

(O-99-62)

ORDINANCE NUMBER O- 18601 (NEW SERIES)

ADOPTED ON NOV 10 1998

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER V, ARTICLE 4, SECTION 54.0202; CHAPTER VI, ARTICLE 6, SECTIONS 66.0102, 66.0103 AND 66.0126, 66.0201, 66.0401, 66.0402, 66.0403, 66.0404, AND BY ADDING NEW SECTION 66.0406; ALL RELATING TO COLLECTION, TRANSPORTATION AND DISPOSAL OF REFUSE AND RECYCLABLE MATERIAL.

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

Section 1. That Chapter V, Article 4, Division 2, of the San Diego Municipal Code is amended by amending section 54.0202, to read as follows:

SEC. 54.0202 Definitions

The words and phrases used in this division have the meanings set forth in this section:

No change in the definitions of "Liquid Waste" through "Recyclable Waste Material"

"Refuse" has the same meaning as set forth in Section 66.0127 of this Code.

No change in the definitions of "Rubbish" and "Solid Waste".

"Waste" means materials of any nature that constitutes Rubbish, Solid Waste, Liquid Waste or Medical Waste. Waste also includes abandoned or unidentified personal property that is left unattended on public sidewalks and

right-of-way or other Public Property. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.

No change in the definition of "Weeds" and "Vectors".

Section 2. That Chapter VI, Article 6, Division 1, of the San Diego Municipal Code is amended by amending sections 66.0102, 66.0103 and 66.0126, to read as follows:

SEC. 66.0102 Definitions

For the purposes of Article 6, the following definitions apply:

No change in the definition of "AB 939" through "Recyclable".

"Recyclable Material" means residential, commercial or industrial source separated by-products of some potential economic value, set aside, handled, packaged, or offered for collection in any manner different from refuse.

No change in the definition of "Recyclable Materials Collector" through "Waste Generator".

SEC. 66.0103 Disposal of Solid Waste, Hazardous Waste, Hazardous Substances, Medical Waste, Recyclable Materials; Liability for Expense for Cleanup

(a) It shall be unlawful for any person to place or deposit or hire any other person to place or deposit any solid waste, hazardous waste, hazardous substance, medical waste, or recyclable materials, upon the right-of-way of any highway or

upon any camping place or public grounds or upon any public or private property except where such property is a permitted solid waste facility.

(b) Any person who deposits or places any such solid waste, hazardous waste, hazardous substance, medical waste, or recyclable materials, upon the right-of-way of any highway, camping place, public grounds, or any public or private property, other than a permitted solid waste facility, in addition to any other penalty, be liable for the payment of the cost of any and all expense necessary to clean or clear the property of the solid waste, hazardous waste, hazardous substances, medical waste, or recyclable materials, and restore it to its natural or former condition.

SEC. 66.0126 Refuse Containers

No change in subsections (a) through (c).

(d) 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 Sections 66.0126 (e) and (h).

No change in subsections (a) through (c).

Section 3. That Chapter VI, Article 6, Division 2, of the San Diego Municipal Code is amended by amending Section 66.0201 to read as follows:

SEC. 66.0201 Liability for Cleanup of Spilled, Deposited Solid Waste, Hazardous Waste, Hazardous Substances, Medical Waste, Recyclable Material

Any person who spills, deposits or abandons any solid waste, hazardous waste, hazardous substance, medical waste, recyclable materials, whether intentionally or unintentionally on any highway or public or private property so as to impede or impair the normal use thereof or so as to create a condition which requires the property to be cleaned or cleared shall, in addition to any other penalty, be liable for the payment of the cost of any and all expense necessary to clean or clear the property of such waste and restore the property to its natural or former condition.

Section 4. That Chapter VI, Article 6. Division 4, of the San Diego Municipal Code is amended by amending Sections 66.0401, 66.0402, 66.0403 and 66.0404, and by adding new Section 66.0406, to read as follows:

SEC. 66.0401 Ownership of Recyclable Material

Once recyclable material are 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, they shall become the property of The City of San Diego or its authorized agent.

SEC. 66.0402 Unauthorized Collection Prohibited

It shall be unlawful for any person other than the owner or person authorized by law or the City Manager to collect refuse or recyclable material as

defined in Section 66.0102, to rummage in, disturb, interfere, or remove refuse or recyclable material from officially designated refuse and recyclable containers.

SEC. 66.0403 Right of Individual to Dispose of Recyclable 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 material, provided that any such disposal is in accordance with the provision of this chapter or of other law.

SEC. 66.0404 Enforcement - Authority

The Director of the Environmental Services Department 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. 66.0406 Segregation of Recyclable Materials

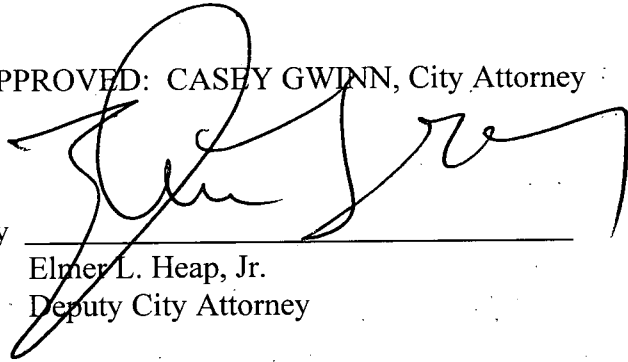
It is unlawful for any person to deposit refuse, hazardous substance, hazardous waste, medical waste, or green material in containers designated for the collection of recyclable materials.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. 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

A large, stylized handwritten signature in black ink, appearing to read "Elmer L. Heap, Jr.", is written over a horizontal line.

Elmer L. Heap, Jr.
Deputy City Attorney

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