



City Council Agenda Item

City Council Meeting Date: August 4, 2020

TO: Jim Throop, City Manager

FROM: Keith Quinlan, Solid Waste Superintendent
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SUBJECT: Scavenging Enforcement in Solid Waste Containers – Approval of an Educational Pilot Program Utilizing the Solid Waste Division’s Solid Waste Code Enforcement Officer

Recommendation:

Staff recommends the City Council:

- 1) Approve a scavenging educational pilot program utilizing the Solid Waste Division’s Solid Waste Code Enforcement Officer; or
- 2) Provide alternate direction.

Background:

Scavenging is the act of unauthorized persons going through recycling or refuse containers, whether the containers are located on City or private property, and removing the recycling material for personal financial gain. Scavenging is a common problem throughout many communities.

Lompoc Municipal Code (LMC) section 8.04.040(D) states it is unlawful for any person to “[r]emove any solid waste from any City provided container without prior approval of the City.” The code later describes the criminal actions and penalties to those who violate the provisions of LMC Chapter 8 as follows:

- A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, who violates any provision of this Chapter, shall be guilty of an infraction and upon conviction thereof, shall be punished by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the same provision within one year; and (3) a fine not exceeding \$500.00 for each additional violation of the same provision within one year.
- B. Any such infraction may, at the discretion of the City Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of

the provisions of this Chapter within the 12-month period immediately preceding the commission of the offense, or has been convicted of three or more violations of any of the provisions of this Chapter within the 24-month period immediately preceding the commission of the offense.

As an alternative to criminal penalties, administrative citations may be issued in the amount of \$25.00 for a first violation; \$100.00 for a second violation in the immediately following consecutive 12-month period; and \$500.00 for each additional violation occurring within the same consecutive 12-month period. (LMC section 1.36.050.)

Discussion:

As requested by City Council, the Solid Waste Division proposes to move forward with a scavenging “educational” pilot program using the Solid Waste Code Enforcement Officer. The scavenging educational pilot program would be for a six month period followed by a compilation and review of pilot results. The results could form a foundation for the implementation of stricter measures including criminal penalties or the issuance of administrative citations.

Under the proposal, the Solid Waste Code Enforcement Officer (during normal travels) would stop and inform individuals seen scavenging that scavenging is illegal in Lompoc and provide an educational handout. The educational handout could include information on health issues related to scavenging, the possible fines associated with scavenging, and on the City Code.

The Enforcement Officer would document the number and the results of the interactions with scavengers for future program evaluation.

By utilizing the current Solid Waste Code Enforcement Officer during this pilot, there will be minimal additional costs to the City. The pilot program may, however, take away from some of the other duties or functions performed by the Solid Waste Code Enforcement Officer. Current solid waste code enforcement duties have recently been expanded to include providing COVID-19 education to businesses, in compliance with public health directives. Issuing and educating individuals suspected of scavenging would add to the workload of the Solid Waste Code Enforcement Officer.

As an aside, staff notes that if recyclable items are removed from the ‘normal’ trash cans (non-recycling), then this can actually be a benefit to the City as it does slightly reduce the amount of trash going into the City’s landfill, thus saving valuable landfill airspace or capacity. The materials removed from those trash containers would then be taken by the scavenger to a recycling center where they would be recycled for a higher use and assist in the City’s State mandated diversion programs and numbers.

Records from the last two years show that the two Buy-Back Centers in the City collect an average of 947 tons per year of material. At the current recycling processing rate

charged to the City, the diversion of this material represents a savings of over \$80,000 per year to the City.

In addition, scavenging practices currently do not represent a loss of revenue to the City. Recycling processing fees and the collapse of recycling markets (due to China's stricter import policies) has turned recycling from a revenue stream into a mandated cost burden required by the State.

Fiscal Impact:

The fiscal impact of utilizing the current Solid Waste Code Enforcement Officer would be minimal to the City.

Conclusion:

Staff recommends an educational outreach approach on providing information on the City's scavenging code.

Respectfully submitted,

Keith Quinlan, Solid Waste Superintendent

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

George Morrow, Interim Utility Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager