

ORDINANCE NO. 27742

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

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

WHEREAS, on May 9, 2006, 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 Recycling & Waste Services, 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 Recycling & Waste Services, 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 Recycling & Waste Services, Inc., pursuant to which Recycling & Waste Services, Inc. is authorized to engage in the business of collecting, transporting and disposing of Commercial Solid Waste and Recyclables 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 Commercial Solid Waste and Recyclables Collection Franchise Agreement Between the City of San José and Recycling & Waste Services, Inc. ("Franchise Agreement"), as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to Recycling & Waste Services, Inc. shall be for a term commencing July 1, 2006, and ending on June 30, 2009.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the 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 Commercial Solid Waste and Recyclables Collection Franchise Agreement granted to Recycling & Waste Services, Inc. nor this ordinance authorizes Recycling & Waste Services, Inc. to operate any landfill, recycling facility or other solid waste disposal facility.

PASSED FOR PUBLICATION OF TITLE this 9th day of May, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

