



Council Agenda Report

To: Mayor Wagner and the Honorable Members of the City Council

Prepared by: Christine Shen, Environmental Sustainability Analyst

Reviewed by: Craig George, Environmental Sustainability Director

Approved by: Reva Feldman, City Manager

Date prepared: May 30, 2019 Meeting date: June 24, 2019

Subject: Enhanced Dumpster Enforcement Program

RECOMMENDED ACTION: 1) Receive and file report on the Enhanced Dumpster Enforcement Program; and 2) Either, a) Direct staff to continue implementation of the Enhanced Dumpster Enforcement Program, or b) Direct staff to bring back an ordinance to amend Malibu Municipal Code Section 8.32.600 to require solid waste and recycling containers lids to be locked outside business hours for food service establishments and reprioritize the Fiscal Year 2019-2020 Work Plan to accommodate this added task.

FISCAL IMPACT: There is no immediate fiscal impact associated with the recommended action. Additional staff time might be needed depending on the direction provided by Council.

DISCUSSION: Sanitary conditions need to be maintained in and around solid waste containers to prevent the presence of rodents and the use of rodenticides. On January 22, 2018, staff presented three options to the Environmental Sustainability Subcommittee (Subcommittee). The three options required making changes to the Malibu Municipal Code (MMC) Chapter 8.32. The Subcommittee recommended the City Council amend the MMC to require locking lids on rubbish and garbage, market waste, and rendering containers.

Under existing MMC provisions and prior to the recommendation being presented to Council, staff drafted an Enhanced Dumpster Program Policy and initiated the Enhanced Dumpster Enforcement Program (EDEP). EDEP includes frequent communication with local businesses, more education and outreach, additional inspections, and upgrades to the City's current database for tracking compliance. Additionally, staff has further

engaged the City's Code Enforcement staff and coordinated with the solid waste haulers to improve the cleanliness of solid waste container areas.

On May 13, 2019, the Environmental Subcommittee discussed the EDEP. The Subcommittee recommended adding compliance with MMC 8.32.660, requiring clean and sanitary trash areas as a mandatory criterion for the Clean Bay Restaurant Certification.

MMC Chapter 8.32 currently requires:

- Mandatory use of tightly fitting covers
- Keeping trash enclosure areas clean
- Ensuring trash containers at commercial properties are of adequate size and construction to prevent any waste release
- A provision for the optional use of locking-type trash container lids

Additionally, staff was requested to present the two following options to Council:

Option 1:

- Amend MMC Section 8.32.600 to require solid waste and recycling containers lids to be locked outside business hours for food service establishments.

Option 2:

- Approve the Enhanced Dumpster Enforcement Program and continue with frequent outreach, inspections and compliance tracking. The Program's current procedure is:
 - Outreach and warning from Environmental Programs' staff
 - Corrections from Environmental Programs' staff
 - Citations from Code Enforcement staff

Option 1 will require an additional 30 staff hours per month to administer and enforce locking bins of food service establishments outside of business hours. If bins are required to be locked, there would be no guarantee that every business or property employee would have the appropriate key to open the trash bin in order to discard waste at the end of the business day. Solid waste could end up outside the bin or the enclosure instead of inside the trash bin, creating greater public health and safety problems. Requiring locks on a bin may be necessary at sites with multiple incidents of rummaging but locking all food service establishments' bins will not solve most trash area problems. It is common practice for solid waste haulers to charge extra per pick up of locked bins. This creates an unfair financial burden for food service establishments that do not have rummaging issues and do not require a locking bin.

Option 2 currently requires an estimated 10 staff hours per month to conduct frequent outreach, follow-up, and education of solid waste best management practices (BMP). EDEP focuses on working with solid waste haulers, businesses, and property managers and owners to educate employees on the need to maintain clean and sanitary trash areas. This also includes administering and citing responsible parties if they are repeat violators.

Staff has initiated EDEP by mailing correspondence to commercial businesses and property owners stressing the importance of maintaining sanitary solid waste areas. The correspondence has also been provided to restaurant and property representatives during Clean Bay Restaurant inspections. The waste service providers, Waste Management and Universal Waste Systems, are including an education letter in their July bills to customers. Staff drafted an Enhanced Dumpster Program Policy and is currently designing signage for businesses to post on solid waste BMPs. Staff continues to work with the City's Code Enforcement to implement the goals of EDEP.

ATTACHMENTS:

1. Sample Education Letter
2. Enhanced Dumpster Enforcement Program Policy



City of Malibu

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September 18, 2018

TO: Malibu Businesses Owners and Commercial Property Owners

RE: Enhanced Enforcement Program for Solid Waste Containers to Address Pollution

Dear Business Owner/Property Owner:

The City of Malibu is dedicated to protecting and preserving the integrity of our natural environment. As part of that vision, the City is committed to the health and wellbeing of the local wildlife and to keep Malibu free of trash and litter that impacts our city, beaches, and ocean.

