

LEGISLATIVE DIGEST

[Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping]

Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping and to provide for additional enforcement remedies for illegal dumping; amending the Public Works Code to expand the definition of illegal dumping to capture electronic waste and to clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently, under Article 26 of the Public Works Code (the "Illegal Dumping Ordinance"), illegal dumping on public properties and rights-of-way is a public nuisance that is subject to abatement actions that are enforced through civil lawsuits filed by the City against persons responsible for illegal dumping.

Amendments to Current Law

As amended by this ordinance, the Illegal Dumping Ordinance would authorize the City to take administrative enforcement actions against persons responsible for illegal dumping in addition to having the option of filing civil lawsuits against such persons. In addition, the ordinance would expand the definition of materials that constitute Illegal Dumping to include "Electronic Waste" and other waste, refuse, or debris equal to or greater than five pounds or one cubic foot. Moreover, the ordinance would provide that each act of Illegal Dumping could constitute a separate and distinct violation of the Illegal Dumping Ordinance that would subject the person responsible for each violation to an administrative fine or penalty of no more than \$1,000 per violation, per day.

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