



CITY OF EL MONTE

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY COUNCIL AGENDA REPORT

CITY COUNCIL MEETING OF SEPTEMBER 17, 2019

September 10, 2019

The Honorable Mayor and City Council
City of El Monte
11333 Valley Boulevard
El Monte, CA 91731

Dear Mayor and City Council:

CONSIDERATION AND APPROVAL OF (1) AN URGENCY ORDINANCE AMENDING SECTIONS 8.20.090 AND 8.20.120 OF CHAPTER 8.20 OF TITLE 8 OF THE EL MONTE MUNICIPAL CODE; AND (2) A RESOLUTION MODIFYING AND ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR CERTAIN VIOLATIONS OF CHAPTER 8.20 OF TITLE 8 OF THE EL MONTE MUNICIPAL CODE RELATING TO THE PLACEMENT AND ACCUMULATION OF SOLID WASTE AND HAZARDOUS MATERIALS IN THE PUBLIC RIGHT-OF-WAY AND ILLEGAL DUMPING

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Open the public hearing;
2. Receive presentation from staff;
3. Pose questions to staff;
4. Allow members of the public to offer comment;
5. Pose follow-up questions to staff;
6. Close the public hearing;
7. Approve, by no less than four-fifths (4/5) of the City Council, an Urgency Ordinance amending Sections 8.20.090 and 8.20.120 of Chapter 8.20 of Title 8 of the El Monte Municipal Code; and
8. Approve, by no less than three (3) affirmative votes, a Resolution modifying and establishing administrative citation fine amounts for certain violations of Chapter 8.20 of Title 8 of the El Monte Municipal Code relating to the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping.

BACKGROUND

Article 11, Section 7 of the California Constitution authorizes the City of El Monte ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws. Pursuant to Chapter 8.20 of Title 8 of the El Monte Municipal Code

("EMMC"), the City regulates the removal, collection, disposal, and diversion of solid waste and hazardous materials. The placement and accumulation of solid waste or hazardous materials in the public right-of-way is prohibited under EMMC Section 8.20.090 and is designated as a public nuisance under EMMC Section 8.44.030.

Although the City already mandates that persons maintain public streets, sidewalks, and public rights-of-way in a neat, clean, and orderly condition free from debris, garbage, or rubbish, the City continues to expend a tremendous amount of limited public resources to remove discarded and accumulated waste matter from public rights-of-way to protect the health, safety, and welfare of the City's residents, tenants, business community, visitors, and general public. This ongoing need to combat City-wide blight and negative environmental and public health effects has placed an undue burden on the City for cleanup, public education, and enforcement costs.

The City has also experienced an increase in both the frequency and volume of illegal dumping, as prohibited by EMMC Section 8.20.120, in recent years. Illegal dumping poses serious health risks to children and other persons, as items that are often dumped include sharp items, household appliances, tires, flammable and/or combustible material, and hazardous wastes. Waste matter that is dumped, including, but not limited to, household furniture and equipment, also poses an attractive nuisance to children and/or other persons, and a threat to the public health, safety, and well-being of the community.

DISCUSSION

Proposed Urgency Ordinance Amending EMMC Sections 8.20.090 and 8.20.120

The proposed Urgency Ordinance seeks to amend the City's current regulations related to the placement and accumulation of solid waste and hazardous materials in the public right-of-way (EMMC Section 8.20.090) and illegal dumping (EMMC Section 8.20.120) by adding language aimed at deterring property owners from failing to monitor and remove bulky items and other refuse from the public right-of-way adjacent to private property within the City, defining the terms "bulky items" and "illegal dumping," and enhancing the City's enforcement capabilities against responsible persons. The proposed Urgency Ordinance is intended to promote the public health, safety, and welfare and discourage the unauthorized disposal of solid waste and hazardous materials and illegal dumping activities. Specifically, these amendments provide that:

- No person shall deposit or allow to remain any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon or in any public street, sidewalk, or public right-of-way; or in or upon any vacant lot; or in, upon or within the required front yard of any improved lot; or upon or within the area of any improved lot between the front main building facade thereon and the street upon which such lot fronts except in a manner in conformity with the provisions of EMMC Chapter 8.20.

- No owner of any lot or premises, or any persons in possession thereof, shall place upon or allow to remain upon any portion of any public street, sidewalk, or public right-of-way adjacent to said lot any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon except in a manner in conformity with the provisions of EMMC Chapter 8.20.
- No person shall dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping on any public or private property within the City.
- Any person who hires or causes another person to dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping is and will be jointly and severally liable with all other persons who participated in the act of illegal dumping.
- Each act of illegal dumping on a separate area of a single location is a separate violation even if each occurs on the same general time and day.
- Any person who disposes of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste through illegal dumping shall be responsible for cleaning up and properly disposing of the illegally dumped solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste in addition to any other authorized enforcement action.

Proposed Resolution Modifying and Establishing Administrative Citation Fine Amounts for Violations Relating to the Placement and Accumulation of Solid Waste and Hazardous Materials in the Public Right-of-Way and Illegal Dumping

As part of the City's efforts to ensure property maintenance and protect against health and safety hazards created by the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping, it is being recommended that the City Council consider modifying and establishing administrative fine amounts for offenses relating to bulky items, trash, and debris illegally placed or maintained in the public right-of-way and/or public or private property within the City.

The administrative citation procedure, which is authorized under Government Code Section 53069.4, allows the City to impose fines on responsible persons who violate any provision of the EMMC and other adopted City regulations, subject to a \$1,000 cap imposed by Government Code Section 36901. EMMC Section 1.18.040 provides that the City Council may modify, by resolution, administrative citation fine amounts for violations of the EMMC.

City Council Resolution No. 9608, adopted on August 18, 2015, established administrative citation fine amounts for violations of EMMC Sections 8.44.090,

12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) as follows: two hundred dollars (\$200.00) for a first violation, five hundred dollars (\$500.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand hundred dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation.

The proposed Resolution sets forth the following changes:

- The amount of fines to be imposed for violations of EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) and assessed by means of administrative citation shall be increased to: five hundred dollars (\$500.00) for a first violation, seven hundred fifty dollars (\$750.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation.
- The amount of fines to be imposed for violations of EMMC Section 8.20.120 and assessed by means of administrative citation shall be: one thousand dollars (\$1,000.00) for the first and each additional violation by the same person within a twelve (12) month period from the date of the first administrative citation.

The proposed administrative citation fine amounts, as authorized under Government Code Section 53069.4, and subject to the limits set forth in Government Code Section 36901, will assist with obtaining compliance and may further deter future occurrences by the same responsible party.

FISCAL IMPACT/FINANCING

There are no identifiable fiscal impacts associated with adopting the proposed Urgency Ordinance. The proposed administrative citation fine amounts have no negative impact to the General Fund and would enhance the City's ability to enforce and deter violations relating to the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping.

CONCLUSION

It is recommended that the City Council: (1) approve, by no less than four-fifths (4/5) of the City Council, an Urgency Ordinance amending Sections 8.20.090 and 8.20.120 of Chapter 8.20 of Title 8 of the El Monte Municipal Code; and (2) approve, by no less than three (3) affirmative votes, a Resolution modifying and establishing administrative citation fine amounts for certain violations of Chapter 8.20 of Title 8 of the El Monte Municipal

Code relating to the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping.

Respectfully submitted,

ALMA K. MARTINEZ
City Manager

BETTY DONAVANIK
Community and Economic Development Director

Attachments:

1. Urgency Ordinance
2. Resolution

DATE: September 9, 2019
PRESENTED TO EL MONTE CITY COUNCIL
<input checked="" type="checkbox"/> APPROVED 5-0
<input type="checkbox"/> DENIED
<input type="checkbox"/> PULLED
<input type="checkbox"/> RECEIVE AND FILE
<input type="checkbox"/> CONTINUED
<input type="checkbox"/> REFERRED TO
Ord No. 2952
Reso No. 10046
CHIEF DEPUTY CITY CLERK 

URGENCY ORDINANCE NO. 2952

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, AMENDING SECTIONS 8.20.090 (PROHIBITION AGAINST PLACEMENT OF WASTES IN THE PUBLIC RIGHT-OF-WAY) AND 8.20.120 (PROHIBITION AGAINST ILLEGAL DUMPING) OF CHAPTER 8.20 (SOLID WASTE-REMOVAL, COLLECTION, DISPOSAL AND DIVERSION) OF TITLE 8 (HEALTH AND SAFETY) OF THE EL MONTE MUNICIPAL CODE

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of El Monte ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, the City protects public health and the environment by regulating waste disposal under Chapter 8.20 (Solid Waste-Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code ("EMMC"); and

WHEREAS, the City Council has determined that the placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects; and

WHEREAS, this action is prohibited under EMMC Section 8.20.090 (Prohibition Against Placement of Wastes in the Public Right-of-Way) and is designated as a public nuisance under EMMC Section 8.44.030; and

WHEREAS, although the City already mandates that persons maintain public streets, sidewalks, and public rights-of-way in a neat, clean, and orderly condition free from debris, garbage, or rubbish, the City continues to expend a tremendous amount of limited public resources to remove discarded and accumulated waste matter from public rights-of-way to protect the health, safety, and welfare of the City's residents, tenants, business community, visitors, and general public; and

WHEREAS, the City has also experienced an increase in both the frequency and volume of illegal dumping, as prohibited by EMMC Section 8.20.120 (Prohibition Against Illegal Dumping), in recent years; and

WHEREAS, illegal dumping poses serious health risks to children and other persons, as items that are often dumped include sharp items, household appliances, tires, flammable and/or combustible material, and hazardous wastes; and

WHEREAS, waste matter that is dumped, including, but not limited to, household furniture and equipment, could result in an attractive nuisance to children and/or other persons; and

WHEREAS, accumulations of waste matter harbor, promote, or tend to contribute to the presence of flies, insects, vector, vermin, or rats; and

WHEREAS, the City desires to immediately amend portions of the El Monte Municipal Code dealing with the placement and accumulation of solid waste and hazardous materials in the public right-of-way to improve the City's ability to effectively enforce against the unauthorized disposal of wastes in the City and discourage illegal dumping; and

WHEREAS, the City Council has determined that it is in the public interest to amend Sections 8.20.090 and 8.20.120 of the El Monte Municipal Code in order to ensure property maintenance and protect against pollution and health and safety hazards; and

WHEREAS, this Urgency Ordinance seeks to promote the health, safety and welfare of the City's residents, tenants, business community, visitors, and general public

by enhancing current regulations governing the disposal of solid waste and hazardous materials and the City's enforcement capabilities against responsible persons; and

WHEREAS, Government Code Sections 36934 and 36937 authorize the City adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Urgency Findings.

- A. The placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects.
- B. Illegal dumping activities pose a danger to public health and safety, decrease property values, lower the quality of life, contribute to blight, and attract more illegal dumping.
- C. Illegal dumping activities also place an undue burden on the City for cleanup, public education, and enforcement costs.
- D. The expeditious amendment of the City's current regulations related to the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping would promote the public health, safety, and welfare, serve to deter these actions, and enhance the City's enforcement capabilities against responsible persons.
- E. The adoption of this Urgency Ordinance is necessary to preserve the public health, safety, and welfare as, without such adoption, the depositing and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping activities could create:
 - 1. Public health and sanitation concerns arising from the accumulations of waste matter; and
 - 2. Public safety and general welfare concerns resulting from the obstruction of public rights-of-way, as well as City-wide blight, which poses a risk to public peace and safety.

SECTION 3. Section 8.20.090 (Prohibition Against Placement of Wastes in the Public Right-of-Way) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended in its entirety to state as follows:

Section 8.20.090 – Prohibition Against Placement of Wastes in the Public Right-of-Way

- A. *No person shall deposit or allow to remain any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon or in any public street, sidewalk, or public right-of-way; or in or upon any vacant lot; or in, upon or within the required front yard of any improved lot; or upon or within the area of any improved lot between the front main building facade thereon and the street upon which such lot fronts except in a manner in conformity with the provisions of this Chapter.*
- B. *To protect public health, safety, and well-being, and to minimize interference with public rights-of-way, no owner of any lot or premises, or any persons in possession thereof, shall place upon or allow to remain upon any portion of any*

public street, sidewalk, or public right-of-way adjacent to said lot any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon except in a manner in conformity with the provisions of this Chapter.

SECTION 4. Section 8.20.120 (Prohibition Against Illegal Dumping) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended in its entirety to state as follows:

Section 8.20.120 – Prohibition Against Illegal Dumping

- A. *No person shall dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping on any public or private property within the City.*
- B. *No person shall hire or cause another person to dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping on public or private property or to otherwise dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste in violation of this Code, state law or federal law. Any person who hires or causes another person to dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping is and will be jointly and severally liable with all other persons who participated in the act of illegal dumping.*
- C. *Any person whose identifying information is found in illegally dumped solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste or who is otherwise responsible for illegal dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste on any public or private property within the City is subject to enforcement as provided in this Chapter.*
- D. *Each act of illegal dumping on a separate area of a single location is a separate violation even if each occurs on the same general time and day.*
- E. *Any person who disposes of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste through illegal dumping shall be responsible for cleaning up and properly disposing of the illegally dumped solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste in addition to any other authorized enforcement action.*

SECTION 5. Section 8.20.270 (Definitions) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended by the addition of a new definition to read as follows:

“Bulky item(s)” means discarded items that are generally too large to fit in a standard waste container provided by the City’s duly authorized, franchised solid waste hauler or which are otherwise inappropriate for placement in such a container. Bulky items include, without limitation, appliances such as air conditioners, dishwashers, refrigerators and freezers, heaters, microwave ovens, stoves, washing machines and dryers; television sets; computers, printers and computer parts, equipment and accessories; furniture (including box springs, chairs, desks, mattresses, cabinets, patio furniture, sofas and tables); wooden pallets and shipping crates; large cardboard boxes and/or packing materials; suitcases; exercise equipment (including treadmills, ellipticals, weights and weight machines; slides and swing sets; tires; toilets, sinks and other kitchen and bathroom fixtures; tools; construction and demolition waste and debris (including wood, drywall, paint cans, broken concrete, glass, insulation, etc.); vehicles

and/or vehicle parts; and large tree branches and logs and bags containing green waste. The term bulky items may include items that also qualify as solid waste and/or hazardous waste and items which contain hazardous substances and/or hazardous contaminants.

SECTION 6. Section 8.20.270 (Definitions) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended by the addition of a new definition to read as follows:

“Illegal dumping” means the willful, intentional or negligent depositing, throwing, dropping, placing or dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste on public or private property that is not expressly designated for the purpose of disposal or dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste. Illegal dumping does not include littering, discarding or dropping small quantities of solid waste ordinarily carried on or about the person, or escaping from trash bins, carts, or containers including but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers and magazines.

SECTION 7. Environmental. This Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts; therefore, no additional action under CEQA is required.

SECTION 8. Inconsistent Provisions. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 10. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 17th day of September, 2019.



Andre Quintero, Mayor
City of El Monte

ATTEST:



Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF EL MONTE) SS:

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Urgency Ordinance No. 2952 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 17th day of September, 2019 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES: Mayor Quintero, Mayor Pro Tem Velasco, Councilmembers Ancona,
 Martinez Muela and Morales

NOES: None

ABSTAIN: None

ABSENT: None



Catherine A. Eredia, City Clerk
City of El Monte

RESOLUTION NO. 10046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, MODIFYING AND ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR CERTAIN VIOLATIONS OF CHAPTER 8.20 (SOLID WASTE-REMOVAL, COLLECTION, DISPOSAL AND DIVERSION) OF TITLE 8 (HEALTH AND SAFETY) OF THE EL MONTE MUNICIPAL CODE RELATING TO THE PLACEMENT AND ACCUMULATION OF SOLID WASTE AND HAZARDOUS MATERIALS IN THE PUBLIC RIGHT-OF-WAY AND ILLEGAL DUMPING

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of El Monte ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, to support the enforcement of the El Monte Municipal Code ("EMMC") and other adopted City regulations, the City enacted an administrative citation procedure, codified in EMMC Chapter 1.18 (Administrative Citations); and

WHEREAS, the administrative citation procedure, which is authorized under Government Code Section 53069.4, allows the City to impose fines on responsible persons who violate any provision of the EMMC and other adopted City regulations, subject to the limits set forth in Government Code Section 36901; and

WHEREAS, EMMC Section 1.18.040 (Imposition of Administrative Fines, Late Penalty and Interest Charges, as well as Reinspection Fees) provides that the City Council may modify, by resolution, administrative citation fine amounts for violations of the EMMC; and

WHEREAS, on July 15, 2003, the City Council adopted Resolution No. 8364 establishing an Administrative Fine Schedule for violations of the EMMC; and

WHEREAS, on August 18, 2015, the City Council adopted Resolution No. 9608 establishing administrative citation fine amounts for violations of Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) of Chapter 8.20 (Solid Waste-Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the EMMC relating to the placing/maintaining of solid waste and hazardous materials in the public right-of-way as follows: two hundred dollars (\$200.00) for a first violation, five hundred dollars (\$500.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand hundred dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation; and

WHEREAS, on June 17, 2019, the City Council adopted Resolution No. 9984 modifying and amending administrative citation fine amounts payable to the City under EMMC Section 1.18; and

WHEREAS, the City Council has determined that the placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects; and

WHEREAS, the City Council has determined that the administrative citation fine amounts set by Resolution No. 9608 are insufficient to adequately deter violations of EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) and eliminate the threat to public health and safety and the community by the creation of undesirable waste and other conditions that threaten the health and safety of the public; and

WHEREAS, it is necessary for the City to modify the administrative citation fine amounts for EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) in an effort to deter the seriousness and offensiveness of the subject violations; and

WHEREAS, the City has also experienced an increase in both the frequency and volume of illegal dumping, as prohibited by EMMC Section 8.20.120, in recent years; and

WHEREAS, to effectively enforce against the illegal dumping of solid waste and hazardous materials in the City, the City Council hereby intends to establish administrative citation fine amounts for violations of EMMC Section 8.20.120, which may be imposed by an enforcement officer for a first violation and subsequent violations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct.

SECTION 2. The amount of fines to be imposed for violations of EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) and assessed by means of administrative citation shall be: five hundred dollars (\$500.00) for a first violation, seven hundred fifty dollars (\$750.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation.

SECTION 3. The amount of fines to be imposed for violations of EMMC Section 8.20.120 and assessed by means of administrative citation shall be: one thousand dollars (\$1,000.00) for the first and each additional violation by the same person within a twelve (12) month period from the date of the first administrative citation.

SECTION 4. This Resolution supersedes all others, or portions thereof, inconsistent with the revisions set forth herein, including Resolution Nos. 9984, 9608, and 8364.

SECTION 5. The amounts of such fines as set forth in Sections 2 and 3 of this Resolution may be modified from time to time by resolution of the City Council.

SECTION 6. The changes herein shall be effective immediately upon the adoption of this Resolution.

SECTION 7. The City Clerk of the City of El Monte, County of Los Angeles, State of California, shall certify to the adoption of this Resolution and shall cause a copy of the same to be forwarded to the Economic Development Department for immediate implementation.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 17th day of September 2019.



Andre Quintero, Mayor
City of El Monte

ATTEST:



Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of EL Monte, hereby certify that the foregoing Resolution No. 10046 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 17th day of September 2019 and that said Resolution was adopted by the following vote, to-wit:

AYES: Mayor Quintero, Mayor Pro Tem Velasco, Councilmembers Ancona,
 Martinez Muela and Morales

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



Catherine A. Eredia, City Clerk
City of El Monte

URGENCY ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF EL MONTE, CALIFORNIA, AMENDING
SECTIONS 8.20.090 (PROHIBITION AGAINST
PLACEMENT OF WASTES IN THE PUBLIC RIGHT-OF-
WAY) AND 8.20.120 (PROHIBITION AGAINST ILLEGAL
DUMPING) OF CHAPTER 8.20 (SOLID WASTE-
REMOVAL, COLLECTION, DISPOSAL AND DIVERSION)
OF TITLE 8 (HEALTH AND SAFETY) OF THE EL MONTE
MUNICIPAL CODE**

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of El Monte ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, the City protects public health and the environment by regulating waste disposal under Chapter 8.20 (Solid Waste-Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code ("EMMC"); and

WHEREAS, the City Council has determined that the placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects; and

WHEREAS, this action is prohibited under EMMC Section 8.20.090 (Prohibition Against Placement of Wastes in the Public Right-of-Way) and is designated as a public nuisance under EMMC Section 8.44.030; and

WHEREAS, although the City already mandates that persons maintain public streets, sidewalks, and public rights-of-way in a neat, clean, and orderly condition free from debris, garbage, or rubbish, the City continues to expend a tremendous amount of limited public resources to remove discarded and accumulated waste matter from public rights-of-way to protect the health, safety, and welfare of the City's residents, tenants, business community, visitors, and general public; and

WHEREAS, the City has also experienced an increase in both the frequency and volume of illegal dumping, as prohibited by EMMC Section 8.20.120 (Prohibition Against Illegal Dumping), in recent years; and

WHEREAS, illegal dumping poses serious health risks to children and other persons, as items that are often dumped include sharp items, household appliances, tires, flammable and/or combustible material, and hazardous wastes; and

WHEREAS, waste matter that is dumped, including, but not limited to, household furniture and equipment, could result in an attractive nuisance to children and/or other persons; and

WHEREAS, accumulations of waste matter harbor, promote, or tend to contribute to the presence of flies, insects, vector, vermin, or rats; and

WHEREAS, the City desires to immediately amend portions of the El Monte Municipal Code dealing with the placement and accumulation of solid waste and hazardous materials in the public right-of-way to improve the City's ability to effectively enforce against the unauthorized disposal of wastes in the City and discourage illegal dumping; and

WHEREAS, the City Council has determined that it is in the public interest to amend Sections 8.20.090 and 8.20.120 of the El Monte Municipal Code in order to ensure property maintenance and protect against pollution and health and safety hazards; and

WHEREAS, this Urgency Ordinance seeks to promote the health, safety and welfare of the City's residents, tenants, business community, visitors, and general public by enhancing current regulations governing the disposal of solid waste and hazardous materials and the City's enforcement capabilities against responsible persons; and

WHEREAS, Government Code Sections 36934 and 36937 authorize the City adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Urgency Findings.

- A. The placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects.
- B. Illegal dumping activities pose a danger to public health and safety, decrease property values, lower the quality of life, contribute to blight, and attract more illegal dumping.
- C. Illegal dumping activities also place an undue burden on the City for cleanup, public education, and enforcement costs.
- D. The expeditious amendment of the City's current regulations related to the placement and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping would promote the public health, safety, and welfare, serve to deter these actions, and enhance the City's enforcement capabilities against responsible persons.

E. The adoption of this Urgency Ordinance is necessary to preserve the public health, safety, and welfare as, without such adoption, the depositing and accumulation of solid waste and hazardous materials in the public right-of-way and illegal dumping activities could create:

1. Public health and sanitation concerns arising from the accumulations of waste matter; and
2. Public safety and general welfare concerns resulting from the obstruction of public rights-of-way, as well as City-wide blight, which poses a risk to public peace and safety.

SECTION 3. Section 8.20.090 (Prohibition Against Placement of Wastes in the Public Right-of-Way) of Chapter 8.20 (Solid Waste–Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended in its entirety to state as follows:

Section 8.20.090 – Prohibition Against Placement of Wastes in the Public Right-of-Way

- A. *No person shall deposit or allow to remain any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon or in any public street, sidewalk, or public right-of-way; or in or upon any vacant lot; or in, upon or within the required front yard of any improved lot; or upon or within the area of any improved lot between the front main building facade thereon and the street upon which such lot fronts except in a manner in conformity with the provisions of this Chapter.*
- B. *To protect public health, safety, and well-being, and to minimize interference with public rights-of-way, no owner of any lot or premises, or any persons in possession thereof, shall place upon or allow to remain upon any portion of any public street, sidewalk, or public right-of-way adjacent to said lot any solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, radioactive waste, medical waste, or the like upon except in a manner in conformity with the provisions of this Chapter.*

