

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 9.10.2470 OF CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION DEMOLITION DEBRIS PROGRAM DIVERSION DEPOSITS THAT ARE NO LONGER ELIGIBLE FOR REFUND TO BE TRANSFERRED TO THE GENERAL FUND**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 9.10.2470 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

**9.10.2470 Use of Diversion Deposits**

- A. Moneys received by the City as diversion deposits shall be used only for ~~p~~Payment of diversion deposit refunds except as provided in subsection B.
- B. Diversion deposits that are no longer eligible for a refund under Section 9.10.2440 may be used for any of the following purposes:
1. ~~Costs~~ of administration of the program established by this Part;
  2. Cost of programs ~~whose purpose is to~~that divert from landfill disposal the waste from construction, demolition and alteration projects; ~~and~~
  3. ~~Costs~~ of programs ~~whose purpose is to~~that develop or improve the infrastructure needed to divert from landfill disposal the waste from construction, demolition and alteration projects; ~~or~~

4. Transfer to the general fund.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk