



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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To: Honorable Mayor and Town Council Date: February 26, 2013

From: Jim Andersen Code Enforcement Manager Item No: 11  
Code Enforcement

Subject: UNAUTHORIZED REMOVAL OF RECYCLABLES

T.M. Approval: \_\_\_\_\_ Budgeted Item:  Yes  No  N/A

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### RECOMMENDED ACTION:

Receive and File

### SUMMARY:

It is unlawful and a Misdemeanor for anyone to remove recyclables from a receptacle once they have been placed out for collection. A person caught by Code Enforcement in the act of removing recyclables from a recycling receptacle will be issued a notice to appear in court. The unauthorized removal of recyclables typically takes place in the morning hours before the trash carts are serviced. Code Enforcement addresses this issue in three ways:

1. Proactive patrol: Code Enforcement Officers will stop and issue a citation to anyone they see digging through a trash cart.
2. Reactive Complaint: This violation is considered a priority, if a complaint is received, the area Officer will respond immediately in an attempt to locate the subject.
3. Recycling sweeps: Once or twice a year for a period of time between two weeks to a month, Code Officers begin work in the early morning hours and patrol the areas where trash is being serviced, targeting people who are going through trash carts.

### FISCAL IMPACT:

None

## **BACKGROUND:**

Code Enforcement has created a book with photos and identifying information of people caught removing recyclables from receptacles. Code Officers have found many of the subjects are repeat offenders who seldom respond to court when issued a citation. When a subject fails to appear in court, the judge will issue a bench warrant for their arrest.

In the last couple of years Code Enforcement has issued 195 citations for unauthorized removal of recyclables. This year, in less than two months 14 people have been issued citations for this violation.

Below is the Code Section.

### **6.20.060 Persons authorized to process solid waste and recyclables.**

The Town and its duly authorized agents, servants and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefore, and the agents, servants and employees of such contractors, while any such contract shall be in force, shall have the exclusive right to provide solid waste and recyclables processing services from all premises in the Town; and no person other than those above specified shall provide solid waste and recyclables processing services, convey or transport any solid waste or recyclables in, along or over any public street, alley or highway in the town, or take any solid waste or recyclables from any receptacle in which the same may be placed for collection or removal, or interfere with or disturb any such receptacle, or remove any such receptacle from any location where the same is placed by the owner thereof, except as follows:

- (a) Contractors or builders removing solid waste or recyclables from their construction sites; or
- (b) Any person holding a valid Town business license to engage in the nursery or gardening business or to any person removing shrubbery, grass, tree cuttings, tree trimmings or other agricultural debris from any property owned or occupied by such person; or
- (c) Any person removing industrial wastes or industrial recyclables, as defined in Section 6.20.010; or
- (d) Any person removing large or oversized items of solid waste or recyclables from their premises; or
- (e) Any person applying and obtaining a permit in writing from the Town for removing solid waste or recyclables; or
- (f) Any person may recycle his or her own recyclables generated within his or her principle residence to the extent permitted by law. (Amended per Ord. 419 adopted 5-10-11).