

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING
A COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO ECO BOX RECYCLING
INC.**

WHEREAS, Eco Box Recycling Inc., a California corporation, has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on December 12, 2017, 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 Eco Box Recycling Inc.; 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 Eco Box Recycling Inc. 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 Eco Box Recycling Inc., pursuant to which Eco Box Recycling Inc. 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 Eco Box Recycling Inc. (“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 Eco Box Recycling Inc. will begin on February 8, 2018 and end on June 30, 2018, inclusive. The Director of Environmental Services is authorized to extend the Non-Exclusive Franchise Agreement for up to three 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 Eco Box Recycling Inc. nor this Ordinance authorizes Eco Box Recycling Inc. to operate any landfill, recycling facility or other solid waste disposal facility.

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PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2017, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk