

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 9.10.410 OF CHAPTER 9.10, TITLE 9, OF THE
SAN JOSE MUNICIPAL CODE RELATED TO SOLID
WASTE AND TRASH ACCUMULATION**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP-17-008 (General Procedure & Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

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

SECTION 1. Section 9.10.410 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

9.10.410 General requirements.

A. Except as authorized by the provisions of this chapter:

1. No person shall store, place, maintain, or accumulate any solid waste, nor permit the storage, placement, maintenance, or accumulation of any solid waste within or upon any property or place owned, leased or rented by such person or in such person's possession or control.
 2. No person shall store, place, maintain or accumulate any solid waste in or upon any premises in the city other than the premises where such solid waste is generated.
 3. No person shall permit any premises owned, leased or rented by such person or in such person's possession or control to be used for the storage, placement, maintenance, or accumulation of any solid waste other than solid waste generated on such premises.
 4. No person shall store, place, maintain, or accumulate any solid waste on or in any public place or public property including without limitation any street, way, sidewalk, gutter, stream or creek or the banks thereof.
 5. No person shall dispose of any solid waste, nor permit the disposal of any solid waste, on any premises owned, leased or rented by such person or in such person's possession or control.
- B. No person shall sort, separate or segregate any solid waste of any kind within or upon any public street or place, unless so authorized by the city health officer or the city council, and then only in the manner, place and time and subject to such restrictions as may be imposed by the health officer or the city council.

SECTION 2. Section 9.10.540 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

9.10.540 - Dangerous accumulation prohibited.

No person shall store, place, keep maintain, or accumulate, or permit to be stored, placed, kept, maintained or accumulated, any solid waste in or upon any premises or place in the city ~~owned, leased or rented by such person or in such person's possession or control,~~ in such manner that:

- A. Creates a fire hazard dangerous to persons or property;
- B. Becomes unreasonably offensive or dangerous to the public peace, health or safety;
- C. Promotes the propagation, harborage or attraction of vectors; or
- D. Becomes a public or private nuisance.

SECTION 3. Part 16 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to add Section 9.10.3040 to read as follows:

9.10.3040 – Penalties.

Violations of this Chapter may be prosecuted criminally, civilly, or administratively either undertaken separately or in conjunction with other remedies, at the sole discretion of the City. Nothing in this chapter shall be deemed to prevent the City from commencing any administrative or legal proceeding to enforce this Chapter, Code, or any law.

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk