



**REPORT TO LAW &
LEGISLATION
City of Sacramento**

915 I Street. Sacramento. CA 95814-2604

**Staff Report
January 6, 2009**

**Honorable Mayor and
Members of the City Council**

Title: Ordinance Amendment: Scavenging from Solid Waste Receptacles

Location/Council District: All

Recommendation: Approve and forward to City Council for adoption an Ordinance repealing Section 13.10.160 Of the Sacramento City Code relating to the removal of recyclable materials placed for City sponsored program and adding Section 13.10.160 of the Sacramento City Code relating to scavenging from solid waste receptacles.

Contact: Edison Hicks, Integrated Waste General Manager
Marty Strauss, Integrated Waste Planning Superintendent

Presenters: Edison Hicks

Department: Utilities

Division: Solid Waste

Organization No: 13700

Description/Analysis

Issue:

The proposed ordinance will make it illegal for citizens to scavenge materials from the green waste, recycling or garbage containers assigned to private

residences and picked up by the City's Solid Waste Services fleet. The current City Code, Section 13.10.160 only addresses scavenging from the recycling container. This section of the code will be repealed and replaced with the proposed ordinance addressing all three types of containers.

This proposal is in response to the increased scavenging occurring throughout the City. Scavenging can result in injuries to the scavengers, waste being strewn about the surrounding areas, containers being left open to emit foul odors and attract animals and pests, theft of recyclable material and identity theft. In addition, prohibiting the scavenging from solid waste containers benefits the health, safety and welfare of the public by protecting persons from illness and injury, reducing blight and nuisances, and preventing crime.

Policy Considerations:

Recommendation of approval of the ordinance to prevent scavenging from recycling, green waste or garbage containers will support the City Council goal to have safe and clean neighborhoods.

Environmental Considerations:

California Environmental Quality Act (CEQA):

Approval of the resolution is not a project as defined by CEQA and therefore is exempt from CEQA.

Sustainability Considerations:

Recommending approval of the attached ordinance will contribute to the livability of the City of Sacramento by mitigating the impact of scavenging on neighborhoods and prevent identify theft.

Commission/Committee Action: None

Rationale for Recommendation: A recommendation to City Council to approve the ordinance will protect health and safety in neighborhoods, prevent identity theft and help keep neighborhoods clean from debris.

Financial Considerations: Preventing scavenging will mitigate the loss of recyclable materials put out for collection by Solid Waste Services, helping to stabilize rates from revenue received for curbside recyclable materials collected.

Emerging Small Business Development (ESBD): There are no emerging small businesses impacted by this recommendation.

Respectfully Submitted by:



Marty Strauss

Integrated Waste Planning Superintendent

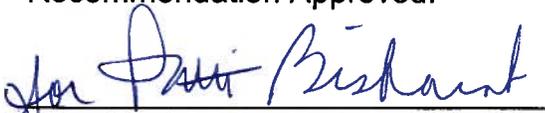
Approved by:



Edison Hicks

Integrated Waste General Manager

Recommendation Approved:



Ray Kerridge
City Manager

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BACKGROUND

The value of recyclable materials put out in the containers attracts scavengers who collect the bottles, cans, paper, cardboard and other recyclable materials and take them to a collection center for resale. Of late, there have been more reports of scavengers searching through recycling and garbage containers. This is not only occurring when the containers are set out for collection, but scavengers have been reported coming up onto private property to search through the containers and remove containers.

Currently, City Code prohibits scavengers from removing materials from the garbage can. The proposed ordinance will prohibit removing materials from any of the three containers provided by the City and collected by Solid Waste Services. Scavengers have been seen in neighborhoods with containers out for collection. Sometimes they move on when the City vehicle comes through the neighborhood, other times they will change from the recycling container to the garbage container. The amendment to the current City Code will prevent this by making it illegal to remove materials from any of the three containers; green waste, recycling or garbage container.

The ordinance will mitigate the impacts of scavenging by preventing debris from being dropped onto the ground and attracting rodents and other vectors that endanger public health and safety. Also, the possibility of identity theft will be lowered.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE REPEALING SECTION 13.10.160
OF THE SACRAMENTO CITY CODE RELATING
TO THE REMOVAL OF RECYCLABLE MATERIALS
PLACED FOR CITY SPONSORED PROGRAM AND
ADDING SECTION 13.10.160 OF THE SACRAMENTO
CITY CODE RELATING TO SCAVENGING FROM
SOLID WASTE RECEPTACLES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The City Council hereby finds and declares that:

A. There is an increasing problem of persons scavenging from solid waste receptacles. Scavenging can result in injuries to the scavengers, waste being strewn about the surrounding areas, containers being left open to emit foul odors and attract animals and pests, theft of recyclable material and identity theft.

B. Prohibiting the scavenging from solid waste containers benefits the health, safety and welfare of the public by protecting persons from illness and injury, reducing blight and nuisances, and preventing crime.

SECTION 2.

Section 13.10.160 of the Sacramento City Code is hereby repealed.

SECTION 3.

Section 13.10.160 of the Sacramento City Code is hereby added to read as follows:

13.10.160 Scavenging from solid waste receptacles

A. No person shall open, look into, search through or remove any of the contents of any solid waste receptacle.

B. For purposes of this section, "solid waste receptacle" shall mean any bin, automatic lift container or any other type of receptacle used for the deposit, storage, collection or transport of garbage, litter, junk, debris, refuse, swill, rubbish, waste matter, putrescible waste, hazardous waste, infectious waste, recyclable materials, or garden refuse.

C. This section shall not apply to the following persons:

1. Any owner, tenant, lessee, or occupant of the property for which the solid waste receptacle is used;

2. Any person acting with the consent of any owner, tenant, lessee, or occupant of the property for which the solid waste receptacle is used;

3. Any private collector or any employee or contractor of a private collector, as defined in Section 13.10.310 of this code, that owns or maintains the solid waste receptacle or is responsible for hauling away its contents, who is acting in accordance with their duties as such; or

4. Any employee or contractor of any city, county, state or federal government agency, who is acting in accordance with their duties as such.

D. Any person violating this section is guilty of an infraction.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective: