





COUNCIL AGENDA REPORT

Meeting Date October 20, 2015

FROM: Steven Winkler, Public Works Director 

PREPARED BY: Anne Dennis, Administrative Analyst 

SUBJECT: **ORDINANCE ADDING CHAPTER 8.49 TO THE GALT MUNICIPAL CODE RELATING TO HOME-GENERATED SHARPS WASTE MANAGEMENT**

RECOMMENDATION

Adopt an ordinance adding Chapter 8.49 to the Galt Municipal Code relating to home-generated sharps waste management.

DISCUSSION

This ordinance was introduced at the regular City Council meeting on October 6, 2015, and is now presented for adoption. After discussion, the consensus from Council and the audience was that this ordinance was a good start in the right direction. Possible future amendments to the ordinance can be addressed after implementation and an assessment of the success of the ordinance.

State law (Health & Safety Code § 118286) prohibits disposal of home-generated sharps waste (hypodermic needles, pen needles, intravenous needles, lancets and other devices that are used to penetrate the skin for the delivery of medications) in the trash or recycling containers, and requires that all sharps waste be transported to a collection center in an approved sharps container.

It is recommended that the City Council amend the Galt Municipal Code adding Chapter 8.49 to require all retail stores, hospitals and other points of sale or distributors of sharps for home use in the City of Galt to take back used sharps for proper disposal at no additional cost to the customer. The ordinance will require retailers and other sharps providers in the City to establish a system for the collection of home-generated sharps waste for proper disposal during the retailer's or provider's normal hours of operation no later than 60 days after the effective date of the ordinance (approximately mid-January 2016).

City Manager Approval:



TYPE OF ITEM:	COUNCIL ACTION: Introduced	Approved	Denied	Revised
<input checked="" type="checkbox"/> Consent	Reso No _____	Ord No _____		
<input type="checkbox"/> Departmental	Moved By:			
<input type="checkbox"/> Public Hearing	Seconded By:			
<input type="checkbox"/> Successor Agency	Vote:			
<input type="checkbox"/> Other: Ordinance				

FISCAL IMPACT

None.

ALTERNATIVES

1. Provide further direction to staff.
2. No action.

ATTACHMENTS

1. Proposed Ordinance adding Chapter 8.49 to the Galt Municipal Code

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALT, CALIFORNIA, ADDING CHAPTER 8.49 TO THE GALT MUNICIPAL CODE RELATING TO HOME- GENERATED SHARPS WASTE MANAGEMENT

THE CITY COUNCIL OF THE CITY OF GALT hereby ordains as follows:

Section 1. Purpose.

A. The City Council finds and determines:

1. Section 118286 of the California Health and Safety Code prohibits the disposal of home-generated sharps waste in trash or recycling containers and requires that sharps waste be transported to a collection center in an approved sharps container.

2. It is necessary and desirable to establish a program to ensure the safe and environmentally sound disposal of home-generated sharps waste and to ensure that the costs associated with the handling and disposal of home-generated sharps waste are the responsibility of the retailers and providers of sharps that become home-generated sharps waste.

3. The establishment of a sharps waste management program will protect and promote the public health, safety and welfare by reducing the illegal disposal of home-generated sharps waste, increasing the safe and environmentally sound disposal of home-generated sharps waste, and providing convenient local disposal options for home-generated sharps waste.

B. The purpose of this ordinance is to establish a sharps waste management program that will: (1) reduce the likelihood of the illegal disposal of home-generated sharps waste and thereby promote the safe and environmentally sound disposal of home-generated sharps waste in compliance with Health and Safety Code Section 118286, (2) ensure that costs associated with the proper management of home-generated sharps waste are internalized by the retailers and providers of sharps that become home-generated sharps waste at or before the point of purchase, and not at the point of discard, and (3) provide retailers and providers of sharps flexibility to partner with each other, and with those private and nonprofit business enterprises that currently provide collection and disposal services, to develop and promote safe and effective home-generated sharps waste management systems to achieve compliance with this ordinance.

Section 2. Addition of Chapter 8.49 to the Galt Municipal Code. Chapter 8.49 is added to Title 8 of the Galt Municipal Code regarding Health and Safety, to read as follows:

Chapter 8.49 HOME-GENERATED SHARPS WASTE MANAGEMENT

8.49.010 Definitions.

A. “Consumer” means a person who acquires sharps for personal use, or for use on a pet.

B. “Home-generated sharps waste” means sharps that have been used by a consumer.

C. “Provider” means any person that sells or otherwise furnishes sharps to consumers at a medical or veterinary office, clinic or hospital located in the City.

D. “Retail or provider establishment” means the location in the City where the retailer sells sharps or the provider sells or furnishes sharps to consumers.

E. “Retailer” means any person that sells sharps directly to consumers at a business located in the City.

F. “Sharps” means one or more hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications or testing of blood or tissue.

8.49.020 Sharps Management.

A. Not later than sixty (60) days after the effective date of the ordinance adding this chapter to this code, every retailer and every provider of sharps in the City shall establish a system for the collection of home-generated sharps waste for proper disposal during the retailer's or provider's normal hours of operation.

B. Each system established by a retailer or provider for the collection and disposal of home-generated sharps waste shall include, at a minimum, the following elements:

1. A receptacle or receptacles in a convenient location within the retail or provider establishment for the collection of home-generated sharps waste that meets the requirements specified in subsection B(2) below. Any receptacle used for the collection of home-generated sharps waste shall meet applicable state and federal standards.

2. Signage prominently displayed within five (5) feet of every entrance to the retail or provider establishment and easily visible to the consumer, indicating that the retail or provider establishment collects home-generated sharps waste from consumers.

3. The retailer or provider shall dispose of all home-generated sharps waste that is collected at the retail or provider establishment in accordance with all applicable laws and regulations.

C. A retailer shall at a minimum provide the following onsite collection services:

1. The collection from a consumer of home-generated sharps waste if the retailer previously sold sharps to the consumer, at no cost to the consumer. The retailer may require proof of purchase of the prior sales, and shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps previously sold to the consumer.

2. The collection of home-generated sharps waste from a consumer simultaneously purchasing sharps from the retailer, at no cost to the consumer. The retailer shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps being purchased.

D. A provider shall at a minimum provide the following onsite collection services:

1. The collection from a consumer of home-generated sharps waste if the provider previously sold or otherwise furnished sharps to the consumer, at no cost to the consumer. The provider may require proof of purchase of the prior sales, or proof that sharps were provided to the consumer if provided at no cost, and shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps previously sold or provided to the consumer.

2. The collection of home-generated sharps waste from a consumer simultaneously purchasing or otherwise obtaining sharps from the provider, at no cost to the consumer. The provider shall not be required to accept home-generated sharps waste in an amount exceeding the amount of sharps being purchased or obtained.

E. In lieu of an onsite collection system as described and required in subsections B, C and D, a retailer or provider may satisfy the requirements of this section 8.49.020 by providing state-approved "free of charge" mail-back sharps disposal containers to consumers who are purchasing or obtaining sharps from the retailer or provider.

8.49.030 Regulations.

The City Council may establish regulations to implement the provisions of this chapter, which shall become effective and applicable to retailers and providers in the City when adopted by resolution of the City Council.

8.49.040 Enforcement.

A. In addition to any other remedy allowed by law, the City may enforce the provisions of this Ordinance through the provisions of Title 21 of the Galt Municipal Code, including civil, criminal, and administrative abatement proceedings, administrative citations, and penalties.

B. Any civil penalties or administrative penalties collected shall be used for the City's costs of administration under this chapter and for programs for the collection and/or disposal of home-generated sharps waste.

C. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

Section 3. Severability. If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 4. Effective Date and Publications. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall, at least five (5) days prior to meeting at which this Ordinance is to be adopted and within fifteen (15) days of its adoption, cause a summary of this Ordinance to be published in a newspaper of general circulation published and circulated in the City of Galt and a certified copy of the full text of the Ordinance to be posted in the office of the City Clerk. This Ordinance shall take effect thirty (30) days following its adoption.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council on the 6th day of October, 2015 and by unanimous vote of the city Council members present, further reading was waived.

On motion by Council Member _____, seconded by Council Member _____, the foregoing Ordinance was duly passed and adopted by the City Council of the city of Galt, California, at the regular meeting thereof, this 20th day of October, 2015, by the following vote, to wit:

AYES:	Council Members:
NOES:	Council Members:
ABSTAIN:	Council Members:
ABSENT:	Council Members:

MAYOR, City of Galt

ATTEST:

City Clerk, City of Galt