

(O-89-160)

ORDINANCE NUMBER O- 17258 (NEW SERIES)

ADOPTED ON MAR 6 1989

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 56.42; CHAPTER VI, ARTICLE 6, DIVISION 1, BY AMENDING SECTIONS 66.0101, 66.0102 AND 66.0122, AND BY ADDING DIVISION 3, SECTION 66.0301, DIVISION 4, SECTIONS 66.0401, 66.0402, 66.0403, 66.0404 AND 66.0405 RELATING TO REFUSE.

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

Section 1. That Chapter V, Article 6, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 56.42.

Section 2. That Chapter VI, Article 6, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 66.0101, 66.0102 and 66.0122 to read as follows:

SEC. 66.01 SEGREGATION OF REFUSE - COMBUSTIBLE AND NONCOMBUSTIBLE

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 and recyclable waste material 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 and recyclable waste material 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, and shall include, "refuse," "residential refuse," "nonresidential refuse," and "recyclable waste material," as defined herein and in Section 66.0123 of this code.

(b) through (f) No Change.

(g) "Authorized Agent" shall mean any person, firm, partnership, corporation or other entity authorized by or under the authority of the City to collect recyclable waste material in the City.

(h) "Designated recycling collection location" shall mean any place or location designated by the City Manager from which the City

of San Diego or its authorized agent will collect recyclable waste material.

(i) "Recyclable waste material" shall mean discarded materials such as, but not limited to, newspapers, glass and metal cans, which are or can be separated from other garbage or refuse for the purpose of recycling.

(j) "Recycling" shall mean the process of collecting used products or waste material and reprocessing such into raw source material for new products or remanufacturing into reconditioned or new products.

SEC. 66.0122 REFUSE CONTAINERS

(a) No Change.

(b) All refuse shall be placed out for collection in containers that are in good condition, clean and free of putrescible residue, leakproof, and waterproof, except as otherwise provided in paragraphs (e) and (h) of this section.

(c) through (e) No Change.

(f) Reusable containers supplied by a licensee which are used for mechanized collection, including stationary compactors, and used for putrescibles or similar waste matter shall be equipped with close-fitting lids and be leakproof and rodentproof. Containers which are used expressly for dry wastes (construction, demolition,

industrial, etc.) may be kept uncovered except as required under applicable provisions of the California Vehicle Code and this Code while being transported upon any street or highway. Containers shall be sanitary and in good repair and shall be clearly identified with the name and telephone number of the licensee.

(g) No Change.

(h) Recyclable waste material placed out for collection at designated locations shall be in containers designated by the City Manager for such purpose.

Section 3. That Chapter VI, Article 6, of the San Diego Municipal Code be and the same is hereby amended by adding Division 3, Section 66.0301 to read as follows:

DIVISION 3

TAMPERING WITH OR REMOVAL OF REFUSE

SEC. 66.0301 TAMPERING WITH OR REMOVAL OF REFUSE - PROHIBITED

It shall be unlawful for any person other than the owner or person authorized by law or the City Manager to collect refuse, as defined in Section 66.0102, to rummage in, disturb, or interfere in any manner with refuse, as defined herein, to remove such refuse or any portion thereof from the location where the same was placed by the owner thereof, or to remove the contents or any portion thereof from any refuse container.

Section 4. That Chapter VI, Article 6, of the San Diego Municipal Code be and the same is hereby amended by adding Division 4, Sections 66.0401, 66.0402, 66.0403, 66.0404, and 66.0405 to read as follows:

DIVISION 4

COLLECTION OF RECYCLABLE MATERIALS

SEC. 66.0401 OWNERSHIP OF RECYCLABLE WASTE MATERIAL

Once recyclable waste material is placed in a designated container for such purpose at a designated recycling collection location for collection by the City of San Diego or its authorized agent, the recyclable waste material shall become the property of the City of San Diego or its authorized agent.

SEC. 66.0402 UNAUTHORIZED COLLECTION PROHIBITED

During the twenty-four (24) hour period commencing at 6:00 p.m. on any day preceding a day designated for collection of recyclable waste material, no person, other than a City of San Diego employee or its authorized agent, shall remove recyclable waste material from a designated container which has been placed at a designated recycling collection location. Each collection in violation of this section from each separate designated recycling collection location during that period shall constitute a separate and

distinct violation punishable as provided in this code.

SEC. 66.0403 RIGHT OF INDIVIDUAL TO DISPOSE OF RECYCLABLE WASTE MATERIAL

Nothing in this Article shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable waste material, provided that any such disposal is in accordance with the provisions of this chapter or of other law.

SEC. 66.0404 ENFORCEMENT - AUTHORITY

The Director of the Department of Waste Management and designees shall have the authority to enforce the provisions of this Article and to arrest any person without a warrant for a violation of this Article or other provisions of law which the Director or designee has a duty to enforce, when committed in their presence, and to issue a notice to appear pursuant to Penal Code section 836.5.

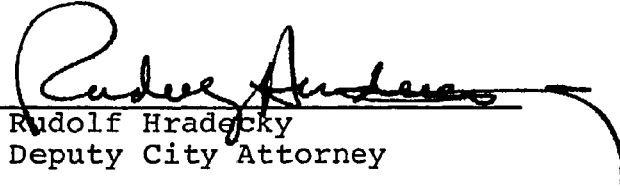
SEC. 66.0405 CIVIL ACTION BY AUTHORIZED RECYCLING CONTRACTOR OR CITY

Nothing in this Division shall be deemed to limit the right of an authorized agent or the City to bring a civil action against any person who violates this chapter, nor shall a conviction for such violation exempt any person from a civil action brought by an authorized recycling contractor or the City.

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


Rudolf Hradecky
Deputy City Attorney

RH:mrh
01/30/89
Or.Dept:Council-McCarty
O-89-160
Form=o.code

MAR 6 1989

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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:

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

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

(Seal)

By *Rhonda R. Barnes*, 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 2 1989

MAR 6 1989

, 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.

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

(Seal)

By *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17258**

MAR 6 1989

Adopted

RECEIVED

89 FEB -2 PM 5:02

CITY CLERKS OFFICE
SAN DIEGO, CA

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- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

Mr. Tolson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. DeLoach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mohr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bishop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Casper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Felt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Gale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Rosen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Tavel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Trotter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Miss Holmes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miss Gandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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8881 8 1888

CERTIFICATE OF PUBLICATION

22

OFFICE OF THE CITY CLERK
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 56.42; CHAPTER VI, ARTICLE 6, DIVISION 1, BY AMENDING SECTIONS 66.0101, 66.0102 AND 66.0122, AND BY ADDING DIVISION 3, SECTION 66.0301, DIVISION 4, SECTIONS 66.0401, 66.0402, 66.0403, 66.0404 AND 66.0405 RELATING TO REFUSE.

Thomas D. Kelleher

ORDINANCE NUMBER 0-17258 (NEW SERIES)

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This ordinance amends the Municipal Code by repealing section 56.42 relating to unauthorized removal of refuse from refuse containers and by adding a corresponding prohibition under Division 3, section 66.0301.

This ordinance amends sections 66.0101, 66.0102 and 66.0122 by adding definitions pertaining to recyclable waste materials, and by including recyclable waste materials within the scope of existing restrictions governing the placement, collection and removal of refuse by the City and its agents from designated collection points.

This ordinance adds Division 4, sections 66.0401, 66.0402, 66.0403, 66.0404 and 66.0405 to provide that recyclable waste material becomes the property of the City of San Diego and its authorized agents once such material has been placed in a designated recycling container, thereafter prohibiting its unauthorized removal. These sections further authorize the Director of Waste Management and designate to enforce the provisions of this Article. Nothing in this Article is intended to preclude an owner from disposing of refuse or recyclable waste material in accordance with law.

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 21, 1989
Passed and Adopted by the Council of The City of San Diego on March 6, 1989

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)
By RHONDA R. BARNES, Deputy.
PUB. JUNE 20 135924

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 NUMBER 0-17258 (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:

JUNE 20

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

Dated at San Diego, California this 20 day of JUNE, 19 89.



(Signature)

3 3/4" x 2" x 42.49 = \$92.40