



CITY OF COMMERCE AGENDA REPORT

TO: Honorable Mayor and City Council **Item No.** _____

FROM: City Administrator

SUBJECT: Ordinance Addressing Illegal Dumping

MEETING DATE: March 20, 2018

RECOMMENDATION

- (1) Read the Ordinance by Title Only
- (2) Adopt Ordinance adding Chapter 6.21, "Illegal Dumping" to Title 6, "Health and Sanitation" of the Commerce Municipal Code establishing prohibitions against illegal dumping."

BACKGROUND

Illegal dumping is a serious concern that endangers the public health and safety in the City of Commerce ("City"). Specifically, illegal dumping is a community eyesore, decreases neighborhood property values, negatively impacts and pollutes surface, ground and storm water, poses safety hazards to the public, provides a breeding ground for disease carrying rodents, insects and other vermin, and in general, lowers the quality of life for City residents.

The City wishes to prohibit illegal dumping citywide to deter and abate illegal dumping; to protect residents and the public at large from harm to their health, safety and welfare; to avoid destruction and injury to the lives and property of residents; to maintain the City's public right of ways and storm water systems clean and in a sanitary manner; and to compensate the City for damages incurred as a result of the occurrence of the nuisance illegal dumping activities.

ANALYSIS

The City may prohibit illegal dumping citywide. Pursuant to its "police powers" under Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Prohibiting illegal dumping is consistent with State of California laws.

Illegal dumping is a serious concern in the City. Illegal dumping endangers the public health and safety within the City. The blight, decay and unhealthy conditions created by

illegal dumping negatively impacts the quality of life of City residents, leads to diminished property values and attracts more illegal dumping. Furthermore, illegally dumped waste may quickly become hazardous to the environment. Tires refrigerators, household hazardous materials, televisions and auto parts often contain toxins. Additionally, rodents, insects, and other vermin make illegally dumped waste their breeding habitats. The vectors can spread disease such as West Nile virus, malaria, etc. Also, the City has received complaints of illegal dumping of human waste and urine in the City's sidewalks, public right of ways, and storm water systems, without having comprehensive enforcement tools at the City's disposal.

General provisions of the proposed Ordinance, include, but are not limited to:

- Makes it a misdemeanor offense to allow, cause or permit illegal dumping;
- In the event the City implements an administrative citation program, makes an illegal dumping offense subject to administrative fines and penalties payable to the City for each occurrence;
- Gives the City explicit authority to seek reimbursement for clean-up costs the City incurs from any violator, and to use any remedies available to the City to seek payment of same;
- Provides definitions of what is considered waste, and also includes human waste and urine;
- Deters sites from becoming chronic illegal dump sites by requiring property owners to abate illegal dumping on private properties and the most immediate adjacent areas of public property, and concurrently report these sites to the City; and
- Provides the City Administrator, or his or her designee, authority to implement policies consistent with the ordinance to encourage and effectuate enforcement.

Accordingly, the City wishes to prohibit illegal dumping citywide to protect residents and the public at large from the harms resulting from illegal dumping.

ATTACHMENT: *Proposed Ordinance*

Recommended/Prepared by: Norma Copado, Assistant City Attorney
Reviewed By and Approved as to Form: Noel Tapia, City Attorney
Respectfully submitted: Norma Copado, Assistant City Attorney