

Agenda Item Wording:

..title

Ordinance Adoption – A Public Hearing and first reading of Ordinance No. 2024-14, a request by the City of Visalia to amend Visalia Municipal Code Sections 8.40.020, to add a definition of Illegal dumping, and 8.40.030, declaring illegal dumping as a public nuisance.

..body

Deadline for Action: 12/16/2024

Submitting Department: Community Development

Contact Name and Phone Number:

Tommy Contreras, Code Enforcement Officer, tommy.contreras@visalia.city, (559) 713-4194

Tracy Robertshaw, Neighborhood Preservation Manager, tracy.robertshaw@visalia.city, (559) 713-4187

Paul Bernal, Planning & Community Preservation Director, paul.bernal@visalia.city, (559) 713-4025

Department Recommendation:

Staff recommends that the City Council hold a public hearing, receive a presentation and staff report, and introduce the first reading of Ordinance No. 2024-14 amending Visalia Municipal Code Sections 8.40.02 implementing a definition of illegal dumping and 8.40.030, declaring illegal dumping a public nuisance and specifying fines for violators.

Background Discussion:

On October 7, 2024, a work session item was held with the City Council to conduct an ordinance review and recommended change by staff for codes regarding illegal dumping and penalties structured for illegal dumping. During the presentation, and as noted in the staff report, the Municipal Code currently lacks any definition of “illegal dumping” nor does the ordinance codify penalties designated for illegal dumping. The sections of the Municipal Code staff recommended to be revised are:

1. Section 8.40.020 Definitions
2. Section 8.40.030 Public Nuisances

Proposed Revisions to Sections 8.40.020 and 8.40.030:

Section 8.40.020 contains an alphabetical list of terms that are defined, as related to the Chapter 8.40 Public Nuisances. Currently there is no definition for “illegal dumping”. As the prevalence of illegal dumping has increased throughout the City of Visalia over time, a definition of illegal dumping would codify the act as a) a public nuisance, and b) a threat to health & safety.

Proposed revisions to Section 8.40.020, as specified by underline & *italics* for additions.

To define “illegal dumping”, the following definition will be included in the appropriate alphabetical order of Section 8.40.020:

“Illegal dumping” means any placing, depositing or dumping, or otherwise causing to be placed, deposited, or dumped, in or upon a public highway or road, including any portion of the right-of-way thereof, into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner any of the following: waste, discarded putrescibles, garbage, rubbish, refuse, recyclable materials, hazardous substances, furniture or surplus material from another property, including home-based litter and refuse and/or business-related refuse, discarded materials, including but not limited to weeds, vegetation, tree trimmings, concrete, asphalt, or dirt”.

Section 8.40.030 Public Nuisances

This section lists ten categories of public nuisances, subsections A through K. This section will be revised to include subsection L as follows:

L. No person shall place, deposit or dump, or otherwise cause to be placed, deposited, or dumped, in or upon a public highway or road, including any portion of the right-of-way thereof, or upon which the public is admitted by easement or license, any of the following: waste, discarded putrescibles, garbage, rubbish, refuse, recyclable materials, hazardous substances, furniture or surplus material from another property, including home-based litter and refuse and/or business-related refuse, discarded materials, including but not limited to weeds, vegetation, tree trimmings, concrete, asphalt, or dirt.

1. Each day that any of these items remain placed, deposited, or dumped, in violation of subdivision (a) may be considered a separate violation. Violations may be charged as a criminal infraction, or alternatively, in its sole discretion, the city may take enforcement action pursuant to the administrative code procedures described in Chapters 1.12 and 1.13 of the Visalia Municipal Code. If the violation is charged as an administrative action, then the penalty for each violation shall be \$1,000. City staff may, in lieu of the administrative penalty, accept community service removal of the waste items that have been dumped in the public right of way, such a program for community service in lieu of administrative penalties shall be reviewed and approved by the city manager or designee prior to implementation.
2. This section does not restrict a private owner in the use of their own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department or local fire department.

Fiscal Impact: None at this time.

Prior Council Action:

On October 7, 2024, the City Council directed staff to move forward with revising the Visalia Municipal Code Sections 8.40.020 Definitions, and 8.40.030 Public Nuisances.

Other: N/A

Alternatives: The City Council may, in lieu of the recommended motion, choose to not adopt the proposed updates to Sections 8.40.020 and 8.40.030 as noted in the report and per the attached Ordinance No. 2024-14.

Recommended Motion (and Alternative Motions if expected):

..recommendation

I move to introduce the first reading of Ordinance 2024-14, amending Visalia Municipal Code Chapter 8.40, Section 8.40.020 Definitions and Section 8.40.030 Public Nuisances.

..end

Environmental Assessment Status:

The requested action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) since the activity in question is not a “project” as defined in CEQA Guidelines Section 15061(b)(3) since there is no reasonable possibility that it would have a significant effect on the environment.

CEQA Review: The requested action is not a “project” under CEQA.

Attachments:

1. Ordinance No. 2024-14 amending Visalia Municipal Code Sections 8.40.020 and 8.40.030.
2. PowerPoint Presentation