

ORDINANCE NO. 11074 MAY 1 1978  
(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6 RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by repealing Section 66.05 as indicated below:

SEC. 66.05 GARBAGE, REFUSE COLLECTION - VIOLATION  
DECLARED PUBLIC NUISANCE

Section 2. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by renumbering the following sections as indicated below:

SEC. 66.03	to	SEC. 66.0105
SEC. 66.04	to	SEC. 66.0106
SEC. 66.06	to	SEC. 66.0122
SEC. 66.07	to	SEC. 66.0123
SEC. 66.11	to	SEC. 66.0124
SEC. 66.12	to	SEC. 66.0125
SEC. 66.13	to	SEC. 66.0126
SEC. 66.14	to	SEC. 66.0127

Section 3. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by amending the title of the Article and Sections 66.0105, 66.0106, 66.0122 and 66.0126 as renumbered in Section 2 above to read as follows:

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ARTICLE 6

COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE

SEC. 66.0105 REFUSE COLLECTION - HOURS FOR PLACING  
CONTAINERS ON SIDEWALK, CURB, ETC.

It shall be unlawful for any person to place, deposit or permit to remain any refuse or containers therefor on the public streets, curbs, curbings or sidewalks before 6:00 o'clock p.m. of the day prior to the regular day for collection by the City or licensee of such refuse, or after 6:00 o'clock p.m. of such regular collection day.

SEC. 66.0106 REFUSE COLLECTION - CENTRAL TRAFFIC  
DISTRICT - HOURS FOR PLACING CONTAINERS  
ON SIDEWALK, CURB, ETC.

It shall be unlawful for any person to place, deposit or permit to remain any refuse or containers therefor on the public streets, curbs, curbings, or sidewalks in any Central Traffic District as established by City ordinance before 6:00 o'clock a.m. of the regular day for collection by the City or licensee of such refuse, or to permit any such materials or containers therefor to remain in such places after 10:00 o'clock a.m. of such day or one (1) hour after such materials in the same block have been removed, whichever is later.

SEC. 66.0122 REFUSE CONTAINERS

(a) All refuse shall be placed out for collection in containers that are in good condition, clean and leakproof, except as otherwise provided in subparagraph (d) of this section.

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(b) All containers shall be designed for the express purpose of refuse storage and disposal.

(c) No container shall weigh more than twenty-five (25) pounds empty nor more than eighty (80) pounds filled, nor shall it have a capacity of more than forty-five (45) gallons, except by agreement between the refuse collector and the customer, and all containers shall be equipped with tight-fitting lids or closures.

(d) Brush landscape trimmings and similar materials shall be tied securely in bundles weighing not more than fifty (50) pounds and not more than four (4) feet long unless containerized.

(e) Containers which do not comply with the requirements of this Code, or which deteriorate to the point where they do not so comply, will be tagged and shall no longer be used for refuse storage and disposal.

(f) Reusable containers supplied by a licensee shall be clearly marked to indicate the name and telephone number of the licensee.

SEC. 66.0126 FEES APPLICABLE TO GOVERNMENTAL ENTITIES  
FOR USE OF SANITARY LANDFILL REFUSE  
DISPOSAL AREAS

Fees required by Section 66.0125 shall apply to all governmental entities except the City. The Manager may negotiate for use of the sanitary landfill refuse disposal areas by other governmental entities without payment of a fee if no fees are required for the use, if any, by the

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City of sanitary landfill refuse disposal areas owned or operated by such other governmental entities.

Section 4. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by adding Sections 66.0101, 66.0102, 66.0103, 66.0104, 66.0107, 66.0108, 66.<sup>.0109</sup>~~0110~~, 66.<sup>.0110</sup>~~0111~~, 66.<sup>.0111</sup>~~0112~~, 66.0109, 66.0113, 66.0114, 66.0115, 66.0116, 66.0117, 66.0118, 66.0119, 66.0120 and 66.0121 to read as follows:

SEC. 66.0101 PURPOSE AND INTENT

It is the purpose and intent of this Article to provide detailed and comprehensive rules for the collection, transportation, and disposal of refuse in the City of San Diego.

Consistent with the above purpose, it is intended herein to provide rules supplementing the provisions of Section 66.0123 of the San Diego Municipal Code, or subsequent amendments, and create an efficient method of licensing and regulating the collection, transportation, and disposal of refuse within the City of San Diego.

If any portion of this Article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Article.

SEC. 66.0102 DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

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(a) "Refuse" shall have the same meaning as "City refuse" defined in Section 66.0123 of this Code.

(b) "Highway" shall mean any public street, road, alley, sidewalk, highway or thoroughfare, and all areas within the right of way boundaries thereof.

(c) "Licensee" shall mean any person who holds a valid unrevoked and unexpired license for the collection, transportation, and disposal of refuse from residential, commercial, institutional, or industrial premises in the City of San Diego.

(d) "Refuse Collector" shall mean any licensee or governmental agency authorized to collect refuse within the city.

(e) "Manager" shall mean the City Manager of The City of San Diego or his duly authorized representative.

(f) "Person" shall mean any person, persons, corporation, partnership or association.

SEC. 66.0103 DISPOSAL OF REFUSE

It shall be unlawful for any person to place or deposit or hire any other person to place or deposit any refuse upon the right of way of any highway or upon any camping place or public grounds or upon any public property except where such property has been approved by the Manager as a disposal site.

SEC. 66.0104 TRANSPORTATION OF REFUSE

No person shall convey or transport refuse upon or along any public highway in the city unless such refuse

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is contained and/or covered or otherwise secured so as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle or container or equipment in which it is being conveyed or transported; provided, however, that the top cover of a vehicle engaged in the collection of refuse may expose one-third of the vehicle bed while traveling between pickup stops where said stops are separated by less than one-quarter mile. When traveling between collection routes and a disposal area, all loads of refuse must be completely covered. All vehicles, containers and equipment used in the transportation of any form of refuse shall be kept clean, and no person shall drain or allow to be drained the liquid from any such vehicle upon any other land in such manner as to create an unsanitary condition. Persons transporting refuse on the public highways shall completely empty the refuse from their vehicles and/or containers at the disposal site in order to prevent the scattering of residue on the return trip.

SEC. 66.0107 LICENSE REQUIRED FOR THE COLLECTION,  
TRANSPORTATION, AND DISPOSAL OF REFUSE

(a) No person shall collect, transport, or dispose of refuse within the City of San Diego without a current, unrevoked license issued by the City Treasurer. No vehicle shall be used in the collection, transportation, and disposal of refuse within the City of San Diego unless it carries a current, unrevoked tag or decal issued by the City Treasurer.

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(b) Persons transporting refuse from their residences, refuse produced in the course of their own business, or refuse collected in the course of community clean-up campaigns shall not be required to obtain a license nor a tag or decal for their vehicles; provided, however, that such persons shall be required to transport said refuse in the manner set forth in Section 66.0105. Municipal corporations and other governmental agencies engaged in the collection, transportation, or disposal of refuse within the City of San Diego shall be exempt from the license and tag or decal requirements of this section.

SEC. 66.0108 LICENSE APPLICATIONS

Applications for licenses to collect, transport, and dispose of refuse shall be made to the City Treasurer upon forms provided by the City at least thirty (30) days prior to the beginning of the fiscal year for which the license is requested. Applications for such licenses shall include but not be limited to the following information:

(a) Name, home address, and telephone number of applicant.

(b) Business address and telephone number.

(c) Address where all vehicles and operating equipment will be kept and the zone classifications of such locations.

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(d) If applicant is a firm, association, organization, partnership, joint venture, corporation, business trust or company, the names and addresses of owners and officers and their percentage of ownership.

(e) A description of all vehicles and equipment that the applicant owns or has under his control for the collection or transportation and disposal of refuse, and a statement as to whether said vehicles and equipment are self-unloading and equipped with audible automatic back-up warning devices as required by Section 66.0505(b).

(f) A description of the general area to be served.

(g) A statement of the proposed use of the license; i.e., collection or disposition of animal feed, animal parts for processing, or the collection, transportation or disposal of refuse generally, or under governmental contract.

(h) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping vehicles and equipment clean and in good repair and that he owns or has access to reasonable office and billing facilities.

(i) Facts demonstrating that the applicant owns or has the legally enforceable right to use at least two collection vehicles, the bodies of which are closed, leakproof, and constructed for the purpose of refuse collection, transportation and disposal.

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(j) Any additional facts which demonstrate that the applicant is able to render efficient collection, transportation and/or disposal service.

SEC. 66.0109 DETERMINATION OF ELIGIBILITY FOR LICENSE TO COLLECT, TRANSPORT OR DISPOSE

Upon receipt of a completed application for a license to collect, transport or dispose of refuse, the City Treasurer shall forward the application to the Manager who shall determine if the applicant has complied with the above provisions. After such determination, the Manager shall either approve the issuance of the license and a tag or decal for each of applicant's vehicles upon payment of the required fee, or deny the license specifying in writing the cause for such denial.

SEC. 66.0110 FAILURE TO ACT

If the Manager fails to act on an application to collect, transport, and dispose of refuse within thirty (30) days from the receipt of said application, the applicant may, at his option, deem the application denied.

SEC. 66.0111 APPEAL

If the Manager determines that a license to collect, transport and dispose of refuse shall not be issued, or if the license application is deemed denied, the applicant shall have the right to an appeal hearing before the City Council. A petition for an appeal hearing shall be made by the applicant in writing to the City Clerk within ten (10) calendar days after receipt of notice of denial or

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within ten (10) calendar days after an application is deemed denied. Upon filing of the written request for an appeal hearing, the City Clerk shall set the matter for hearing on a date not more than fourteen (14) days following the filing of the written request, or any later date as the applicant and the City Clerk agree, or as the City Council may order, and shall give written notice of the time, date and place of hearing to the applicant and the Manager. At the appeal hearing the applicant shall have the burden of proof to show facts demonstrating that the applicant does in fact meet the requirements of this Article. The City Council shall render its decision within fifteen (15) days after the close of the appeal hearing. The decision of the City Council shall be final.

SEC. 66.0112 LICENSES FOR COLLECTION, TRANSPORTATION  
AND DISPOSAL OF REFUSE

All licenses and tags for decals shall be issued to expire at the end of the fiscal year of the City. The annual fee for a license shall be a flat fee of \$100.00 plus \$100.00 per vehicle used to collect, transport or dispose of refuse in the City. Fees for licenses and tags or decals shall be paid at the time of application for the license.

The fee during a licensee's first year of operation shall be prorated on a monthly basis. No fees shall be refunded. However, if a license application is denied, a full refund of the license fee shall be made by the City Treasurer to the applicant.

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SEC. 66.0113 RENEWAL OF LICENSES

Licenses may be renewed annually by the City Treasurer upon application by a licensee if the Manager determines that the licensee remains in compliance with the provisions of this Article. Applications for license renewal shall be submitted in the same manner as prescribed in Section 66.0108.

SEC. 66.0114 TRANSFER OF LICENSES PROHIBITED

Licenses issued under the provisions of this Article shall not be transferable, and such licenses shall become void upon the abandonment of same by the licensee. For transfer of vehicle tags or decals, see Section 66.0120.

SEC. 66.0115 INSURANCE

All licensees shall maintain and keep in force on each vehicle, public liability insurance in an amount not less than \$500,000 for injury or death of any one person, and not less than \$1,000,000 for injury or death to more than one person arising out of any one accident, and property damage insurance in an amount not less than \$100,000. Copies of the insurance policies or certificates evidencing such policies shall be filed with the Manager prior to the issuance of any license to collect, transport or dispose of refuse. All policies shall contain a provision requiring that ten (10) days' notice must be given to the Manager prior to cancellation, modification or reduction of the limits of the policy by the insured.

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SEC. 66.0116 PERFORMANCE BONDS

All licensees must post a cash bond of \$10,000 or a surety bond in the same amount furnished by a corporate surety authorized to do business in the State of California payable to The City of San Diego. The bond shall be deposited with the City Treasurer prior to the issuance of any license to collect, transport or dispose of refuse and shall be conditioned on the full and faithful performance of the licensee of his obligations under the provisions of this Article. Whenever the Manager shall find that a default has occurred in the performance of any of said obligations, written notice thereof shall be given to the licensee and the surety on the bond. Such notice shall identify the nature and extent of the default and the estimated cost of correction thereof. After receipt of such notice the licensee or the surety must, within ten (10) days, either correct the default or deposit with The City of San Diego the estimated cost of correcting the default as set forth in the notice, plus an additional sum equal to ten percent (10%) of such cost.

In the event that the licensee or surety fails to correct such default within the time specified in the notice, or fails to deposit the estimated cost plus ten percent (10%) with the City, the Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The licensee and

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the surety shall be jointly and severally liable for the cost of correcting such default.

If the licensee or surety deposits the estimated cost plus ten percent (10%) as set forth in the notice, the Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The licensee and surety shall hold the City harmless from any liability or claim in connection with the work so performed by the City, its authorized agent, or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If a cash bond has been posted, notice of default as provided above shall be given to the licensee and, if compliance is not had within the time specified, the Manager shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or any portion of such deposit to cause the required work to be done by contract or otherwise in his discretion. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work. The bond will be kept in force throughout the life of the license and all renewals thereof.

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SEC. '66.0117 RULES AND REGULATIONS

The collection, transportation and disposal of refuse within the City of San Diego is under the supervision of the Manager who shall have the power to promulgate rules and regulations regulating such collection, transportation and disposal, including but not limited to:

- (a) Collection routes and scheduling;
- (b) Service standards and pickup locations; and
- (c) Handling of hazardous materials.

A copy of said rules and regulations and all amendments thereto shall be sent by registered or certified mail, postage prepaid, to all affected licensees addressed to their last place of business.

SEC. 66.0118 STANDARDS FOR LICENSEES

(a) Licensees shall provide, within the area served, service to all residential, commercial, institutional, and industrial establishments desiring such collection, transportation and disposal service.

(b) A licensee's charges for all services shall be nondiscriminatory and uniform for equal services rendered.

(c) Any licensee may refuse service to any customer for failure to pay his just bill or for any substantial refusal to comply with the requirements of Section 66.0122 herein or with collection rules and regulations after giving the customer an opportunity to comply. The Manager shall be notified of these service refusals concurrently with the customer.

(d) The Manager may prescribe the intervals and times at which collections shall be made to insure that collections are made at such intervals and at such times as will provide a reasonable and adequate refuse collection service considering the type of service performed and the character of the area served.

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SEC. 66.0119 SUSPENSION OR REVOCATION OF LICENSE

A license may be suspended or revoked by the Manager when the licensee violates any provision of this Code or any rule or regulation promulgated by the Manager. Written notice of suspension or revocation of the license shall be served personally or by registered or certified mail, postage prepaid, to the last place of business or residence of the licensee, and the licensee shall cease operations under his license within ten (10) days after receipt of said notice unless the license has been reinstated by the Manager or an appeal hearing before the City Council is requested by licensee prior to expiration of said ten (10) day period. In the event that such an appeal hearing is requested, said licensee may continue collecting and transporting or disposing of refuse until the City Council has rendered its decision on the suspension or revocation of the license. Any person whose license has been revoked or suspended has the right to an appeal hearing before the City Council. A request in writing shall be made to the City Clerk within ten (10) calendar days after receipt of notice or suspension or revocation, and the appeal hearing shall be held not later than fourteen (14) days following the receipt of the written request. Written notice of the time, date and place of the appeal hearing shall be given by the City Clerk to the licensee and to the Manager.

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The City Council shall render its decision within fifteen (15) days after the close of the appeal hearing and its decision shall be final.

SEC. 66.0120 VEHICLE INSPECTION AND TAGS

All vehicles and other equipment used in the collection, transportation, and disposal of refuse shall be inspected as often as the Manager deems necessary and at such times and places as shall be designated by said Manager. The Manager shall provide for each vehicle operated by licensee, a durable tag or decal upon payment of the applicable license fee. Such tag or decal shall be securely fastened and maintained by the licensee on each vehicle so as to be clearly visible from the rear of the vehicle. The Manager may suspend the tag or decal of any vehicle that fails to meet the requirements of this Article, and such vehicle shall not be used for the collection, transportation or disposal of refuse until the tag or decal has been reinstated by the Manager. In the event any vehicle fails to meet the requirements of this Article, or in the event any vehicle becomes temporarily or permanently inoperable or unavailable, the licensee may transfer said vehicle's tag or decal to another vehicle to be operated by licensee, which vehicle has passed City inspection and does meet the requirements of this Article. If the tag or decal transferred to such substitute vehicle is for a period of two (2) weeks or or less, the requirements of name, address and telephone

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number designation specified by Section 66.<sup>0121</sup>~~0505~~ shall  
not apply. *lm*

SEC. 66.0121 VEHICLE AND EQUIPMENT STANDARDS

(a) All vehicles and equipment used in the collection, transportation or disposal of refuse shall be in good mechanical condition, clean and neatly painted. Said vehicles shall carry a shovel, broom and wheel chocks. The name and telephone number of the licensee shall be clearly inscribed in letters at least three (3) inches high on each side and across the back of each vehicle or equipment.

(b) Vehicles used in the collection, transportation and disposal of refuse with a rated capacity of more than one and one-half tons (3,000 pounds) shall be equipped with audible automatic back-up warning devices.

(c) Vehicles used in the collection, transportation and disposal of refuse with a rated capacity of more than one and one-half tons (3,000 pounds) shall be closed, leakproof, self-unloading and constructed for the purpose of refuse collection, transportation and disposal.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By *DW Detisch*  
Donald W. Detisch, Deputy

**MICROFILMED**

**MAY 1 1978**

DWD:cav  
4/16/73

Passed and adopted by the Council of The City of San Diego on MAY 31 1973,  
 by the following vote:

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1973 MAY 11 AM 11:23

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Mease, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 17 1973, and on MAY 31 1973.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Mease, Deputy.

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**MAY 1 1978**

Office of the City Clerk, San Diego, California	
Ordinance Number	<b>11074</b> Adopted <u>MAY 31 1973</u>

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1973 JUN 20 AM 10:10

SAN DIEGO, CALIF. *SJ*

ATTORNEY (S)

CITY OF SAN DIEGO  
202 C Street  
12th Floor  
San Diego, California 92101

**CERTIFICATE OF PUBLICATION**

No. \_\_\_\_\_

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IN THE MATTER OF  
RELATING TO THE TRANSPORTATION , COLLECTION AND  
DISPOSAL OF REFUSE

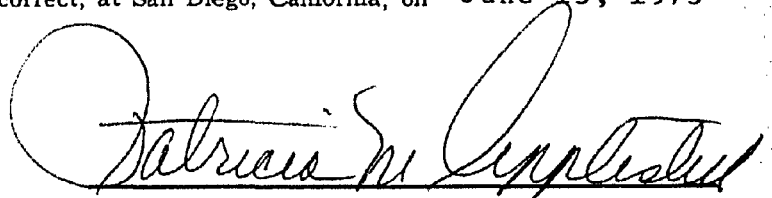
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I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 11074

is a true and correct copy of which this certificate is annexed and was published in said newspaper on June 8, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on June 13, 1973



(Signature)

**ORDINANCE NO. 11074**

(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6 RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE. BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by repealing Section 66.05 as indicated below:

SEC. 66.05 GARBAGE, REFUSE COLLECTION—VIOLATION DECLARED PUBLIC NUISANCE

Section 2. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by renumbering the following sections as indicated below:

SEC. 66.03 to SEC. 66.0105  
SEC. 66.04 to SEC. 66.0106  
SEC. 66.06 to SEC. 66.0122  
SEC. 66.07 to SEC. 66.0123  
SEC. 66.11 to SEC. 66.0124  
SEC. 66.12 to SEC. 66.0125  
SEC. 66.13 to SEC. 66.0126  
SEC. 66.14 to SEC. 66.0127

Section 3. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by amending the title of the Article and Sections 66.0105, 66.0106, 66.0122 and 66.0126 as renumbered in Section 2 above to read as follows:

**ARTICLE 6**

**COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE**  
SEC. 66.0105 REFUSE COLLECTION—HOURS FOR PLACING CONTAINERS ON SIDEWALK, CURB, ETC.

It shall be unlawful for any person to place, deposit or permit to remain any refuse or containers therefor on the public streets, curbs, curbs or sidewalks before 6:00 o'clock p.m. of the day prior to the regular day for collection by the City or licensee of such refuse, or after 6:00 o'clock p.m. of such regular collection day.

SEC. 66.0106 REFUSE COLLECTION—CENTRAL TRAFFIC DISTRICT—HOURS FOR PLACING CONTAINERS ON SIDEWALK, CURB, ETC.

It shall be unlawful for any person to place, deposit or permit to remain any refuse or containers therefor on the public streets, curbs, curbs, or sidewalks in any Central Traffic District as established by City ordinance before 6:00 o'clock a.m. of the regular day for collection by the City or licensee of such refuse, or to permit any such materials or containers therefor to remain in such places after 10:00 o'clock a.m. of such day or one (1) hour after such materials in the same block have been removed, whichever is later.

SEC. 66.0122 REFUSE CONTAINERS

(a) All refuse shall be placed out for collection in containers that are in good condition, clean and leakproof, except as otherwise provided in subparagraph (d) of this section.

(b) All containers shall be designed for the express purpose of refuse storage and disposal.

(c) No container shall weigh more than twenty-five (25) pounds empty nor more than eighty (80) pounds filled, nor shall it have a capacity of more than forty-five (45) gallons, except by agreement between the refuse collector and the customer, and all containers shall be equipped with tight-fitting lids or closures.

(d) Brush landscape trimmings and similar materials shall be tied securely in bundles weighing not more than fifty (50) pounds and not more than four (4) feet long unless containerized.

(e) Containers which do not comply with the requirements of this Code, or which deteriorate to the point where they do not so comply, will be tagged and shall no longer be used for refuse storage and disposal.

(f) Reusable containers supplied by a licensee shall be clearly marked to indicate the name and telephone number of the licensee.

SEC. 66.0126 FEES APPLICABLE TO GOVERNMENTAL ENTITIES FOR USE OF SANITARY LANDFILL REFUSE DISPOSAL AREAS

Fees required by Section 66.0125 shall apply to all governmental entities except the City. The Manager may negotiate for use of the sanitary landfill refuse disposal areas by other governmental entities without payment of a fee if no fees are required for the use, if any, by the City of sanitary landfill refuse disposal areas owned or operated by such other governmental entities.

Section 4. That Chapter VI, Article 6 of the San Diego Municipal Code be amended by adding Sections 66.0101, 66.0102, 66.0103, 66.0104, 66.0107, 66.0108, 66.0109, 66.0110, 66.0111, 66.0113, 66.0114, 66.0115, 66.0116, 66.0117, 66.0118, 66.0119, 66.0120 and 66.0121 to read as follows:

SEC. 66.0101 PURPOSE AND INTENT

It is the purpose and intent of this Article to provide detailed and comprehensive rules for the collection, transportation, and disposal of refuse in the City of San Diego.

Consistent with the above purpose, it is intended herein to provide rules supplementing the provisions of Section 66.0123 of the San Diego Municipal Code, or subsequent amendments, and create an efficient method of licensing and regulating the collection, transportation, and disposal of refuse within the City of San Diego.

If any portion of this Article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Article.

SEC. 66.0102 DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

(a) "Refuse" shall have the same meaning as "City refuse" defined in Section 66.0123 of this Code.

(b) "Highway" shall mean any public street, road, alley, sidewalk, highway or thoroughfare, and all areas within the right of way boundaries thereof.

(c) "Licensee" shall mean any person who holds a valid unrevoked and unexpired license for the collection, transportation, and disposal of refuse from residential, commercial, institutional, or industrial premises in the City of San Diego.

(d) "Refuse Collector" shall mean any licensee or governmental agency authorized to collect refuse within the city.

(e) "Manager" shall mean the City Manager of The City of San Diego or his duly authorized representative.

(f) "Person" shall mean any person, persons, corporation, partnership or association.

**SEC. 66.0103 DISPOSAL OF REFUSE**

It shall be unlawful for any person to place or deposit or hire any other person to place or deposit any refuse upon the right of way of any highway or upon any camping place or public grounds or upon any public property except where such property has been approved by the Manager as a disposal site.

**SEC. 66.0104 TRANSPORTATION OF REFUSE**

No person shall convey or transport refuse upon or along any public highway in the city unless such refuse is contained and/or covered or otherwise secured so as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle or container or equipment in which it is being conveyed or transported; provided, however, that the top cover of a vehicle engaged in the collection of refuse may expose one-third of the vehicle bed while traveling between pickup stops where said stops are separated by less than one-quarter mile. When traveling between collection routes and a disposal area, all loads of refuse must be completely covered. All vehicles, containers and equipment used in the transportation of any form of refuse shall be kept clean, and no person shall drain or allow to be drained the liquid from any such vehicle upon any other land in such manner as to create an unsanitary condition. Persons transporting refuse on the public highways shall completely empty the refuse from their vehicles and/or containers at the disposal site in order to prevent the scattering of residue on the return trip.

**SEC. 66.0107 LICENSE REQUIRED FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF REFUSE**

(a) No person shall collect, transport, or dispose of refuse within the City of San Diego without a current, unrevoked license issued by the City Treasurer. No vehicle shall be used in the collection, transportation, and disposal of refuse within the City of San Diego unless it carries a current, unrevoked tag or decal issued by the City Treasurer.

(b) Persons transporting refuse from their residences, refuse produced in the course of their own business, or refuse collected in the course of community clean-up campaigns shall not be required to obtain a license nor a tag or decal for their vehicles; provided, however, that such persons shall be required to transport said refuse in the manner set forth in Section 66.0105. Municipal corporations and other governmental agencies engaged in the collection, transportation, or disposal of refuse within the City of San Diego shall be exempt from the license and tag or decal requirements of this section.

**SEC. 66.0108 LICENSE APPLICATIONS**

Applications for licenses to collect, transport, and dispose of refuse shall be made to the City Treasurer upon forms provided by the City at least thirty (30) days prior to the beginning of the fiscal year for which the license is requested. Applications for such licenses shall include but not be limited to the following information:

- (a) Name, home address, and telephone number of applicant.
- (b) Business address and telephone number.
- (c) Address where all vehicles and operating equipment will be kept and the zone classifications of such locations.
- (d) If applicant is a firm, association, organization, partnership, joint venture, corporation, business trust or company, the names and addresses of owners and officers and their percentage of ownership.
- (e) A description of all vehicles and equipment that the applicant owns or has under his control for the collection or transportation and disposal of refuse, and a statement as to whether said vehicles and equipment are self-unloading and equipped with audible automatic back-up warning devices as required by Section 66.0505(b).
- (f) A description of the general area to be served.
- (g) A statement of the proposed use of the license; i.e., collection or disposition of animal feed, animal parts for processing, or the collection, transportation or disposal of refuse generally, or under governmental contract.
- (h) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping vehicles and equipment clean and in good repair and that he owns or has access to reasonable office and billing facilities.
- (i) Facts demonstrating that the applicant owns or has the legally enforceable right to use at least two collection vehicles, the bodies of which are closed, leakproof, and constructed for the purpose of refuse collection, transportation and disposal.
- (j) Any additional facts which demonstrate that the applicant is able to render efficient collection, transportation and/or disposal service.

