

ORDINANCE NUMBER O-16816 (NEW SERIES)

ADOPTED ON FEB 23 1987

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 66.0107, 66.0108, 66.0109, 66.0112, 66.0113, 66.0116 AND 66.0117 RELATING TO 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, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending sections 66.0107, 66.0108, 66.0109, 66.0112, 66.0113, 66.0116 and 66.0117 to read as follows:

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 Manager. 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 Manager.

(b) Persons transporting refuse from their residences, refuse produced in the course of their own business, or refuse collected in the course of community cleanup 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 66.0104. 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 Manager upon forms provided by the City. Annual renewal of licenses shall be made to the City Manager 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) through (j) No change.

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

All licenses shall be issued to expire at the end of the fiscal year of the City. The annual fee for a license shall be \$100.00 per vehicle used to collect, transport or dispose of refuse in the City. This licensing fee shall be in addition to the business taxes required by Chapter III, Article 1, of the San Diego Municipal Code. Fees for licenses 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 Manager to the applicant.

SEC. 66.0113 RENEWAL OF LICENSES

Licenses may be renewed annually by the City Manager 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. 66.0116 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 Manager 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:

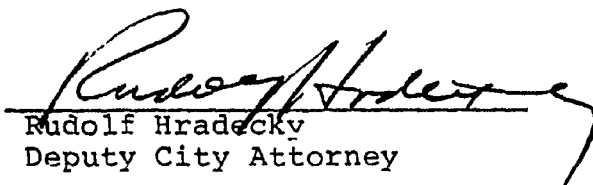
(a) Collection routes and scheduling and designation of disposal sites and any limitations thereon;

(b) through (c) No change.

A copy of said rules and regulations and all amendments thereto shall be sent by registered or certified mail, postage prepaid, to all affected licenses addressed to their last place of business. To the extent not otherwise provided by law, it shall be unlawful for a licensee to collect, transport or dispose of refuse contrary to any regulation, order, permit or requirement promulgated by the City Manager.

Section 2. 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 
Rudolf Hradecky
Deputy City Attorney

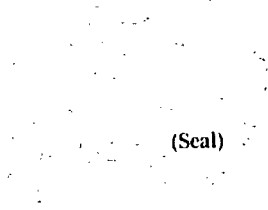
RH:mem
09/10/86
Or.Dept:Gen.Svcs.
O-87-50
Form=o.code

FEB 23 1987

Passed and adopted by the Council of The City of San Diego on
by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Abbe Wolfsheimer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Celia Ballesteros | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:



(Seal)

MAUREEN O'CONNOR
.....
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
.....
City Clerk of The City of San Diego, California.

By *Ellen Boward* 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

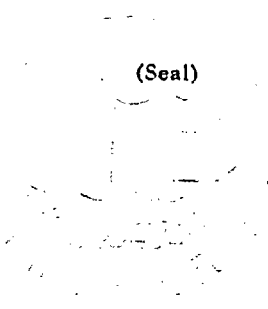
FEB 9 1987

FEB 23 1987

....., and on

~~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.



(Seal)

CHARLES G. ABDELNOUR
.....
City Clerk of The City of San Diego, California.

By *Ellen Boward* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16816** Adopted **FEB 23 1987**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1987 MAR 16 AM 10:46
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6

ORDINANCE NO. O-16816 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 66.0107, 66.0108, 66.0109, 66.0112, 66.0113, 66.0116 AND 66.0117 RELATING TO COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE.

This ordinance amends the San Diego Municipal Code to substitute the City Manager for the City Treasurer as the City official to process and issue permits for the commercial collection, transportation and disposal of refuse and restates the City Manager's authority to issue rules and regulations for such collection, transportation and disposal.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on February 9, 1987

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

February 23, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. March 9

.74029

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

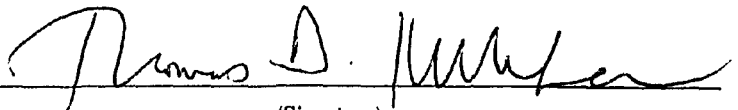
ORDINANCE NO. O-16816 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MARCH 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9 day of MARCH, 1987.


(Signature)

4 1/4" x #10.24 = \$43.52