

**CITY OF SAN MATEO
ORDINANCE NO. 2015-5**

**AMENDING VARIOUS SECTIONS OF CHAPTER 7.32, "GARBAGE," OF THE SAN MATEO
MUNICIPAL CODE TO PROHIBIT SCAVENGING AND DEFINE SPECIFIC WORDS AND
PHRASES USED THROUGHOUT CHAPTER**

WHEREAS, the City contracts with Recology San Mateo County for the collection of recyclable materials, organic materials, and solid waste; and

WHEREAS, State law provides that recyclable materials placed curbside as part of a residential curbside collection program or placed in a designated recycling location by any commercial or industrial entity are the property of the authorized recycling agent.

WHEREAS, the City's contract provides Recology San Mateo the right to collect recyclable materials from residential and commercial premises and; and

WHEREAS, Recology San Mateo relies on revenue from the sale of recyclable materials to offset rates imposed for collection services; and

WHEREAS, the City is experiencing a scavenging problem; and

WHEREAS, staff recommends amending Municipal Code Chapter 7.32 to prohibit scavenging;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO,
CALIFORNIA, HEREBY ORDAINS that:

Section 1. Section 7.32.010, "Solid Waste – Defined," of Chapter 7.32, "Garbage," is amended to read:

7.32.010 DEFINITIONS.

(a) "Recyclable Material" means those materials that can be re-used, remanufactured, reconstituted, or recycled.

(b) "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(c) "Refuse Collector" means an agent or employee of the City or any person with whom the City shall have duly contracted.

(d) "Scavenging" means the unauthorized removal of recyclable materials that have been placed in a container and/or a location designated by the Refuse Collection.

(e) "Solid Waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

Section 2. Section 7.32.100, "Removal from Residential Property," is amended to read:

7.32.100 REMOVAL FROM RESIDENTIAL PROPERTY. The owner of residential property

that is generating waste shall be responsible for the collection and removal of all solid waste and house solid waste from that property and shall be required to contract with the Refuse Collector(s) authorized by City for collection and removal. The City Council shall establish a minimum service level.

Section 3. Section 7.32.110, “Removal from Non-Residential Property,” is amended to read:

7.32.110 REMOVAL FROM NON-RESIDENTIAL PROPERTY.

(a) The owner of non-residential property that is generating waste shall be responsible for the collection and removal of all solid waste and house solid waste from that property and shall be required to contract with the Refuse Collector (s) authorized by City for collection and removal. The City Council shall establish a minimum service level provided that the health officer may require greater service if deemed appropriate or necessary for health or safety reasons.

(b) Any user or owner or intended operator of any food establishment as defined in §113780 of the Health and Safety Code or flower shop, nursery or other business likely to result in the production of wet, vegetative or odor causing waste products, who applies for a building permit relating to the structure or improvement in which the business is located, shall comply with the requirements of Section 7.32.230. Such businesses shall be designated a “wet waste retail business.”

Section 4. Section 7.32.120, “Receptacle—Watertight Required,” is amended to read:

7.32.120 RECEPTACLE—WATERTIGHT REQUIRED.

Every person occupying premises in which any solid waste accumulates, shall place the same in a watertight receptacle, which receptacle shall be at all times located in such a place as to be readily accessible for removing or emptying the same, and shall be kept continuously closed by a close-fitting cover when solid waste is deposited therein or removed therefrom.

Section 5. Section 7.32.160, “Collection Rates,” of the San Mateo Municipal Code is amended to read:

7.32.160 COLLECTION RATES. Maximum rates for services to be charged by Refuse Collectors for the collection of solid waste shall be fixed from time to time by resolution of the City Council.

Section 6. Section 7.32.165, “Scavenging Prohibited,” is added to read:

7.32.165 SCAVENGING PROHIBITED. No person other than an authorized Refuse Collector shall remove recyclable material which has been placed in a container provided by the authorized refuse collector.

Section 7. ENVIRONMENTAL DETERMINATION. In accordance with California Environmental Quality (CEQA) Guidelines section 15061(b)(3), adoption of this ordinance is not a project subject to CEQA, because it will not have a significant effect on the environment.

Section 8. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the

intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

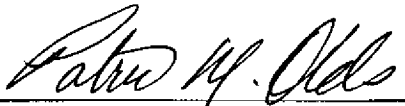
Section 9. EFFECTIVE DATE. This Ordinance shall become effective thirty days after adoption.

Section 10. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

The foregoing ordinance was introduced on April 20, 2015, and adopted by the City Council of the City of San Mateo, State of California on the 18th day of May, 2015, by the following vote:

AYES: Council Members Freschet, Matthews, Bonilla, Goethals and Lim
NOES: None
ABSENT: None

ATTEST:


Patrice M. Olds, City Clerk


Maureen Freschet, Mayor