

LEGISLATIVE DIGEST

[Public Works Code - Declaring Illegal Dumping on Public Property a Nuisance, and Providing a Mechanism for Abating and Enforcing that Nuisance]

Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1505 to: 1) declare the illegal dumping of debris and waste construction materials or industrial materials, or of more than 100 pounds of any other waste, refuse, or debris, on public property to be a public nuisance; 2) authorize enforcement by the City Attorney in a civil action; and 3) permit the City and County of San Francisco to collect civil penalties, costs of abatement, investigation, and attorneys' fees against the individuals or entities responsible for the dumping; and making environmental findings.

Existing Law

State law authorizes cities to declare particular types of conduct harmful to the public to be nuisances. City law does not currently address illegal dumping as a public nuisance.

Amendments to Current Law

The proposal would amend the Public Works Code to declare illegal dumping on public property to be a public nuisance, where the material involved is debris and waste construction materials or industrial materials in any amount, or more than 100 pounds total of any other waste, refuse, or debris. The ordinance would authorize the Director of Public Works to take any necessary action to clean up or contain any such material dumped on public property, including ordering the responsible party to remove and appropriately dispose of the material.

The City Attorney could also enforce the ordinance through a civil action in court. The City Attorney could seek an injunction to correct or remove any nuisance under the ordinance. The City could also recover from the parties responsible for the illegal dumping civil penalties in an amount not less than twice the City's costs to abate the nuisance, including any personnel, equipment, and other charges incurred by the City, to offset both the City's direct costs and the ancillary health hazards and inconveniences caused by the nuisance, rights of way blocked, traffic delays or detours, and any personal or business difficulties caused by the illegal dumping.