To: Mayor Farrer and the Honorable Members of the City Council
Prepared by: Christine Shen, Environmental Sustainability Analyst
Reviewed by: Yolanda Bundy, Environmental Sustainability Director
Approved by: Reva Feldman, City Manager
Date prepared: December 10, 2019 Meeting date: January 27, 2020
Subject: Enhanced Dumpster Enforcement Program Update and Locking Bin Ordinance

RECOMMENDED ACTION: 1) Receive and file report on the Enhanced Dumpster Enforcement Program to address the issue of sanitary conditions in and around trash enclosure areas; and 2) Provide direction to staff on whether to: a) Amend Malibu Municipal Code Chapter 8.32 to specify when the City should require locking lids on solid waste bins for businesses that receive multiple violations; or b) Amend Malibu Municipal Code Chapter 8.32 to require locking lids on dumpster bins at all times for commercial solid waste, organic waste, and recycling.

WORK PLAN: This project was not included in the Adopted Work Plan for Fiscal Year 2019-2020.

DISCUSSION: Sanitary conditions need to be maintained in and around solid waste containers to prevent the presence of rodents and the associated use of rodenticides. Malibu Municipal Code (MMC) Chapter 8.32 currently requires: mandatory use of lids (i.e., bin covers), keeping trash enclosure areas clean, adequately sized bins, and a provision for the optional use of locking-type trash container lids.

On September 18, 2018, staff initiated the Enhanced Dumpster Enforcement Program (EDEP) pursuant to MMC Chapter 8.32. The EDEP includes frequent communication with local businesses, education and outreach, and more frequent inspections. Additionally, staff coordinated with the solid waste haulers to improve the cleanliness of solid waste enclosures and further engaged the City’s Code Enforcement staff in applying MMC requirements at local businesses.
On May 13, 2019, staff presented the EDEP to the Environmental Sustainability Subcommittee. The Subcommittee requested staff to present two options to Council. Option 1 was to amend MMC Section 8.32.600 to require solid waste and recycling containers' lids to be locked outside of business hours at food service establishments. Option 2 was to approve the Enhanced Dumpster Enforcement Program and continue with frequent outreach, inspections and compliance tracking.

On June 24, 2019, staff brought the two options to Council. Following discussion, Council directed staff to bring back a report on the EDEP, and to return with an amendment to MMC Section 8.32 requiring solid waste and recycling bins to be locked twenty-four hours and seven days a week.

EDEP Update

Staff initiated the EDEP on September 18, 2018 by mailing correspondence to commercial businesses and property owners, stressing the importance of maintaining sanitary solid waste areas. Correspondence was also provided to restaurant and property representatives during 2018-2019 Clean Bay Restaurant inspections. Clean Bay Restaurant inspections occur twice per restaurant annually during the wet weather season of October to April. Below are the number of facilities that received dumpster area corrections during Clean Bay Restaurant inspections.

- 2017-2018 Inspection Season: 27 out of 60 facilities (45%)
- 2018-2019 Inspection Season: 24 out of 60 facilities (40%)

Facilities with dumpster area corrections decreased by 5% between 2017-2018 and 2018-2019. Following the 2018-2019 Clean Bay Restaurant inspections, staff mailed a letter informing businesses of their Clean Bay certification status and reminding businesses of the City's expectations regarding recycling and trash area cleanliness. Additionally, staff provided laminated signage on solid waste BMPs in English and Spanish for businesses to post near their trash areas. Staff prepared another educational letter for the waste service providers, Waste Management and Universal Waste Systems, to include in their fall bills to customers. With continual outreach and education, staff expects the numbers of dumpster area corrections to continue to decrease in the upcoming inspection season.

During implementation of the EDEP to date, staff sent 15 Notices to Comply and referred two commercial shopping centers to Code Enforcement for dumpster area violations. Two stores in the monitored shopping centers received administrative warnings from Code Enforcement. After receiving administrative warnings, the two stores' trash area conditions have improved. Code Enforcement continues to monitor the two shopping centers and Environmental Sustainability and Code Enforcement staff continues to work together to implement the goals of EDEP.
Locking Bin Ordinance

On November 14, 2019, staff presented the 24/7 locking bin draft ordinance and its anticipated cost-of-service impacts to the Environmental Sustainability Subcommittee. Several stakeholders participated in the meeting including community members, affected businesses, and waste haulers. Upon listening to comments from the public, the Subcommittee members expressed concerns about penalizing businesses in compliance with the EDEP and maintaining clean trash and recycling enclosures. Following the discussion, the Environmental Sustainability Subcommittee requested staff to present the two following options to Council:

Option 1:
- Amend MMC Section 8.32.660 to specify when the City would require locking lids for commercial containers, on a case-by-case basis.

