

BEFORE THE BOARD OF SUPERVISORS

FOR THE COUNTY OF FRESNO

STATE OF CALIFORNIA

ORDINANCE NO. 16-015

AN ORDINANCE TO ADD NEW SECTION 8.24.060 PROHIBITING
SCAVENGING TO CHAPTER 8.24 WASTE DISPOSAL, OF TITLE 8 OF THE
FRESNO COUNTY ORDINANCE CODE.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1: The Board of Supervisors finds there is an increasing problem of persons scavenging from solid waste receptacles. Scavenging can result in injuries to the scavengers, waste being strewn about the surrounding areas, containers being left open to emit foul odors and attract animals and pests, theft of recyclable material and identify theft.

Prohibiting the scavenging from solid waste containers benefits the health, safety, and welfare of the public by protecting persons from illness and injury, reducing blight and nuisances, and preventing crime.

The Board of Supervisors further finds that a trial program including an ordinance prohibiting scavenging from solid waste receptacles in a defined area of the County for a limited period will be useful in determining the effectiveness of such an ordinance in preventing the health, safety and nuisance issues caused by scavenging.

SECTION 2: Section 8.24.060 is hereby added to Chapter 8.24 Waste Disposal, of Title 8 of the Fresno County Ordinance Code as follows:

Section 8.24.060 Scavenging Prohibited

A. No person shall open, look into, search through or remove any of the contents of any waste receptacle.

B. For purposes of this section, “solid waste receptacle” shall mean any bin, automatic lift container or any other type of receptacle used for the deposit, storage, collection or transport of garbage, litter, junk, debris, refuse, swill, rubbish, waste matter, putrescible waste, hazardous waste, infectious waste, recyclable materials, or garden refuse.

C. This section shall not apply to the following persons:

a. Any owner, tenant, lessee, or occupant of the property for which the solid waste receptacle is used;

b. Any persons acting with the consent of any owner, tenant, lessee, or occupant of the property for which the solid waste receptacle is used;

c. Any private collector or any contractor of a private collector, that owns or maintains the solid waste receptacle or is responsible for hauling away its contents, who is acting in accordance with their duties as such; or

d. Any employee or contractor of any city, county, state or federal government agency, who is acting in accordance with their duties as such.

D. Notwithstanding any other provision of this Code, any person violating this section is guilty of an infraction. The first violation of this section in any 12 month period shall be punished by a fine of \$100. The second violation of this section in the same 12 month period shall be punished

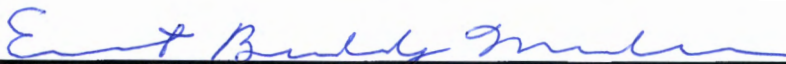
by a fine of \$200. The third and each subsequent violation of this section within the same 12 month period shall be punished by a fine of \$300 for each violation.

E. This section shall apply and be enforced only in the following area of the unincorporated County of Fresno: Fig Garden Policing District Boundaries.

SECTION 3: This Ordinance shall take effect 30 days from its adoption and shall continue in force for a period of one year from the effective date at which time, unless amended or extended by the Board of Supervisors, this Ordinance shall be repealed without further action of the Board of Supervisors.

THE FOREGOING WAS PASSED and ADOPTED by the following vote of the Board of Supervisors of the County of Fresno this 27th day of September, 2016, to wit:

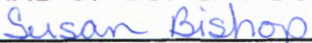
AYES: Supervisors Borgeas, Mendes, Pacheco, Perea
NOES: Supervisor Poochigian
ABSENT: None



CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

BERNICE E. SEIDEL, CLERK
BOARD OF SUPERVISORS

By _____
Deputy

FILE # 16-1329
AGENDA # 20)
ORDINANCE # 16-015