SECTION 4. Section 8.20.120 (Prohibition Against Illegal Dumping) of Chapter 8.20 (Solid Waste–Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended in its entirety to state as follows:

Section 8.20.120 – Prohibition Against Illegal Dumping

- A. *No person shall dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping on any public or private property within the City.*

- B. No person shall hire or cause another person to dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping on public or private property or to otherwise dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste in violation of this Code, state law or federal law. Any person who hires or causes another person to dispose of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste by illegal dumping is and will be jointly and severally liable with all other persons who participated in the act of illegal dumping.*
- C. Any person whose identifying information is found in illegally dumped solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste or who is otherwise responsible for illegal dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste on any public or private property within the City is subject to enforcement as provided in this Chapter.*
- D. Each act of illegal dumping on a separate area of a single location is a separate violation even if each occurs on the same general time and day.*
- E. Any person who disposes of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste through illegal dumping shall be responsible for cleaning up and properly disposing of the illegally dumped solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste in addition to any other authorized enforcement action.*

SECTION 5. Section 8.20.270 (Definitions) of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended by the addition of a new definition to read as follows:

“Bulky item(s)” means discarded items that are generally too large to fit in a standard waste container provided by the City’s duly authorized, franchised solid waste hauler or which are otherwise inappropriate for placement in such a container. Bulky items include, without limitation, appliances such as air conditioners, dishwashers, refrigerators and freezers, heaters, microwave ovens, stoves, washing machines and dryers; television sets; computers, printers and computer parts, equipment and accessories; furniture (including box springs, chairs, desks, mattresses, cabinets, patio furniture, sofas and tables); wooden pallets and shipping crates; large cardboard boxes and/or packing materials; suitcases; exercise equipment (including treadmills, ellipticals, weights and weight machines; slides and swing sets; tires; toilets, sinks and other kitchen and bathroom fixtures; tools; construction and demolition waste and debris (including wood, drywall, paint cans, broken concrete, glass, insulation, etc.); vehicles and/or

vehicle parts; and large tree branches and logs and bags containing green waste. The term bulky items may include items that also qualify as solid waste and/or hazardous waste and items which contain hazardous substances and/or hazardous contaminants.

SECTION 6. Section 8.20.270 (Definitions) of Chapter 8.20 (Solid Waste–Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the El Monte Municipal Code is hereby amended by the addition of a new definition to read as follows:

“Illegal dumping” means the willful, intentional or negligent depositing, throwing, dropping, placing or dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste on public or private property that is not expressly designated for the purpose of disposal or dumping of solid waste, bulky items, hazardous substances, hazardous waste, hazardous contaminants, medical waste, or radioactive waste. Illegal dumping does not include littering, discarding or dropping small quantities of solid waste ordinarily carried on or about the person, or escaping from trash bins, carts, or containers including but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers and magazines.

SECTION 7. Environmental. This Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts; therefore, no additional action under CEQA is required.

SECTION 8. Inconsistent Provisions. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 10. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be

published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this ___ day of _____, 2019.

Andre Quintero, Mayor

ATTEST:

Catherine A. Eredia, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Urgency Ordinance No. _____ was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2019 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine A. Eredia, City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, MODIFYING AND ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR CERTAIN VIOLATIONS OF CHAPTER 8.20 (SOLID WASTE-REMOVAL, COLLECTION, DISPOSAL AND DIVERSION) OF TITLE 8 (HEALTH AND SAFETY) OF THE EL MONTE MUNICIPAL CODE RELATING TO THE PLACEMENT AND ACCUMULATION OF SOLID WASTE AND HAZARDOUS MATERIALS IN THE PUBLIC RIGHT-OF-WAY AND ILLEGAL DUMPING

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of El Monte ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, to support the enforcement of the El Monte Municipal Code ("EMMC") and other adopted City regulations, the City enacted an administrative citation procedure, codified in EMMC Chapter 1.18 (Administrative Citations); and