Option 2:
- Amend MMC Section 8.32.600 to require solid waste and recycling containers’ lids to be locked at all times at commercial establishments.

Under Option 1, staff would bring an ordinance that would provide criteria for specifying when the City would require commercial establishments to lock bins. There are around 200 commercial solid waste customers in the City, staff anticipates this option would directly affect solid waste service prices for significantly less than 200 customers. During the November 14, 2019 meeting, the Environmental Sustainability Subcommittee recognized that not all businesses should be punished for the poor solid waste practices of a much smaller group. The ordinance under Option 2 would only penalize businesses not maintaining a clean and sanitary trash area and avoid creating an unfair financial burden for businesses that practice good housekeeping. Implementation of Option 2 would require an estimated 15 staff hours a month. Examples of potential new criteria for requiring locking lids include after businesses receive three (3) Notices of Violations from ESD staff within a year or after one gross violation. Establishing meaningful administrative penalties could also be addressed in the ordinance.

Option 2, the locking lid ordinance, would increase solid waste service prices for more than 200 customers. The City does not have a franchise agreement with any solid waste hauler, so it does not have control over how fees are levied by local solid waste haulers. Haulers have informed staff that upon passage of the ordinance, they will charge a one-time fee to their customers for installing lock bars over bin lids, as well as a recurring fee for the extra time required to unlock and service bins. The projected additional cost to customers would be:

- One-Time Fee: On average, a $103 fee would be charged to weld a rolling lock bar on a bin.
- Recurring Fee: Depending on the company, the additional service charge would be approximately $10 per month per container per day, or $10 per container per pick up. Many businesses have six days a week pick up, which could amount to $240 in additional monthly costs.

Due to the extra time solid waste haulers would need to service locking lids, and in order to ensure timely service, the haulers expect they would need to add trucks and drivers for each trash and recycling route. This would increase the number of waste collection vehicles using city streets.

Although the City does not have a solid waste franchise agreement with any hauler, a portion of the City is part of LA County’s Malibu Garbage Disposal District (GDD), which serves 251 customers. Malibu GDD has an existing contract with a solid waste hauler. A 24/7 locking ordinance would result in over $1 million in additional cost to the GDD over the remaining 9 years of the contract. Since the GDD is funded by property taxes, LA County executive leadership would need to decide how those additional costs would be covered. Staff anticipates this would result in higher costs to GDD customers, which could impact the Malibu GDD’s 251 customers.

Planning and implementation of a locking dumpster bin ordinance was not included in the Fiscal Year 2019-2020 Work Plan and will require a minimum of 60 hours per month for the ordinance roll-out and the first six months of implementation. Staff time includes Environmental Programs, Media, and Code Enforcement staff to inform and educate businesses, follow-up on complaints, and coordinate with solid waste haulers. Ongoing implementation of the ordinance will require approximately 30 staff hours per month.

Staff is seeking the Council’s direction on which solid waste ordinance to bring back for its first reading: Option 1 to provide criteria for requiring locking lids on bins for businesses that receive multiple violations; or Option 2 to require locking lids for all dumpster bins.

ATTACHMENTS:

1. Sample Educational Letter
2. Clean Bay Certified Letter
3. Report on Dumpster Corrections
4. Dumpster Area Signage
5. Waste Management and Universal Waste Systems Bill Stuffers
City of Malibu
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

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
August 1, 2019

Restaurant Address
Malibu, CA 90265

RE: 2019 Clean Bay Certified Restaurant

Dear Owner/Manager,

Congratulations! Your restaurant met 100% of the essential criteria on the Clean Bay Certification checklist at your last inspection. The City commends you for successfully integrating sustainability and ocean-mindedness into your business practices and complying with local pollution regulations. Restaurant Name is a Clean Bay Certified restaurant effective July 1, 2019 through June 30, 2020.

The City will promote Clean Bay Certified businesses via a press release, print advertisements, and social media. Also, the certified restaurants list will be displayed in the City Hall lobby and at MalibuCity.org/CleanBayEats. The Clean Bay Certified Handbook and educational posters are available online (English/Spanish).

