

ORDINANCE NO. 27745

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING A  
COMMERCIAL SOLID WASTE AND RECYCLABLES COLLECTION  
FRANCHISE TO SMURFIT-STONE CONTAINER ENTERPRISES, INC.  
DBA SMURFIT RECYCLING CO.**

**WHEREAS**, Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. 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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co.; 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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. 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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co., pursuant to which Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. 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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. ("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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. 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 Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. nor this ordinance authorizes Smurfit-Stone container Enterprises, Inc. dba Smurfit Recycling Co. to operate any landfill, recycling facility or other solid waste disposal facility.

**PASSED FOR PUBLICATION OF TITLE** this 9<sup>th</sup> 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

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

