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Memorandum

To: Lemoore City Council
From: Judy Holwell, Project Manager
Date: February 15, 2013
Subject: Yard Debris blown onto Streets

During a prior Council Meeting, Council Member Rodarmel mentioned that he had witnessed a landscape service provider blowing yard debris into the City street and asked if our Municipal Code prohibited individuals and/or businesses from doing such. A review of our City Code found the following sections that loosely pertain to the subject; however, Council may wish to amend one or more sections to specifically prohibit such action. Italicized language is added below to explain connection to blowing yard debris onto streets.

ADMINISTRATIVE

PURCHASES AND CONTRACTS

1-8-17: DEFINITIONS

POSTCONSUMER RECOVERED MATERIALS: A finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Examples of postconsumer recovered materials include, but are not limited to, old newspapers, office paper, yard waste, steel, aluminum cans, glass, plastic bottles, oil, asphalt, concrete and tires.

(Yard waste is listed as an example of postconsumer recovered materials.)

PUBLIC HEALTH AND SAFETY

GARBAGE AND REFUSE

4-1-2: DEFINITIONS:

When used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

GARBAGE: Table refuse and offal swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, fruit and other foods of whatever

character and shall include all animal and vegetable refuse from kitchens and all household waste that shall have been prepared for or intended to be used as food or shall have resulted from the preparation of food. Dead animals over ten (10) pounds in weight, dishwasher or wastewater are not included under garbage.

GREEN WASTE: Grass clippings, weeds, leaves, small branches, sod, clean dirt, lumber (without nails or glue), plants and sawdust.

RECYCLABLES: Aluminum cans, tin cans, glass bottles, plastic bottles, empty food household goods containers made entirely of glass, plastic, aluminum, or tin; fiber products such as newspaper, magazines, books, catalogs, telephone books, school or business papers, paper grocery bags, and empty cardboard boxes.

REFUSE: Each of the definitions of "garbage", "rubbish" and "waste matter" contained in this section.

RUBBISH: Leaves, chips, woodenware, paper, pasteboard, grass, rags, shoes, hats, sawdust, packing material, shavings, trimmings from lawns and flower gardens and boxes, tin cans and bottles.

(Refuse includes Rubbish, which among other things is yard debris. Garbage does not include yard debris.)

4-1-7: REFUSE COLLECTION AND DISPOSAL OTHER THAN BY CITY:

B. Collection And Disposal Of Rubbish And Waste Matter: Rubbish and waste matter which is deposited in containers not containing garbage may be collected and disposed of by private rubbish haulers. Such haulers shall secure a business license as provided by this code⁵. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such rubbish haulers shall comply with all applicable rules and regulations established by the director of public works⁶. (Ord. 8402, 3-20-1984)

(Rubbish haulers must prevent debris from blowing out, which speaks to the necessity for keeping the debris contained, but it is silent to purposely blowing the debris onto the street.)

4-1-8: BURNING, BURYING OR DUMPING GARBAGE AND SOLID WASTE:

A. Burning, Burying Or Dumping Garbage Prohibited: It shall be unlawful for any person to incinerate, deposit, dump or bury, or cause or permit to be incinerated, deposited, dumped or buried, any garbage upon or in any public street, alley or other public place, or upon any private property within the city. (Ord. 8402, 3-20-1984)

(This section may pertain since "Solid Waste" is defined as "Postconsumer Recovered Materials", of which one example is "Yard Waste".

PLANTS AND WEEDS

4-2-1: NOXIOUS WEEDS AND PLANTS PROHIBITED:

No owner of any lot, place or area within the City, or agent of such owners, shall permit on such lot, place or area, or upon any sidewalk or street abutting the same, any weeds, grass, rubbish, refuse, dirt, or deleterious, unhealthful growths, or other noxious matter that may be growing, lying or located thereon.

(When reading this section, it appears to pertain to speak to grass and debris on streets. However, the remainder of this section does not pertain to cut grass – only noxious matter.)

PROPERTY MAINTENANCE

4-4-3: PROPERTY STANDARDS:

Unless expressly allowed by the zoning regulations, it is unlawful for any landowner or person leasing, occupying or having charge or possession of any real property in the city to keep, maintain, deposit or perform on such property any of the following and existence of any of the following is hereby declared a public nuisance:

- B. Overgrown, dead, diseased, decaying or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin, restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants, pose a risk of physical injury to the public or constitute an unsightly appearance.

(This section loosely relates to the subject if the condition is considered an unsightly appearance.)

As you can see, our Municipal Code falls short of prohibiting blowing yard debris onto City streets. Council is asked to consider whether this issue is offensive enough to warrant a change to the Code. If it is, then staff will proceed with bringing forth proposed language.