We are also taking this opportunity to remind you that on September 18, 2018, the City sent correspondence regarding its Enhanced Dumpster Enforcement Program. Recycling and trash areas are required to be maintained in a clean and sanitary condition with bin lids closed at all times. Failure to comply with these requirements may result in the revocation of your Clean Bay Certification, and administrative penalty assessments for each day of non-compliance. Additionally, City Council directed staff to bring back an ordinance requiring all bins to be locked 24/7 starting in June 2020. Attached is laminated signage (English/Spanish) you may post in the recycling and trash area to assist you with your compliance efforts.

If you have any questions, please contact Environmental Programs staff.

Sincerely,

Mark Johnson
Environmental Programs Coordinator
Extension 275
MJohnson@MalibuCity.org

Shea Cunningham
Environmental Programs Coordinator
Extension 236
SCunningham@MalibuCity.org

Enclosure
## Food Service

### Dumpster Area

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paradise Cove Beach Café</td>
<td>28128 Pacific Coast Hwy</td>
</tr>
<tr>
<td>D'Amores Naturally</td>
<td>29169 Heathercliff Rd. #104</td>
</tr>
<tr>
<td>Lily's Café</td>
<td>29211 Heathercliff Rd. Suite 60</td>
</tr>
<tr>
<td>Subway</td>
<td>29169 Heathercliff Rd. #106</td>
</tr>
<tr>
<td>SunLife Organics</td>
<td>29169 Heathercliff Rd. #110</td>
</tr>
<tr>
<td>Coral Beach Cantina</td>
<td>29350 Pacific Coast Hwy #7</td>
</tr>
<tr>
<td>Zooma Sushi</td>
<td>29350 Pacific Coast Hwy. #8</td>
</tr>
<tr>
<td>McDonald's</td>
<td>22725 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Moonshadows</td>
<td>20356 Pacific Coast Hwy.</td>
</tr>
<tr>
<td>D'Amores Pizza</td>
<td>22601 Pacific Coast Hwy. Suite 120</td>
</tr>
<tr>
<td>Casa Escobar</td>
<td>22969 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Fish Grill</td>
<td>22935 Pacific Coast Highway</td>
</tr>
<tr>
<td>Jack in the Box</td>
<td>23017 Pacific Coast Hwy</td>
</tr>
<tr>
<td>The Carbon Beach Club</td>
<td>22878 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Malibu Farm Pier Café</td>
<td>23000 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Nobu Malibu</td>
<td>22706 Pacific Coast Hwy</td>
</tr>
<tr>
<td>Bui Sushi</td>
<td>23733 Malibu Rd.</td>
</tr>
<tr>
<td>Malibu Yogurt &amp; Ice Cream</td>
<td>23755 Malibu Rd. #600</td>
</tr>
<tr>
<td>Malibu Kitchen</td>
<td>3900 Cross Creek Road #3</td>
</tr>
<tr>
<td>Starbucks</td>
<td>3900 Cross Creek Rd.</td>
</tr>
<tr>
<td>Chipotle</td>
<td>3834 Cross Creek Rd.</td>
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<tr>
<td>Marmalade Café</td>
<td>3894 Cross Creek Rd.</td>
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<tr>
<td>Pacific Coast Greens</td>
<td>22601 Pacific Coast Highway #120</td>
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<tr>
<td>Malibu Farm Restaurant</td>
<td>23000 Pacific Coast Highway</td>
</tr>
<tr>
<td>Ollo</td>
<td>23750 Pacific Coast Highway</td>
</tr>
<tr>
<td>Le Café De La Plage</td>
<td>29169 Heathercliff Rd.</td>
</tr>
<tr>
<td>Malibu Burger Co.</td>
<td>3874 Cross Creek Rd.</td>
</tr>
</tbody>
</table>
## Food Service

