

(O-2001-11)

ORDINANCE NUMBER O-18848 (NEW SERIES)

ADOPTED ON SEP 18 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 6, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 66.0102, 66.0118, AND 66.0120 TO ESTABLISH A TWO TIER NON-EXCLUSIVE SOLID WASTE COLLECTION FRANCHISE SYSTEM. /

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 is hereby amended by amending sections 66.0102, 66.0118, and 66.0120, to read as follows:

Sec. 66.0102 Definitions

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

No change in the definitions of "AB 939" through "City"

"Class I Franchise" is a non-exclusive Franchise granted to a Franchisee to collect a maximum of 75,000 tons of Refuse per year within the City. For the purpose of determining the eligibility of a solid waste collection enterprise to be granted a Class I Franchise, the annual tonnage of Refuse collected in the City by that enterprise, its parent company and all affiliates shall be combined.

"Class II Franchise" is a non-exclusive Franchise granted to a Franchisee to collect more than 75,000 tons of Refuse per year within the City.

No change in the definitions of "Collect" or "Collection" through "Facility"

"Franchise" shall mean the special right granted by the City, as authorized in this division, to operate as a non-exclusive enterprise for solid waste collection services within the City. Franchise includes Class I and Class II Franchises as defined.

No change in the definitions of "Franchisee" through "Waste Generator"

Sec. 66.0118 Franchise Fees

The City may impose franchise fees pursuant to resolutions adopted by Council. Franchises granted as a Class I Franchise will pay \$1 less for every ton of Refuse collected in the City as compared to the franchise fee paid by Class II Franchise. Any such fees will be paid as specified in the Agreement.

66.0120 Transfer of Franchise

(a) Any franchise granted pursuant to this division is a privilege to be held in trust by the original franchisee. A franchise issued under this division shall not be transferred, sold, leased, assigned, relinquished, or delegated to another person, either in whole or in part, whether by forced sale, merger, consolidation, bankruptcy, reorganization under bankruptcy laws or otherwise, without the prior approval of the Council which shall not be unreasonably withheld. This restriction includes the transfer of ownership of the franchise, or a majority of the ownership or control of the franchisee, or the conveyance of a majority of the franchisee's

stock to a new controlling interest. Franchises shall become void upon the abandonment of same by franchisee.

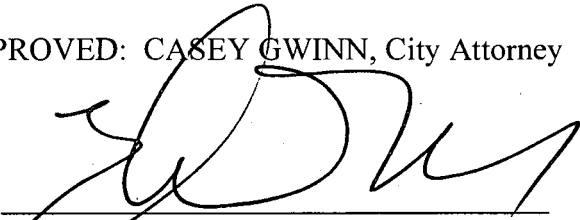
(b) Franchises shall become void upon the abandonment of the same by franchisee.

(c) Notwithstanding section 66.0120, a Class I Franchise shall not be transferred to a Class II Franchisee without the proper approval of Council which shall not be unreasonably withheld and providing that such transfer does not unreasonably impact competition or further consolidate the market share of commercial waste collected by the Class II Franchisee.

Section 2. 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 3. 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
07/07/2000
Or.Dept:Env.Services
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