**SEC. 66.0109 DETERMINATION OF ELIGIBILITY FOR LICENSE TO COLLECT, TRANSPORT OR DISPOSE**

Upon receipt of a completed application for a license to collect, transport or dispose of refuse, the City Treasurer shall forward the application to the Manager who shall determine if the applicant has complied with the above provisions. After such determination, the Manager shall either approve the issuance of the license and a tag or decal for each of applicant's vehicles upon payment of the required fee, or deny the license specifying in writing the cause for such denial.

**SEC. 66.0110 FAILURE TO ACT**

If the Manager fails to act on an application to collect, transport, and dispose of refuse within thirty (30) days from the receipt of said application, the applicant may, at his option, deem the application denied.

**SEC. 66.0111 APPEAL**

If the Manager determines that a license to collect, transport and dispose of refuse shall not be issued, or if the license application is deemed denied, the applicant shall have the right to an appeal hearing before the City Council. A petition for an appeal hearing shall be made by the applicant in writing to the City Clerk within ten (10) calendar days after receipt of notice of denial or within ten (10) calendar days after an application is deemed denied. Upon filing of the written request for an appeal hearing, the City Clerk shall set the matter for hearing on a date not more than fourteen (14) days following the filing of the written request, or any later date as the applicant and the City Clerk agree, or as the City Council may order, and shall give written notice of the time, date and place of hearing to the applicant and the Manager. At the appeal hearing the applicant shall have the burden of proof to show facts demonstrating that the applicant does in fact meet the requirements of this Article. The City Council shall render its decision within fifteen (15) days after the close of the appeal hearing. The decision of the City Council shall be final.

**SEC. 66.0112 LICENSES FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE**

All licenses and tags for decals shall be issued to expire at the end of the fiscal year of the City. The annual fee for a license shall be a flat fee of \$100.00 plus \$100.00 per vehicle used to collect, transport or dispose of refuse in the City. Fees for licenses and tags or decals shall be paid at the time of application for the license.

The fee during a licensee's first year of operation shall be prorated on a monthly basis. No fees shall be refunded. However, if a license application is denied, a full refund of the license fee shall be made by the City Treasurer to the applicant.

**SEC. 66.0113 RENEWAL OF LICENSES**

Licenses may be renewed annually by the City Treasurer upon application by a licensee if the Manager determines that the licensee remains in compliance with the provisions of this Article. Applications for license renewal shall be submitted in the same manner as prescribed in Section 66.0108.

**SEC. 66.0114 TRANSFER OF LICENSES PROHIBITED**

Licenses issued under the provisions of this Article shall not be transferable, and such licenses shall become void upon the abandonment of same by the licensee. For transfer of vehicle tags or decals, see Section 66.0120.

**SEC. 66.0115 INSURANCE**

All licensees shall maintain and keep in force on each vehicle, public liability insurance in an amount not less than \$500,000 for injury or death of any one person, and not less than \$1,000,000 for injury or death to more than one person arising out of any one accident, and property damage insurance in an amount not less than \$100,000. Copies of the insurance policies or certificates evidencing such policies shall be filed with the Manager prior to the issuance of any license to collect, transport or dispose of refuse. All policies shall contain a provision requiring that ten (10) days' notice must be given to the Manager prior to cancellation, modification or reduction of the limits of the policy by the insured.

**SEC. 66.0116 PERFORMANCE BONDS**

All licensees must post a cash bond of \$10,000 or a surety bond in the same amount furnished by a corporate surety authorized to do business in the State of California payable to The City of San Diego. The bond shall be deposited with the City Treasurer prior to the issuance of any license to collect, transport or dispose of refuse and shall be conditioned on the full and faithful performance of the licensee of his obligations under the provisions of this Article. Whenever the Manager shall find that a default has occurred in the performance of any of said obligations, written notice thereof shall be given to the licensee and the surety on the bond. Such notice shall identify the nature and extent of the default and the estimated cost of correction thereof. After receipt of such notice the licensee or the surety must, within ten (10) days, either correct the default or deposit with The City of San Diego the estimated cost of correcting the default as set forth in the notice, plus an additional sum equal to ten percent (10%) of such cost.

In the event that the licensee or surety fails to correct such default within the time specified in the notice, or fails to deposit the estimated cost plus ten percent (10%) with the City, the Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The licensee and the surety shall be jointly and severally liable for the cost of correcting such default.

If the licensee or surety deposits the estimated cost plus ten percent (10%) as set forth in the notice, the Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The licensee and surety shall hold the City harmless from any liability or claim in connection with the work so performed by the City, its authorized agent or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If a cash bond has been posted, notice of default as provided above shall be given to the licensee and, if compliance is not had within the time specified, the Manager shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or any portion of such deposit to cause the required work to be done by contract or otherwise in his discretion. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work. The bond will be kept in force throughout the life of the license and all renewals thereof.

