



# Memorandum

**TO:** Economic Development Committee

**FROM:** Tina Wehrmeister, Assistant City Manager/Planning Director

**DATE:** October 12, 2021

**SUBJECT:** Litter Containers for Commercial Centers

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At the last EDC Committee meeting the committee members requested that the overview of the policy related to the trash containers at commercial centers to be added to the following meeting's agenda. This memo intends to provide the summary for the related ordinance.

Litter Containers for Commercial Properties.

- Council initiated this ordinance after observing and receiving complaints regarding excess trash. Specifically, in shopping areas where food businesses are located. This was exasperated during "COVID" with increased outdoor dining and take away options being made available.
- Applies to all owners of commercial buildings and commercial retail centers wherein a food vendor is operating. **Note that this is a requirement of owners, not the businesses (if they are not the same).**
- Containers shall be:
  - outside of a commercial building, within ten (10) feet of any public entrance/exit where the food vendor is operating; and
  - in a commercial retail center, at intervals of three hundred fifty (350) feet along the pedestrian walkways; and
  - Container(s) shall not impede pedestrian accessibility
  - Litter container(s) may be placed near recycling containers or included in a 3-compartment discard waste container.
  - Located in such a manner that is readily accessible for removing and emptying the container.

- For properties that involve outdoor eating areas:
  - A 3-compartment discard waste container shall be placed in a central and visible location near the outdoor eating area; labeled with clear signage describing organics, recycling and litter;
  - Containers shall be emptied a minimum of once a week or more frequently as needed and kept in good condition, clean and free of graffiti.
- Notification and Enforcement
  - Property owners and property managers were provided notice of the new regulations.
  - Code Enforcement responds when a complaint is received. 1) warning to property owner; 2) Notice of Violation with timeline to resolve; 3) citation if violation is not addressed.
  - So far complaints have been addressed quickly by shopping center owners and were related to having adequate staff on busy weekends to empty pedestrian trash cans into larger shopping center bins.

**Sec. 6-5.602. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "3-Compartment discard waste containers" means separation of organic waste, traditional recyclables, and items to be landfilled.
- (b) "Commercial building" means a structure in which at least fifty (50%) percent of its floor space is used for commercial activities.
- (c) "Commercial retail centers" property that contains more than one commercial building or property with one commercial building that has more than one unit that are leased for commercial purposes. "Commercial retail centers" shall include strip malls, shopping centers, business parks.
- (d) "Food vendor" means any and all sales outlets, stores, shops, vehicles or other places of business located within the City of Pacifica which operate primarily to sell or convey foods or beverages directly to the ultimate consumer. "Food vendor" shall include both restaurants and retail food vendors.
- (e) "Litter" shall mean garbage and rubbish, as defined in PMC section 6-5.102, and all other materials which, if thrown, deposited, or allowed to accumulate tend to create a danger to the public health, safety, and welfare and which materials are not within a receptacle provided therefor.

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- (f) "Litter container" a receptacle for depositing litter, which is of at least thirty-two (32) gallons and contains a lid or closure of some type which prevents the deposited litter from being removed.
  - (g) "Outdoor eating area" an outdoor space reserved on a property for the consumption of prepared food sold or provided by a retail food vendor.
  - (h) "Owner" means the owner or owners of real property having fee title to the property as identified in the most recent equalized assessment roll of the San Mateo County Assessor.
  - (i) "Prepared food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food vendor's premises within the City of Pacifica. Prepared food may be eaten either on or off the premises. Prepared food does not include raw food such as eggs or meat.
  - (j) "Recycling" means the process of sorting, cleansing, treating and reconstituting waste or other discarded materials for the purpose of using the altered form. "Recycling" does not include merely sorting, shredding, stripping, compressing, storing, land filling with, or otherwise disposing of waste or other discarded materials.
  - (k) "Retail food vendor" means any establishment other than a restaurant, located within the city where prepared food is sold for consumption on, near or off its premises to customers. For purposes of this article the term includes a delicatessen or cafe.
  - (l) "Tenant" means any person or persons other than the owner occupying or in possession of the commercial space.
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