

1 **BEFORE THE BOARD OF SUPERVISORS**
2 **OF THE COUNTY OF FRESNO**
3 **STATE OF CALIFORNIA**
4 **ORDINANCE NO. 17-017**

5 AN ORDINANCE TO ADD NEW SECTION 8.24.060 PROHIBITING SCAVENGING FROM
6 SOLID WASTE RECEPTACLES WITHIN THE BOUNDARIES OF THE FIG GARDEN
7 POLICE PROTECTION DISTRICT, TO CHAPTER 24, WASTE DISPOSAL, OF THE
8 ORDINANCE CODE OF THE COUNTY OF FRESNO. The Board of Supervisors of the
9 County of Fresno ordains as follows:

10 **Section 1.** The Board of Supervisors finds there is a continuing problem of persons
11 scavenging from solid waste receptacles. Scavenging can result in injuries to the scavengers,
12 waste being strewn about the surrounding areas, containers being left open to emit foul odors
13 and attract animals and pests, theft of recyclable material, and identify theft.

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

17 On September 27, 2016, the Board of Supervisors enacted an ordinance adding
18 Section 8.24.060 to the Ordinance Code of the County of Fresno, which prohibited
19 scavenging from solid waste receptacles within the Fig Garden Policing District Boundaries,
20 for a one year period. That ordinance will expire on or about October 27, 2017.

21 The Board of Supervisors finds that the Ordinance has been successful in that it made
22 scavenging more difficult and provides enforcement personnel with tools needed to issue
23 citations where appropriate. The Board of Supervisors finds that the reenactment of the of the
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1 provisions of the Ordinance for an additional year will allow law enforcement more time to
2 assess the effectiveness of the program and the staffing demands for potential
3 implementation in other unincorporated areas of Fresno County.

4 **Section 2:** Section 8.24.060 is hereby added to Chapter 8.24 Waste Disposal, of Title
5 8 of the Ordinance Code of the County of Fresno, to read in its entirety as follows:

6 **Section 8.24.060 Scavenging Prohibited**

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

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

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

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

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

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

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

23 D. Notwithstanding any other provision of this Code, any person violating this
24 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

1 section within the same 12 month period shall be punished by a fine of \$300 for each
2 violation.

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

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

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10 THE FOREGOING WAS PASSED and ADOPTED by the following vote of the Board of
11 Supervisors of the County of Fresno this 31st day of October, 2017, to wit

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13 AYES: Supervisor Borgeas, Magsig, Mendes, Pacheco, Quintero
14 NOES: None
15 ABSENT: None
16 ABSTAINED: None



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18 BRIAN PACHECO, Chairman of the Board of Supervisors
19 of the County of Fresno

20 ATTEST:

21 BERNICE E. SEIDEL
22 Clerk to the Board of Supervisors
23 County of Fresno, State of California

24 By Susan Bishop
Deputy

FILE #17-1361

AGENDA #19

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