

ORDINANCE NO. 195-2017

**AN ORDINANCE ADDING SECTION 5-24, CHAPTER 5 OF THE CLEARLAKE
MUNICIPAL CODE PROHIBITING SCAVENGING**

The City Council of the City of Clearlake, State of California does hereby ordain as follows:

SECTION 1. DECLARATION OF INTENT:

The purpose of this Ordinance is to improve the provisions of the City Code regulating scavenging.

SECTION 2.

Section 5-24 is hereby added and it shall read as follows:

(a) No person shall rummage through, scavenge or remove any material from any trash receptacle, trash dumpster, or other solid waste or recyclable material container which:

(1) Is stored on any private property improved with a single family residence, apartments, multiple-family dwelling structure, business, commercial use structure, institutional use structure, or an industrial use structure pending collection for disposal or recycling; or

(2) Has been placed at the adjacent curb or public street right of way, or any of the property types listed above for trash collection, disposal or recycling;

(3) No person shall rummage through, scavenge or remove any oversized item or material placed for special collection on any public property or on private property adjacent to the curb or side of any public street for collection for disposal or recycling by city personnel or any agent of the city for collection.

(4) No person shall rummage through, scavenge or remove any material from any trash receptacle, trash dumpster, or other solid waste or recyclable material container intended for public use, regardless of location. Such prohibition shall not extend to city employees acting within their employment duties or an agent of the city acting within their agency.

(b) No person shall have in his or her possession any shopping cart or another similar device, which contains any materials which have been removed from a trash or recyclable receptacle in violation of the prohibitions of this chapter.

(c) For purposes of this chapter, the term scavenging shall include entering into, accessing, or otherwise invading any trash receptacle, trash dumpster, or other solid waste or recycling material container, whether or not any material, item, or property is removed.

(d) Nothing in this section, or its application to any person or circumstance, is intended to extend or afford any expectation of privacy to any material placed in any receptacle, trash dumpster, or other waste or recyclable material container.

SECTION 3. **CONFLICTS:**

All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

SECTION 4. **EFFECTIVE DATE:**

The effective date of this Ordinance is thirty (30) days after its adoption by the City Council.

Passed and Adopted this 23rd day of March, 2017 by the following vote:

AYES: Mayor Perdock, Vice Mayor Sabatier, Councilmembers Bennett, Overton and Harris

NOES: None

ABSENT OR NOT VOTING: None



Mayor, City of Clearlake

ATTEST:



City Clerk, City of Clearlake

