

Illegal Dumping

File No. 191283: [Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping]

Existing Law:

- Outdated definition of illegal dumping.
- Only SFPD can issue citations on acts of illegal dumping.
- The City Attorney has the power to file suit to pursue repeat offenders, however, there has only been 1-2 cases pursued in the last 3 to 5 years.

Ordinance:

This legislation will expand the Administrative and Public Works Code, Article 26: Illegal Dumping, to include the following:

1. **Redefine** Illegal Dumping as the activity, act, or actions performed by any Person to deposit, leave, place, keep, maintain, or abandon Prohibited Materials on any Public Property.
2. **Expand** the definition of Prohibited Materials in Illegal Dumping to include:
 - a. *Commercial Waste*: any waste matter generated from a trade business, profession, or occupation including food scraps, waste materials or byproducts of production, manufacturing, and repair (including construction material).
 - b. *Electronic Waste*: computers, monitors, flat screens, televisions, audio equipment, mobile phones, gaming devices, and any other equipment that contains components required to be specially disposed of.
 - c. *Prohibited Materials*: Commercial Waste, Debris and Waste Construction Materials, Electronic Waste, industrial materials, Powered Scooters, stationess bicycle/bike shares, any waste more than 5 pounds or more than one cubic foot.
3. **Clarify** types of violations:
 - a. Location, timing and proximity.
 - b. Each individual piece of furniture counts as separate violations.
 - c. Prohibited Materials exceeding 3 cupid yards or requires more than one pick-up truck to remove.
4. **Add** enforcement in administrative fees & penalties:
 - a. Allowing Public Works employees designated in Section 38 of the Police Code to issue citations.
 - b. Adding administrative fines not exceeding \$1000 per day for each violation (amount based on CA Penal Code)

Amendments:

- Page 1, line 4 & 5: streamlined title by removing 'and to' and 'amending the Public Works Code'
- Page 2, lines 23-24: adding "or any other government agency's" as to not preclude other government agencies from enforcing municipal and state laws
- Page 3, lines 9-10: redefine "Costs" by adding "means any expenses incurred by the City in abating or otherwise addressing Illegal Dumping and Illegal Dumping violations including"
- Page 7, line 23: adding "or civil enforcement action"