

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING
A COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO HARJEET SINGH, AN
INDIVIDUAL DBA BAY AREA RECYCLING AND
DUMPSTER SERVICES**

WHEREAS, Harjeet Singh, an individual doing business as Bay Area Recycling and Dumpster Services (Bay Area Recycling and Dumpster Services), has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on September 11, 2018, the City Council held a public hearing to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the granting of a Commercial Solid Waste and Recyclables Collection Franchise to Bay Area Recycling and Dumpster Services; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the grant of such franchise to Bay Area Recycling and Dumpster Services is in the public interest;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council hereby grants a Commercial Solid Waste and Recyclables Collection Franchise to Bay Area Recycling and Dumpster Services, pursuant to which Bay Area Recycling and Dumpster Services is authorized to engage in the business of collecting, transporting and disposing of Residential Clean-Out Material and Construction and Demolition Debris (“C&D Debris”) kept, accumulated or

produced in the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The grant of said Commercial Solid Waste and Recyclables Collection Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 9.10 of the San José Municipal Code, this Ordinance, and the Non-Exclusive Franchise Agreement between the City of San José and Bay Area Recycling and Dumpster Services (“Non-Exclusive Franchise Agreement”), as such now exist or as may be hereafter amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to Bay Area Recycling and Dumpster Services will begin on October 18, 2018 and end on June 30, 2019, inclusive. The Director of Environmental Services is authorized to extend the Non-Exclusive Franchise Agreement for up to two one-year terms through June 30, 2021.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Non-Exclusive Franchise Agreement, the Commercial Solid Waste and Recyclables Collection Franchise may be terminated or suspended at any time in accordance with Section 9.10.1690 of Chapter 9.10 of the San José Municipal Code.

SECTION 5. Neither the Non-Exclusive Franchise Agreement granted to Bay Area Recycling and Dumpster Services nor this Ordinance authorizes Bay Area Recycling and Dumpster Services to operate any landfill, recycling facility or other solid waste disposal facility.

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PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2018, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk