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CITY OF OAKLAND



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September 24, 2013

**CITY COUNCIL COMMITTEE ON PUBLIC WORKS**

Oakland City Council  
Oakland, California

**Subject: Supplemental Proposed Modification to Illegal Dumping Definitions**

Dear Chairperson Kaplan and Members of the Public Works Committee:

Please be advised that our Office is preparing amendments to the Illegal Dumping Ordinance to conform the mattress definitions of the City's ordinance with the Mattress Recycling Bill (SB 254, Hancock). The state Legislature recently passed SB 254 and we anticipate the governor will sign it into law. The proposed Illegal Dumping Ordinance imposes penalties for illegally dumping mattresses. The Legislature passed SB 254 too late to include its definitions in the proposed ordinance.

Many of the definitions in the proposed ordinance conform with current state law. Conforming some definitions with state law definitions makes enforcement easier.

For the above reasons, we will amend the proposed ordinance to incorporate the following definitions from SB 254:

*"Foundation" means a ticking-covered structure used to support a mattress or sleep surface. The structure may include constructed frames, foam, box springs, or other materials, used alone or in combination.*

*"Mattress" includes a foundation and a renovated mattress or renovated foundation.*

*"Mattress" does not include the following:*

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- (A) *An unattached mattress pad or unattached mattress topper, including items with resilient filling, with or without ticking, intended to be used with or on top of a mattress.*
- (B) *A sleeping bag or pillow.*
- (C) *A car bed, crib, or bassinet mattress.*
- (D) *Juvenile products, including a carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, or crib bumper, and the pads for those juvenile products.*

Due to timing issues, we did not have the opportunity to incorporate these definitions in the proposed draft ordinance that is in the packet.

Please contact Richard Illgen, Deputy City Attorney, if you have any questions regarding these amendments.

Respectfully submitted,



BARBARA J. PARKER  
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