<table>
<thead>
<tr>
<th>Facility</th>
<th>Address</th>
<th># Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dumpster Area</td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Geoffrey's Malibu</td>
<td>27400 Pacific Coast Hwy</td>
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<tr>
<td>Pavilions</td>
<td>29211 Heathercliff Rd.</td>
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<td>The Sunset Restaurant</td>
<td>6800 Westward Beach Rd</td>
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<tr>
<td>Malibu Ranch Market</td>
<td>29575 Pacific Coast Highway Unit H</td>
<td></td>
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<tr>
<td>Spruzzo Restaurant and Bar</td>
<td>29575 Pacific Coast Hwy.</td>
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<tr>
<td>McDonald's</td>
<td>22725 Pacific Coast Hwy</td>
<td></td>
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<tr>
<td>Tramonto</td>
<td>22235 Pacific Coast Highway</td>
<td></td>
</tr>
<tr>
<td>Duke's Malibu</td>
<td>21150 Pacific Coast Highway</td>
<td></td>
</tr>
<tr>
<td>D'Amores Pizza</td>
<td>22601 Pacific Coast Hwy. Suite 120</td>
<td></td>
</tr>
<tr>
<td>Casa Escobar</td>
<td>22969 Pacific Coast Hwy</td>
<td></td>
</tr>
<tr>
<td>Bui Sushi</td>
<td>23733 Malibu Rd.</td>
<td></td>
</tr>
<tr>
<td>Kaishin</td>
<td>23715 Malibu Rd.</td>
<td></td>
</tr>
<tr>
<td>Coffee Bean &amp; Tea Leaf</td>
<td>3835 Cross Creek Rd #12</td>
<td></td>
</tr>
<tr>
<td>Malibu Kitchen</td>
<td>3900 Cross Creek Road #3</td>
<td></td>
</tr>
<tr>
<td>Mr. Chow</td>
<td>3835 Cross Creek Road Suite 18A</td>
<td></td>
</tr>
<tr>
<td>Taverna Tony</td>
<td>23410 Civic Center Way</td>
<td></td>
</tr>
<tr>
<td>Café Habana</td>
<td>3939 Cross Creek Rd. #D100</td>
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</tr>
<tr>
<td>Marmalade Café</td>
<td>3894 Cross Creek Rd.</td>
<td></td>
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<tr>
<td>Malibu Seafood</td>
<td>25653 Pacific Coast Hwy</td>
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<tr>
<td>Vintage Grocers</td>
<td>30745 Pacific Coast Highway Suite #24</td>
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<tr>
<td>Ralphs</td>
<td>23841 Malibu Rd. 102</td>
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<tr>
<td>Pacific Coast Greens</td>
<td>22601 Pacific Coast Highway #120</td>
<td></td>
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<td>3874 Cross Creek Rd</td>
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</tbody>
</table>
KEEP RECYCLING & TRASH AREAS CLEAN!!

Violators will be fined pursuant to MMC section 8.32.

- Recycle carefully
- Break down boxes
- Keep dumpster lids closed at all times
- Clean up spills and trash
- Report trash bin leaks

Food Waste

Recycling

Landfill Trash
¡MANTENGA LOS ÁREAS DE RECICLAJE Y BASURA

LIMPIA!!

Infractores serán multadas conforme a la sección 8.32 del código municipal de la ciudad de Malibu

- Recicle cuidadosamente
- Desarme las cajas de cartón
- Mantenga las tapaderas de los basureros cerradas en todo tiempo
- Limpie derrames y basura
- Reporte si los basureros gotean

Desechos alimentarios

releno sanitario

reciclaje
September 10, 2019

TO: Malibu Businesses Owners and Commercial Property Owners

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

Dear Business Owner / Property Owner/ Property Manager:

On September 18, 2018, the City of Malibu sent correspondence to Malibu businesses and commercial property owners about the City’s Enhanced Dumpster Enforcement Program to address pollution. The City 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 keeping Malibu free of litter that can impact our 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 initiated the Enhanced Dumpster Enforcement Program to keep trash areas clean and the dumpster lids closed at all times. Failure to maintain these areas in a clean and sanitary condition will result in enforcement activities including notices of violation and/or administrative penalty assessments for each day the property remains in violation.

Malibu City Council also directed staff to bring back an ordinance requiring all solid waste containers to be locked 24/7 starting in June 2020.

The City is seeking help with educating your staff and tenants on Best Management Practices (BMPs) for waste disposal, including separating waste and recycling carefully, breaking down boxes, keeping dumpster lids closed at all times, cleaning up spills immediately, and locking bins at the end of the day if there are rummage issues. City staff and your solid waste hauler, Universal Waste Systems, are available to assist you and onsite staff with meeting the expectations of this program.

Should you have questions, please contact me or other Environmental Programs staff: Mark Johnson at Extension 275 or mjohnson@malibucity.org
Shea Cunningham at Extension 236 or scunningham@malibucity.org.
Thank you for your participation and your continued effort to protect our precious local environment and wildlife.

Sincerely,

Christine Shen
Environmental Sustainability Analyst
Extension 376
cshen@malibucity.org

cc: Gabriel Chavez, Universal Waste Systems
    Andrew Sheldon, Acting Environmental Sustainability Director
    Terri Alex, Los Angeles County Public Works
September 10, 2019

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Christine Shen
Environmental Sustainability Analyst
Extension 376
cshen@malibucity.org

cc: Mike Smith, Waste Management
    Andrew Sheldon, Acting Environmental Sustainability Director
    Terri Alex, Los Angeles County Public Works