Per Malibu Municipal Code 8.32.600 and 8.32.660, any container containing garbage shall have a tightly fitting cover and the cover shall be closed at all times (8.32.600). These containers, lids, and trash enclosure areas shall be kept in good, clean and sanitary condition (8.32.660).

Trash areas, if not kept clean with lids tightly closed, attract rodents and rummaging of discarded materials. The presence of rodents leads to the increased use of rodent control methods. Certain rodent control methods such as rodenticides are threatening the lives of wildlife including bobcats, mountain lions, hawks, owls who feed on rodents. These natural predators eat poisoned rodents which may result in the secondary poisoning and death of larger animals, including household pets.

To address this issue, the City has initiated an enhanced enforcement program to keep trash areas clean and the dumpster lids closed tightly at all times. Failure to maintain these areas in a clean and sanitary condition will result in enforcement activities which include notices of violation and/or administrative penalty assessments for each day the property remains in violation.

The City encourages you to educate your staff and tenants on Best Management Practices for waste disposal and storm water pollution prevention. City staff is available to assist you and onsite staff with meeting the expectations of this program. Please contact Environmental Programs Coordinator Mark Johnson at mjohnson@malibucity.org or (310) 456-2489 Ext. 275 with any questions.

The City thanks you for your participation and your continued effort to protect our precious local environment and wildlife.

Sincerely,

Christine Shen
Environmental Sustainability Analyst

cc: Mark Johnson, Environmental Programs Coordinator



Recycled Paper



**Enhanced Dumpster Enforcement
Program
Policy and Procedure**

Section 1: Introduction and General Policies

Purpose

The purpose of this guideline is to establish the policy and procedure for the City of Malibu to implement its Enhanced Dumpster Enforcement Program (EDEP). City staff will implement the EDEP through education, outreach, and enforcement to ensure commercial trash areas are compliant with the Malibu Municipal Code (MMC). EDEP aims to protect local wildlife and keep Malibu free of litter and pollution that ends up in our creeks and the ocean.

Issue

Poorly maintained trash areas can attract rodents and other pests as well as cause ocean pollution. With the presence of rodents, property owners/managers increase the use of rodent control methods. Consumption of rodenticides (poison) threaten the lives of predator wildlife which eats the poisoned rodents, resulting in the secondary poisoning and death of larger animals including household pets. In addition, water runoff can cause grease and oils from unclean trash areas to flow into waterways that end up at the beach.

Solution

The City is working with businesses to increase awareness of rodent issues that can stem from dirty trash areas. City staff will implement local laws for trash container areas by increasing educational outreach and the frequency of inspections. The City is proactively administering MMC Chapter 8.32 and requiring locking lids when there are issues of rummaging.

Malibu Applicable Codes

MMC Chapter 8.32 requires: use of tightly fitting covers; keeping trash enclosure areas clean; ensuring trash containers at commercial properties are of adequate size and construction to prevent any waste release; and a provision for the optional use of locking-type trash container lids.

- MMC Chapter 8.32 - Solid Waste and Recyclable Materials
- MMC Chapter 1.10 - Administrative Citations and Penalties

Section 2: Procedure

Commercial Inspections

Environmental Programs staff inspects commercial properties bi-annually and in response to complaints. Routine commercial inspections are performed as part the State-mandated stormwater control program and through participation in the voluntary Clean Bay Restaurant Certification

program. Staff inspects businesses identified as critical sources in the City's Municipal Separate Storm Sewer System permit including restaurants, nurseries, retail gasoline outlets, and automotive facilities.

Stage 1: Warnings and Corrections

During inspections, Environmental Programs staff provides educational materials and best management practices to business owners/managers. When corrections are sent, staff will copy the waste hauler providing service for additional outreach efforts on their part.

Warnings will be sent to the business and/or property manager if:

- Commercial bins have open lids, but trash area is clean without evidence of rodents (rat droppings)

Corrections are given and in-person follow-ups are conducted if:

- Any commercial business has perishable waste in the trash area (not in bin)
- Any commercial business has trash bin lids open and trash area is not satisfactory (evidence of rodents or other pests)

Stage 2: Citations

If a business is still non-compliant after a written correction notice and in-person follow-up, the case will be referred to Code Enforcement with the necessary documentation such as the time, date, and photos of violations and inspections.

Code Enforcement staff will issue one (1) verbal warning and monitor the site for compliance over 4 to 6 weeks. If a business is still non-compliant after this warning, staff will write Administrative Citations for each day the violation is observed. The escalating levels of the citations are as follows:

- 1st: \$100
- 2nd: \$200
- 3rd and beyond: \$500/day

If a business or property receives three (3) citations within a year, the City Manager may require locking dumpster bins.