**SEC. 66.0117 RULES AND REGULATIONS**

The collection, transportation and disposal of refuse within the City of San Diego is under the supervision of the Manager who shall have the power to promulgate rules and regulations regulating such collection, transportation and disposal, including but not limited to:

- (a) Collection routes and scheduling;
- (b) Service standards and pick up locations; and
- (c) Handling of hazardous materials.

A copy of said rules and regulations and all amendments thereto shall be sent by registered or certified mail, postage pre-paid, to all affected licensees addressed to their last place of business.

**SEC. 66.0118 STANDARDS FOR LICENSEES**

(a) Licensees shall provide, within the area served, service to all residential, commercial, institutional, and industrial establishments desiring such collection, transportation and disposal service.

(b) A licensee's charges for all services shall be nondiscriminatory and uniform for equal services rendered.

(c) Any licensee may refuse service to any customer for failure to pay his just bill or for any substantial refusal to comply with the requirements of Section 66.0122 herein or with collection rules and regulations after giving the customer an opportunity to comply. The Manager shall be notified of these service refusals concurrently with the customer.

(d) The Manager may prescribe the intervals and times at which collections shall be made to insure that collections are made at such intervals and at such times as will provide a reasonable and adequate refuse, collection service considering the type of service performed and the character of the area served.

**SEC. 66.0119 SUSPENSION OR REVOCATION OF LICENSE**

A license may be suspended or revoked by the Manager when the licensee violates any provision of this Code or any rule or regulation promulgated by the Manager. Written notice of suspension or revocation of the license shall be served personally or by registered or certified mail, postage prepaid, to the last place of business or residence of the licensee, and the licensee shall cease operations under his license within ten (10) days after receipt of said notice unless the license has been reinstated by the Manager or an appeal hearing before the City Council is requested by licensee prior to expiration of said ten (10) day period. In the event that such an appeal hearing is requested, said licensee may continue collecting and transporting or disposing of refuse until the City Council has rendered its decision on the suspension or revocation of the license. Any person whose license has been revoked or suspended has the right to an appeal hearing before the City Council. A request in writing shall be made to the City Clerk within ten (10) calendar days after receipt of notice of suspension or revocation, and the appeal hearing shall be held not later than fourteen (14) days following the receipt of the written request. Written notice of the time, date and place of the appeal hearing shall be given by the City Clerk to the licensee and to the Manager. The City Council shall render its decision within fifteen (15) days after the close of the appeal hearing and its decision shall be final.

**SEC. 66.0120. VEHICLE INSPECTION AND TAGS**

All vehicles and other equipment used in the collection, transportation and disposal of refuse shall be inspected as often as the Manager deems necessary and at such times and places as shall be designated by said Manager. The Manager shall provide for each vehicle operated by licensee a durable tag or decal upon payment of the applicable license fee. Such tag or decal shall be securely fastened and maintained by the licensee on each vehicle so as to be clearly visible from the rear of the vehicle. The Manager may suspend the tag or decal of any vehicle that fails to meet the requirements of this Article, and such vehicle shall not be used for the collection, transportation or disposal of refuse until the tag or decal has been reinstated by the Manager. In the event any vehicle fails to meet the requirements of this Article, or in the event any vehicle becomes temporarily or permanently inoperable or unavailable, the licensee may transfer said vehicle's tag or decal to another vehicle to be operated by licensee, which vehicle has passed City inspection and does meet the requirements of this Article. If the tag or decal transferred to such substitute vehicle is for a period of two (2) weeks or less, the requirements of name, address and telephone number designation specified by Section 66.0121 shall not apply.

**SEC. 66.0121. VEHICLE AND EQUIPMENT STANDARDS**

(a) All vehicles and equipment used in the collection, transportation or disposal of refuse shall be in good mechanical condition, clean and neatly painted. Said vehicles shall carry a shovel, broom and wheel chocks. The name and telephone number of the licensee shall be clearly inscribed in letters at least three (3) inches high on each side and across the back of each vehicle or equipment.

(b) Vehicles used in the collection, transportation and disposal of refuse with a rated capacity of more than one and one-half tons (3,000 pounds) shall be equipped with audible automatic back-up warning devices.

(c) Vehicles used in the collection, transportation and disposal of refuse with a rated capacity of more than one and one-half tons (3,000 pounds) shall be closed, leakproof, self-unloading and constructed for the purpose of refuse collection, transportation and disposal.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 17, 1973.

Passed and adopted by the Council of The City of San Diego on May 31,

1973.

**AUTHENTICATED BY:**

PETE WILSON  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN  
City Clerk of The City of San Diego, California.  
By MARY ANNE MEASE, Deputy.

(SRA)

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