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(O-2009-87)

ORDINANCE NUMBER O- 19855 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 28 2009

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 66.0109 RELATING TO SOLID WASTE COLLECTION FRANCHISE EXCLUSIONS.

WHEREAS, San Diego Municipal Code section 66.0109 establishes exclusions from the City of San Diego's non-exclusive solid waste collection franchise requirements; and

WHEREAS, the City has determined that additional exclusionary language is necessary to clarify that solid waste collection services provided by a person engaged in the business of cleaning up residential and commercial properties is excluded from the franchise requirements so long as the collection service is incidental to the total cleaning services provided and not just a hauling service; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 6, Division 1 of the San Diego Municipal Code is amended by amending Section 66.0109 to read as follows:

**§ 66.0109 Franchise Exclusions**

The following types of solid waste collection are excluded from the franchise requirement; except that their transport shall be made in compliance with the provisions of Section 66.0104:

- (a) - (l) [No change in text.]
- (m) *Solid waste* or debris removed from residential or commercial property by a *person* engaged in the business of cleaning residential or commercial property, when the *solid waste* and debris removed consists of by-products

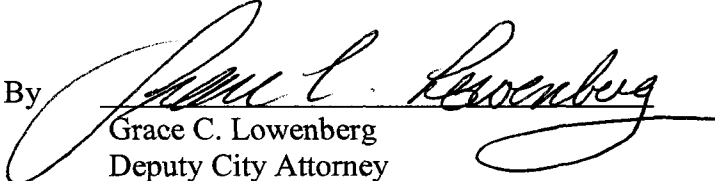
of the cleaning services provided and the removal is an incidental part of the total cleaning services offered by that *person* rather than just a hauling service.

Section 2. That the above activity is not a “project” and therefore not subject to the California Environmental Quality Act [CEQA] pursuant to CEQA guidelines sections 15060(c)(3) and 15378(b)(2), (5) because it is an organizational and/or administrative activity of government of a policy making nature and that will not result in direct or indirect physical changes in the environment.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

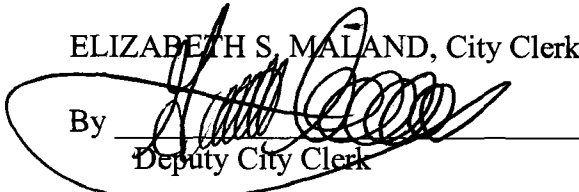
Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
03/27/09  
Or.Dept:ESD  
O-2009-87

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of   MAY 12 2009  .

ELIZABETH S. MALAND, City Clerk  
By   
Deputy City Clerk

Approved: 5-28-07  
(date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor