

(O-98-16)

ORDINANCE NUMBER O-18429 (NEW SERIES)

ADOPTED ON AUG 11 1997

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 66.0102; BY AMENDING AND RENUMBERING SECTION 66.0132 TO 66.0133; AND BY ADDING A NEW SECTION 66.0132 RELATING TO FRANCHISES OR CONTRACTS FOR OPERATION OF SOLID WASTE FACILITIES

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

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

SEC. 66.0102 Definitions

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

- “AB 939” — no change.
- “Affiliate” — no change.
- “Agreement” — no change.
- “Central Traffic District” — no change.
- “City” — no change.
- “Collect” or “Collection” — no change.
- “Construction and Demolition Waste” — no change.
- “Council” — no change.
- “Designated Waste” — no change.
- “Director” — no change.
- “Disposal” — no change.
- “Disposal Site” — no change.
- “Environmental Laws” — no change.
- “Facility” — no change.

“Franchise” — no change.
“Franchisee” — no change.
“Green Materials” — no change.
“Hazardous Substance” — no change.
“Hazardous Waste” — no change.
“Highway” — no change.
“Manager” — no change.
“Medical Waste” — no change.
“Person” — no change.
“Recyclable” — no change.
“Recyclable Materials” — no change.
“Recyclable Materials Collector” — no change.
“Recycling” — no change.
“Refuse” — no change.
“Solid Waste” — no change.
“Solid Waste Facility” shall mean a public or private facility that transfers, recycles, mulches, composts, transforms, or disposes of solid waste.
“Waste Generator” — no change.

Section 2. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering section 66.0132 to 660133, to read as follows:

SEC. 66.0133 Penalty for Operating Without a Franchise

(a) It is unlawful for any person to collect, transport, dispose, or recycle solid waste, or to own or operate a solid waste facility, without first obtaining a current, unrevoked franchise. Violators are subject to criminal prosecution, civil fines and penalties, or both, to the extent allowed by law.

(b) Section 66.0133(a) does not apply to any person who owns or operates a solid waste facility pursuant to a contract with the City.

Section 3. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding new section 66.0132, to read as follows:

SEC. 66.0132 Operation of Solid Waste Facilities

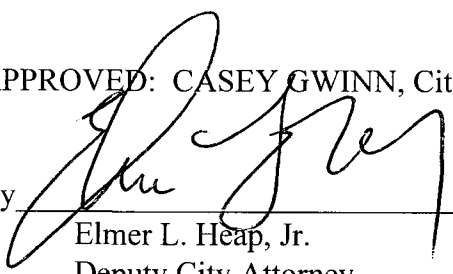
(a) Except as provided in Section 66.0132(b), it is unlawful for any person to own, establish, operate or carry on the business of a solid waste facility in the City unless, at the City's sole option, either (1) such person has been granted a non-exclusive franchise by the City Council in accordance with Charter Section 103, or (2) the City has entered into a contract with such person to own, establish, operate or carry on the business of a solid waste facility.

(b) Section 66.0132(a) does not apply to any person who owns or operates a solid waste facility as of July 1, 1997, under a valid conditional use permit or other authorizing permit issued by the City, until any one of the following events occurs: (1) the conditional use permit or other authorizing permit expires, (2) the conditional use permit or other authorizing permit is renewed, or (3) the conditional use permit or other authorizing permit is modified.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By



Elmer L. Heap, Jr.
Deputy City Attorney

ELH:smf
07/22/97
Or.Dept:Env.Serv.

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - HIGHLIGHTED

(O-98-16)

STRIKEOUT ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 66.0102; BY AMENDING AND RENUMBERING SECTION 66.0132 TO 66.0133; AND BY ADDING A NEW SECTION 66.0132 RELATING TO FRANCHISES OR CONTRACTS FOR OPERATION OF SOLID WASTE FACILITIES

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

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

SEC. 66.0102 Definitions

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

- (a) "AB 939" — no change.
- (b) "Affiliate" — no change.
- (c) "Agreement" — no change.
- (d) "Central Traffic District" — no change.
- (e) "City" — no change.
- (f) "Collect" or "Collection" — no change.
- (g) "Construction and Demolition Waste" — no change.
- (h) "Council" — no change.
- (i) "Designated Waste" — no change.
- (j) "Director" — no change.
- (k) "Disposal" — no change.
- (l) "Disposal Site" — no change.
- (m) "Environmental Laws" — no change.
- (n) "Facility" — no change.

- (o) "Franchise" — no change.
- (p) "Franchisee" — no change.
- (q) "Green Materials" — no change.
- (r) "Hazardous Substance" — no change.
- (s) "Hazardous Waste" — no change.
- (t) "Highway" — no change.
- (u) "Manager" — no change.
- (v) "Medical Waste" — no change.
- (w) "Person" — no change.
- (x) "Recyclable" — no change.
- (y) "Recyclable Materials" — no change.
- (z) "Recyclable Materials Collector" — no change.
- (aa) "Recycling" — no change.
- (bb) "Refuse" — no change.
- (cc) "Solid Waste" — no change.

"Solid Waste Facility" shall mean a public or private facility that transfers, recycles, mulches, composts, transforms, or disposes of solid waste.

- (dd) "Waste Generator" — no change.

Section 2. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering section 66.0132 to 660133 to read as follows:

SEC. 66.0132 66.0133 Penalty for Operating Without a Franchise

(a) ~~It is unlawful for Any person to who collects, transports, disposes, and/or recycles solid waste, or to own or operate a solid waste facility, without first obtaining a current, unrevoked franchise. to do so is in violation of this division, is operating in an unregulated manner, and is putting at risk the health and welfare of the citizens of the City. The Manager may assess fines on any person, or prosecute such person criminally, civilly, or both, to the extent allowed by law, for operating in such manner without a current, unrevoked franchise. The Council may establish fines for violations of this division from time to time.~~

Violators are subject to criminal prosecution, civil fines and penalties, or both, to the extent allowed by law.

(b) Section 66.0133(a) does not apply to any person who owns or operates a solid waste facility pursuant to a contract with the City.

Section 3. That Chapter VI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding new section 66.0132 to read as follows:

~~SEC. 66.0132 Penalty for Operating Without a Franchise~~

~~(a) Any person who collects, transports, disposes, and/or recycles solid waste without first obtaining a current, unrevoked franchise to do so is in violation of this division, is operating in an unregulated manner, and is putting at risk the health and welfare of the citizens of the City. The Manager may assess fines on any person, or prosecute such person criminally, civilly, or both, to the extent allowed by law, for operating in such manner without a current, unrevoked franchise. The Council may establish fines for violations of this division from time to time.~~

SEC. 66.0132 Operation of Solid Waste Facilities

(a) Except as provided in Section 66.0132(b), it is unlawful for any person to own, establish, operate or carry on the business of a solid waste facility in the City unless, at the City's sole option, either (1) such person has been granted a non-exclusive franchise by the City Council in accordance with Charter Section 103, or (2) the City has entered into a contract with such person to own, establish, operate or carry on the business of a solid waste facility.

(b) Section 66.0132(a) does not apply to any person who owns or operates a solid waste facility operating as of July 1, 1997, under a valid conditional use permit or other authorizing permit issued by the City, until any one of the

following events occurs: (1) the conditional use permit or other authorizing permit expires, (2) the conditional use permit or other authorizing permit is renewed, or (3) the conditional use permit or other authorizing permit is modified.

ELH:smf
07/22/97
Or.Dept:Env.Serv.
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