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DATE: June 28, 2006

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING SECTION 13.6 OF THE OCEANSIDE CITY CODE RELATED TO ILLICIT SCAVENGING OF SOLID WASTE AND RECYCLABLE MATERIALS**

**SYNOPSIS**

Staff recommends that the City Council introduce an ordinance amending Section 13.6 of the Oceanside City Code relating to Illicit Scavenging of Solid Waste and Recyclable Materials.

**BACKGROUND**

Chapter 13 of the Oceanside City Code regulates the management of waste and recyclable or salvageable materials generated within the City of Oceanside. Assembly Bill 939 of the Integrated Waste Management Act passed in 1989 established guidelines for California cities providing program elements to assist in the management, collection and recycling of salvageable materials from the waste stream. The City elected to subscribe to recycling programs as a portion of the franchise agreement with Waste Management of North County. The franchise agreement authorizes the hauler to collect, process and redeem the materials for fair market value to offset the cost of providing solid waste recycling services.

The illegal theft, removal or scavenging of salvageable materials segregated from the solid waste generated in Oceanside by Oceanside residents is a violation of State theft laws, and discourages willing and active participation in the program by residents and businesses.

**ANALYSIS**

Residents and businesses of Oceanside segregate out approximately 359 tons of valuable commodities such as aluminum, plastic and glass for a value of approximately \$300K to \$400K annually. If 10 percent of that material is stolen from the curbside collection, \$30,000 to \$40,000 in revenue may be lost by the franchise waste hauler.

Lost revenue from recycling collections results in increased costs passed on to our residents and customers in the form of higher rates.

There would be no additional cost for enforcement, City staff located in the Housing Code Enforcement Section already respond to reports of scavenging and theft of recyclable materials.

In order for this ordinance to be enforceable, effort must be applied using Oceanside City Code 13.41 by the enforcement staff within the City. The Oceanside Police Department and Code Enforcement Officers must apply the enforcement tools including the issuance of citation or other penalties outlined within the Oceanside City Code.

### **FISCAL IMPACT**

The lost revenue could result in additional funds being requested from the rate payers by Waste Management to offset the loss of revenue of approximately \$30,000 to \$40,000 during the future benchmark process.

### **COMMISSION REPORT**

The proposed draft ordinance amending Section 13.6 of the Oceanside City Code relating to Illicit Scavenging was reviewed and approved by the Integrated Waste Commission at their meeting on April 25, 2006.

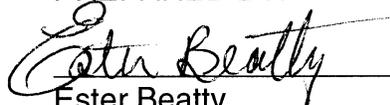
### **CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

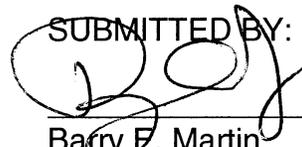
### **RECOMMENDATION**

Staff recommends that the City Council introduce an ordinance amending Section 13.6 of the Oceanside City Code relating to Illicit Scavenging of Solid Waste and Recyclable Materials.

PREPARED BY:

  
\_\_\_\_\_  
Ester Beatty  
Senior Management Analyst

SUBMITTED BY:

  
\_\_\_\_\_  
Barry E. Martin  
Interim City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Assistant to the City Manager

Peter Weiss, Public Works Director

Attachment: Ordinance

  
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INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2006, and thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

  
CITY ATTORNEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FIXING RATES FOR THE COLLECTION OF WASTE MATTER WITHIN THE CITY OF OCEANSIDE