WHEREAS, the administrative citation procedure, which is authorized under Government Code Section 53069.4, allows the City to impose fines on responsible persons who violate any provision of the EMMC and other adopted City regulations, subject to the limits set forth in Government Code Section 36901; and

WHEREAS, EMMC Section 1.18.040 (Imposition of Administrative Fines, Late Penalty and Interest Charges, as well as Reinspection Fees) provides that the City Council may modify, by resolution, administrative citation fine amounts for violations of the EMMC; and

WHEREAS, on July 15, 2003, the City Council adopted Resolution No. 8364 establishing an Administrative Fine Schedule for violations of the EMMC; and

WHEREAS, on August 18, 2015, the City Council adopted Resolution No. 9608 establishing administrative citation fine amounts for violations of Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) of Chapter 8.20 (Solid Waste-Removal, Collection, Disposal and Diversion) of Title 8 (Health and Safety) of the EMMC relating to the placing/maintaining of solid waste and hazardous materials in the public right-of-way as follows: two hundred dollars (\$200.00) for a first violation, five hundred dollars (\$500.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand hundred dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation; and

WHEREAS, on June 17, 2019, the City Council adopted Resolution No. 9984 modifying and amending administrative citation fine amounts payable to the City under EMMC Section 1.18; and

WHEREAS, the City Council has determined that the placement and accumulation of solid waste or hazardous materials in the public right-of-way results in City-wide blight and negative environmental and public health effects; and

WHEREAS, the City Council has determined that the administrative citation fine amounts set by Resolution No. 9608 are insufficient to adequately deter violations of EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) and eliminate the threat to public health and safety and the community by the creation of undesirable waste and other conditions that threaten the health and safety of the public; and

WHEREAS, it is necessary for the City to modify the administrative citation fine amounts for EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) in an effort to deter the seriousness and offensiveness of the subject violations; and

WHEREAS, the City has also experienced an increase in both the frequency and volume of illegal dumping, as prohibited by EMMC Section 8.20.120, in recent years; and

WHEREAS, to effectively enforce against the illegal dumping of solid waste and hazardous materials in the City, the City Council hereby intends to establish administrative citation fine amounts for violations of EMMC Section 8.20.120, which may be imposed by an enforcement officer for a first violation and subsequent violations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct.

SECTION 2. The amount of fines to be imposed for violations of EMMC Sections 8.44.090, 12.12.010(B), 8.44.030(L), 8.44.030(M), 8.44.030(S), and 8.44.030(U) and assessed by means of administrative citation shall be: five hundred dollars (\$500.00) for a first violation, seven hundred fifty dollars (\$750.00) for a second violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation, and one thousand dollars (\$1,000.00) for a third or subsequent violation of the same code provision by the same person within a thirty-six (36) month period from the date of the first administrative citation.

SECTION 3. The amount of fines to be imposed for violations of EMMC Section 8.20.120 and assessed by means of administrative citation shall be: one thousand dollars (\$1,000.00) for the first and each additional violation by the same

person within a twelve (12) month period from the date of the first administrative citation.

SECTION 4. This Resolution supersedes all others, or portions thereof, inconsistent with the revisions set forth herein, including Resolution Nos. 9984, 9608, and 8364.

SECTION 5. The amounts of such fines as set forth in Sections 2 and 3 of this Resolution may be modified from time to time by resolution of the City Council.

SECTION 6. The changes herein shall be effective immediately upon the adoption of this Resolution.

SECTION 7. The City Clerk of the City of El Monte, County of Los Angeles, State of California, shall certify to the adoption of this Resolution and shall cause a copy of the same to be forwarded to the Economic Development Department for immediate implementation.

Passed, approved, and adopted this _____ day of _____ 2019.

Andre Quintero, Mayor
City of El Monte

ATTEST:

Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, do hereby certify that the foregoing Resolution No. _____ was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested to by the City Clerk at a regular meeting by said Council held on the _____ day of _____ 2019, and that said Resolution was adopted by the following votes to wit:

AYES:

NOES:

ABSENT:

Catherine A. Eredia, City Clerk
City of El Monte