as to litter, as a \$1,000 fine for a first violation involving the improper discard of a beverage container or some other small consumer good, in many instances, could be excessive.

Staff recommends repealing and replacing Chapter 8.20 to include a clear distinction between littering and dumping; appropriate fines for littering and dumping, respectively; and additional administrative and civil remedies from which the City may choose. Specifically, the proposed ordinance would provide separate definitions for littering and dumping. In addition, while dumping would be classified as a misdemeanor with fines set to \$1,000 per violation (as violations deemed misdemeanors are not subject to the fine schedule identified in Government Code Section 36900), littering would be an infraction and fines *would* be set pursuant to Section 36900. Furthermore, the proposed amendments would also enable the City to file a civil action against violators, seeking the recovery of costs, civil penalties, equitable relief (e.g. an injunction), damages, and attorneys’ fees. A summary of the significant revisions to Chapter 8.20 are as follows:

- Expanding definitions to be more inclusive of the types of item typically found in the City (8.20.020)
- Distinguishing between illegal dumping and littering (Sections 8.20.030-040);
- Identifying illegal dumping and littering as public nuisances (Section 8.20.050);
- Classifying littering as an infraction, subject to fines on a \$100/\$200/\$500 scale (Section 8.20.060);
- Classifying illegal dumping as a misdemeanor, subject to fines of \$1,000 per violation (Section 8.20.060);
- Providing the City with the option to file a civil action against a dumping violator, by which the City would be entitled to the cost of abatement, cost for loss of use the property, costs of investigation, attorneys’ fees, costs of suit, treble damages, and punitive damages if applicable. (Section 8.20.080)

### *Other Jurisdictions*

Other jurisdictions have adopted similar ordinances prohibiting dumping and littering. The County of San Mateo has adopted an ordinance that includes prohibitions against both dumping and littering (Chapter 3.50 of the San Mateo County Code). San Mateo County classifies illegal dumping as a misdemeanor and littering as an infraction. Anti-dumping ordinances - varying in degree - are quite common and can be found in a number of jurisdictions, such as the City of Oakland (Chapter 8.11 of the Oakland Municipal Code). See Attachment 1 for a comparison of other jurisdictions.

### *Education*

Offering well-publicized, convenient options for waste disposal may lead to a decrease in illegal dumping. In addition to amending the Illegal Dumping Ordinance to provide more clarification, increased fines for violations and other options for recovering costs associated with illegal dumping, the City may also consider improved education for the community. Including information on the City’s various communication channels regarding how community members can properly dispose of discarded items and waste matter may reduce the number of instances of illegal dumping. For example, South San Francisco Scavengers currently offers residents of single-family homes two free on-call cleanups per calendar year. Through this service, residents can schedule the SSF Scavengers to pick up garbage in bulk or large items such as furniture. Additional programs, such as electronic-waste recycling, are available through the San Mateo County Office of Sustainability. Similarly, the Blue Line Transfer Station serves as a drop-off location for bulk waste at competitive costs and is open Monday through Saturday.

## RELATIONSHIP TO STRATEGIC PLAN

Adopting the proposed ordinance supports the City's Strategic Plan to improve Quality of Life by reducing blight around the City.

#### FISCAL IMPACT

There will be no fiscal impact associated with this item.

#### CONCLUSION

Introduction of an Ordinance repealing and replacing Chapter 8.20 would enable the City to appropriately distinguish between littering and dumping, as well as impose an increased fine and additional remedies against those violators who engage in illegal dumping.

#### ATTACHMENTS

Attachment 1. Illegal Dumping and Littering Prohibitions in Other Jurisdictions