

SAN FRANCISCO
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Be it ordained by the People of the City and County of San Francisco:

**THE CITY AND COUNTY OF SAN FRANCISCO
COMPETITIVE BIDDING AND ZERO WASTE ORDINANCE OF 2011**

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as "The City and County of San Francisco Competitive Bidding and Zero Waste Ordinance of 2011" ("Ordinance").

SECTION 2. FINDINGS AND PURPOSES.

The People of the City and County of San Francisco hereby make the following findings and declare that their purposes in enacting this Ordinance are as follows:

(a) Since 1932, when an ordinance established 97 separate permits for garbage collection, one private corporation has consolidated all permits and created an exclusive monopoly for garbage collection throughout the City and County of San Francisco. For 80 years, one of the largest and most important municipal contracts has never been open to competitive bidding. The annual costs charged to San Francisco residential and commercial ratepayers from that monopoly because of the 1932 Ordinance now exceed \$220,000,000 (Two hundred and twenty million dollars) annually.

(b) The 1932 Ordinance gave the power to set residential rates to a Rate Board consisting of the Chief Administrative Officer, the Controller and the Manager of Utilities. Under the 1932 Ordinance the Mayor and the Board of Supervisors ("Board") have no authority to set residential or commercial garbage rates.

(c) Commercial rates in San Francisco are unregulated by such Rate Board. Consequently, San Francisco's commercial businesses pay some of the highest garbage collection rates in the country. According to the Board's Budget and Legislative Analyst, these rates are up to 50 percent higher than the average of the other 37 jurisdictions in the Bay Area which receive equivalent services, including recycling and composting.

(d) The City and County of San Francisco ("City") is the only jurisdiction in the Bay Area that has neither a franchise agreement nor a long-term contract with its residential and commercial garbage hauler. All other jurisdictions in the Bay Area regulate solid waste collection rates through either franchise agreements or contracts.

(e) This Ordinance amends the 1932 Ordinance and directs the Director ("Director") of the Department of Public Works ("DPW") to prepare and submit such legislation as is necessary to implement the purposes and principles of this Ordinance to govern the competitive procurement and franchising of service components for solid waste generated in the City, including discarded recyclable materials, which shall include but not be limited to: (i) residential collection; (ii) commercial collection; (iii) in-City recovery and processing of discarded

recyclable materials, including composting; (iv) transfer and transportation of post-processed residual waste; and (v) disposal and/or conversion of post-processed residual waste. In doing so, the Director shall act in conjunction with, and rely upon the data and quantitative analysis generated by the Board's Budget and Legislative Analyst.

(f) This Ordinance shall assure rates paid by residents and businesses provide the greatest benefit to ratepayers, safeguard the environment and achieve Zero Waste goals for the City by maximizing recycling, protect the welfare and benefits of refuse and recycling workers, recover City costs of procurement and franchising, and provide for franchise fees that pay all costs of related City services, including repair and maintenance of City streets on which garbage trucks travel.

(g) In developing and implementing regulations, the Director shall apply the following five principles:

(1) In order to benefit ratepayers fully, create local jobs, and eliminate the possibility of a monopoly, there shall occur competitive bidding, in ten year intervals, of five separate and concurrent contracts of ten years in duration, for each of five solid waste components. The five components are: (i) residential collection services; (ii) commercial collection services; (iii) operation of Zero Waste recyclable materials recovery and processing facilities in San Francisco; (iv) operation of a transfer facility in San Francisco and transportation of post-processed residual waste to disposal or conversion sites; and (v) disposal and/or conversion of residual waste;

(2) In order to achieve maximum "green" recycling and Zero Waste goals, and to avoid conflicts between recycling and disposal, the contractor awarded the contract for the operation of in-City Zero Waste materials recovery and processing facilities shall not be the same contractor or affiliated with the contractor awarded the contract for the out-of-City disposal or conversion of residual waste;

(3) To maximize public benefit, minimize environmental impacts, and create local jobs, there shall be a public-private partnership for the public ownership and private operation of solid waste facilities whereby materials recovery, processing and transfer facilities, as well as parking and maintenance facilities for all residential and commercial collection vehicles (collectively "Solid Waste Facilities") shall be located within the City limits and shall be publicly-owned no later than December 31, 2018 to provide fair competition for competitive bidding of private operations of such Solid Waste Facilities, and to enable ratepayer savings that will defray costs of publicly-owned Solid Waste Facilities. The negotiations for public ownership of existing Solid Waste Facilities, or the development of plans for new publicly-owned Solid Waste Facilities shall be completed no later than December 31, 2013, and competitive bidding for private operation of Solid Waste Facilities shall be completed no later than December 31, 2015. The City and County of San Francisco shall not enter into any new contract or extend any existing contract for the use beyond December 31, 2018 of privately-owned Solid Waste Facilities;

(4) The Director, in conjunction with the Board's Budget and Legislative Analyst, shall develop and implement regulations consistent with the principles contained in this Ordinance.

(5) The Director shall by January 1, 2013 prescribe a system to govern the competitive bidding, franchising and/or contracting of the following service components for

solid waste generated in the City which shall include but not be limited to: (i) residential collection, (ii) commercial collection, (iii) operation of Zero Waste recyclable materials recovery and processing facilities in San Francisco, (iv) operation of a transfer facility in San Francisco and transportation of post-processed residual waste to disposal or conversion sites, and (v) out-of-City disposal and/or conversion of residual waste in a manner that provides the most benefit to the ratepayers, including the collection of franchise fees to support related City services. Competitive bidding for the five service component contracts or franchises shall be completed no later than December 31, 2015. The Director shall act in conjunction with, and rely upon the data and quantitative analysis generated by the Board's Budget and Legislative Analyst on development and implementation of competitive bidding and all franchising and contracting recommendations for Board approval. To the extent permitted by law, participation of State of California-certified small business enterprises and hiring of local City residents shall receive maximum credit in the competitive bidding process for contracts and franchises for the five solid waste service components.

(h) Competitive bidding is a better alternative than monopoly control of public service contracts worth hundreds of millions of dollars annually. Competitive bidding can reduce rates, stimulate innovation, provide better service, and raise revenues for relevant City functions. Further, public ownership of heretofore privately-owned Solid Waste Facilities will allow the City to use competition to benefit San Francisco ratepayers in perpetuity.

(i) This Ordinance may only be amended by the voters at a subsequent municipal election, except the Board may amend the Ordinance, but only to further the purposes and principles of the Ordinance.

SECTION 3. MODERNIZATION OF THE 1932 ORDINANCE

Appendix 1 of the San Francisco Administrative Code, the 1932 Refuse Collection and Disposal Ordinance, is hereby amended as follows, with new provisions proposed to be added underlined and existing provisions proposed to be deleted in ~~strikeout~~:

REFUSE COLLECTION AND DISPOSAL ORDINANCE

~~Providing for the Collection and Disposition of Refuse in the City and County of San Francisco; Providing for the Licensing of Refuse Collectors by the Director of Public Health; Fixing the Maximum Rates or Charges for the Collection of Refuse by Licensed Refuse Collectors from Homes, Apartment Houses, Stores, etc.; Dividing City and County of San Francisco into Collection Routes; Providing Penalties for the Violation of the Provisions of this Ordinance.~~

SECTION 1. DEFINITION OF SOLID WASTE

The term refuse "solid waste" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cuttings from trees, lawns and gardens. Refuse as used herein does not

~~include debris and waste construction materials, including wood, brick, plaster, glass, cement, wire, and other ferrous materials, derived from the construction of or the partial or total demolition of buildings or other structures means all putrescible and nonputrescible solid and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, non-hazardous industrial wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable and animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Organics, compostables, paper, plastics, glass and all other recyclable materials with a commercial value that are not discarded shall not be considered solid waste for purposes of this Ordinance.~~

SECTION 2. CITY FRANCHISE AGREEMENT OR CONTRACT

~~It shall be unlawful for any person, firm or corporation to collect, process, transfer, or dispose of refuse solid waste as defined in this ordinance except as herein provided, save that the provisions of this ordinance shall not include refuse which may be incinerated by an owner of a building for himself or for his tenants on the premises where produced; provided, however, that such incineration shall be subject to inspection and control by the Director of Public Health and the Fire Department. Failure of any householder producing refuse to subscribe to and pay for refuse collection, unless such householder is a tenant for whom refuse collection service is provided by his landlord, shall be prima facie evidence that such householder is disposing of refuse in violation of this ordinance expressly authorized by a franchise granted by, or contract entered into, with the City.~~

SECTION 3. PRINCIPLES FOR COMPETITIVE BIDDING

~~Refuse consisting of waste or discarded food, animal and vegetable matter, discarded containers of food, animal and vegetable matter and ashes shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided. Waste paper and boxes and other refuse materials not subject to putrefaction or decay, and cuttings from trees, lawns and gardens may be placed in any suitable container and delivered by the producer or landlord, who by reason of contract or lease with the occupant is obligated to care for such refuse and deliver same to a refuse collector, to be disposed of as herein provided; provided, however, that it shall be optional with the producer or landlord to deliver waste paper or other refuse having commercial value to a refuse collector, and the producer or landlord may dispose of the same in any manner he may see fit. Refuse, which under the provisions hereof must be deposited in a metal can of suitable capacity, shall be removed daily from the place where the same is created.~~

Notwithstanding any other provisions of law, the Director shall adopt regulations no later than January 1, 2013 to govern the competitive procurement and franchising of solid waste generated in the City, including discarded recyclable materials, with contracts for each of the following five components: (i) residential collection; (ii) commercial collection; (iii) materials recovery and processing; (iv) operation of transfer facility and transportation to conversion or disposal site; (v) disposal and/or conversion of residual solid waste . In adopting such regulations, to the extent permitted by law the Director shall give priority to: Zero Waste goals which are designed to maximize recycling and safeguard the environment, maintain competitive

rates, protect the welfare of workers in the industry, recover City costs of procurement and franchising, and provide funds to defray the cost of related City services.

The regulations adopted by the Director shall meet the specific criteria contained in the following five principles:

(1) There shall be competitive bidding of five separate and concurrent 10-year contracts for each of the five solid waste components. The five components are: (i) residential collection services; (ii) commercial collection services; (iii) operation of Zero Waste recyclable materials recovery and processing facilities in the City; (iv) operation of transfer facility in San Francisco and transportation of post-processed residual waste to disposal or conversion sites out of the City; and (v) disposal and/or conversion of residual waste;

(2) The regulations shall provide that a private contractor or its affiliate shall not be awarded a contract for both (i) the operation of Zero Waste recyclable materials recovery and processing facilities in the City; and (ii) the disposal and/or conversion of residual waste outside of the City;

(3) The regulations shall assure a public-private partnership for the public ownership and private operation of solid waste facilities whereby materials recovery, processing and transfer facilities, as well as parking facilities for all residential and commercial collection vehicles (collectively, "Solid Waste Facilities") shall be located in the City and publicly-owned no later than December 31, 2018 to provide fair competition for competitive bidding of private operations of such Solid Waste Facilities. The negotiations for public ownership of existing Solid Waste Facilities, or development of plans for new publicly-owned Solid Waste Facilities shall be completed no later than December 31, 2013, and competitive bidding for all five services contracts, including private operations of Solid Waste Facilities, shall be completed no later than December 31, 2015. The City shall not enter into any new contract or extend any existing contract for the use beyond December 31, 2018 of privately-owned Solid Waste Facilities;

(4) The regulations shall be developed by the Director in conjunction with the Board's Budget and Legislative Analyst for implementation consistent with the principles contained in this Ordinance.

(5) Such regulations shall by January 1, 2013 prescribe a system to govern the competitive bidding, franchising and contracting of solid waste generated in the City, including discarded recyclable materials, with the following five separate contracts or franchises: (i) residential collection; (ii) commercial collection; (iii) materials recovery and processing; (iv) transfer and transportation of residual waste; and (v) disposal and/or conversion of residual waste in a manner that provides the greatest benefit to the ratepayers, including the collection of franchise fees. Competitive bidding for the five service component contracts or franchises shall be completed no later than December 31, 2015. The Director shall work in conjunction with and rely upon the data and quantitative analysis generated by the Board's Budget and Legislative Analyst on development and implementation of the competitive bidding regulations, and all franchising and contracting recommendations to the Board. To the extent permitted by law, bidders with the most participation of State of California-certified small business enterprises and hiring of City residents shall receive maximum credit in the competitive bidding process for contracts and franchises for the five solid waste service components.

SECTION 4. TERMINATION

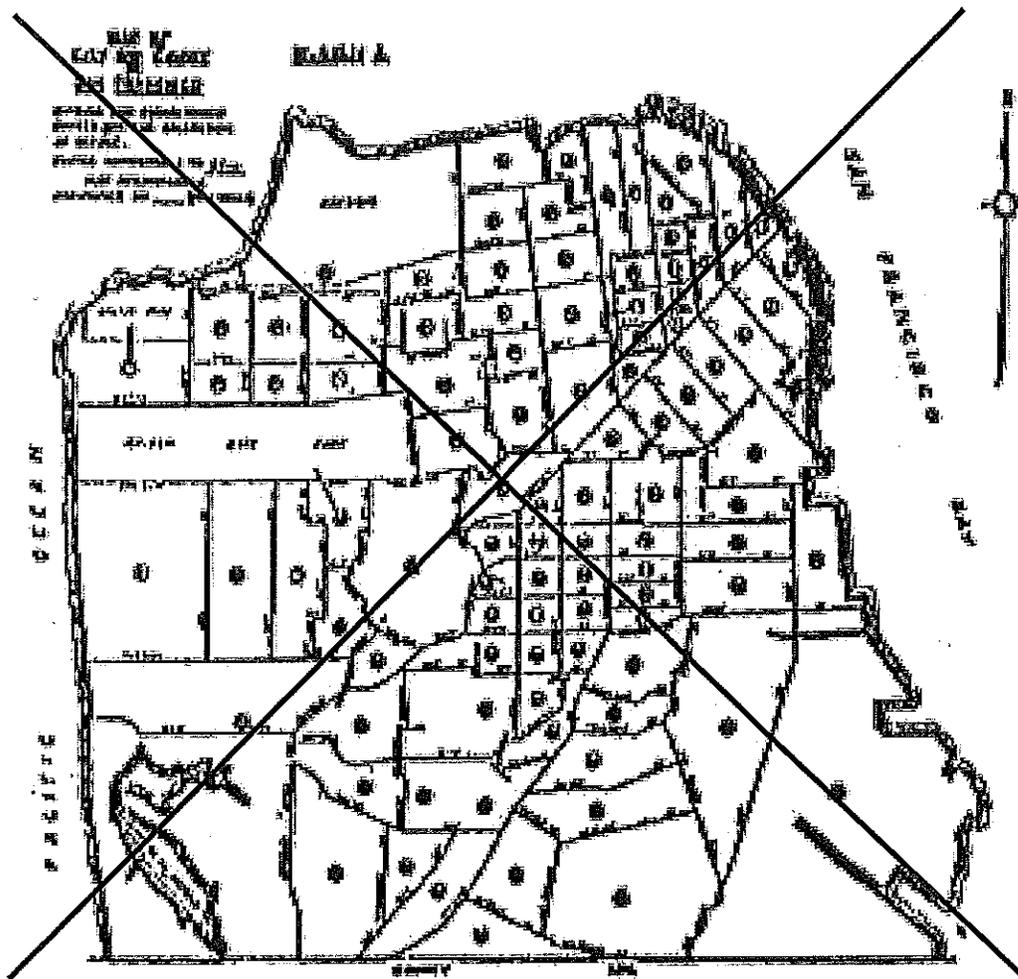
~~It shall be unlawful for any person, firm or corporation, other than a refuse collector licensed by the Director of Public Health as in this ordinance provided, to transport through the streets of the City and County of San Francisco any refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper, or other refuse having a commercial value. It is provided, however, that a license for a refuse collector, as provided in Section 8 hereof, shall be distinguished from a permit to operate, in the City and County of San Francisco on a certain designated route, as hereinafter provided.~~

~~Upon the conviction of any person, firm, or corporation for any violation of the provisions of this Ordinance or of the relevant DPW regulations, the permit franchise or contract of with such person, firm or corporation issued under the provisions of this Ordinance shall be forthwith and immediately terminated and canceled as of the date of conviction in conformance with all laws of the City.~~

~~The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a number on said map, said routes being numbered one to ninety seven, inclusive, and said map and said routes are marked Exhibit A, and attached hereto and made a part of this ordinance.~~

~~Any person, firm or corporation desiring to transport through the streets of the City and County of San Francisco, any refuse as herein defined, or to collect or dispose of the same, shall make application to the Director of Public Health for permission so to do. Said application for such permit shall contain the name of the person, firm or corporation, any of the particular route or routes, designated in said map of routes, proposed to be served by said person, firm or corporation, and a statement that said person, firm or corporation will abide by all the provisions of this ordinance, and will not charge a greater rate for the collection and disposition of said refuse than that fixed in or pursuant to this ordinance.~~

~~The Director of Public Health shall grant a permit to such applicant unless the route proposed is already adequately served by a licensed refuse collector. An application for a permit must be granted, however, by the said Director of Public Health, and it is mandatory on said director to grant the same, when it shall appear to any said application for a route or routes by a person, firm or corporation, that 20 percent or more of the householders, business men, apartment house owners, hotel keepers, institutions or residents in said route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition or contract in which they have stated that they are inadequately served by any refuse collector who is then collecting refuse on said route, provided that said director finds upon substantial evidence that such statement is correct. That inadequate service is hereby defined as the failure, on the part of any refuse collector to properly collect, handle or transport refuse on said route, or the overcharging for the collection of same, or insolence towards persons whose refuse has been collected, or the collection by any refuse collector whose license has been revoked as provided in Section 9 hereof. Such permit so granted by the Director of Public Health shall not be exclusive, however, and one or more persons, firms or corporations may be given a permit to collect on the same route.~~



Persons, firms or corporations desiring to transport through the streets of the City only waste paper or other materials having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this Ordinance or the Director's regulations.

SECTION 5. NOTICE OF TERMINATION

Refuse collected by refuse collectors shall be disposed of by such persons, firms or corporations and in such manner or by such method or methods as from time to time designated by the Board of Supervisors of the City and County of San Francisco.

Until and unless changed in the manner herein provided, the maximum rate or charge for the disposal of refuse to be charged the refuse collector by any person, firm or corporation authorized by the Board of Supervisors to dispose of refuse shall be \$1.50 per ton. Such rate or charge may, from time to time, be adjusted in the same manner, and in accordance with the same procedures, as is provided for the adjustment of rates and charges for the collection of refuse in Section 6(a) of this ordinance.

Any person, firm or corporation currently authorized to provide solid waste collection services in the City shall be afforded the rights provided under California Public Resources Code section 49520. Upon the effective date of this Ordinance, such persons, firms and corporations shall be deemed to have been given mailed notification effective as of 30 days after the effective date of this Ordinance, that exclusive solid waste handling services are to be provided or authorized by the City pursuant to this Ordinance and the regulations adopted thereunder. The Board shall further provide mailed notification to all such persons, firms or corporations pursuant to California Public Resources Code section 49520 within 30 days of the effective date of this Ordinance.

Any person, firm or corporation currently authorized to provide solid waste collection services for solid waste generated in the City may continue to provide such collection services until December 5, 2016 when such rights shall terminate. Between the date this Ordinance becomes effective and December 5, 2016, such rights to continue the collection of solid waste generated in the City shall be subject to such laws and regulations as may hereinafter be adopted by the City, which shall include provisions for the setting of maximum charges and fees that may be charged to solid waste collection customers, and such other provisions consistent with the findings and purposes set forth in Article 2.

SECTION 6. BOARD AUTHORITY FOR DISPOSAL

- (a) ~~Until and unless changed in the manner hereinafter set forth, the maximum rates or charges for the collection and disposition of refuse as herein defined, by refuse collectors, from residences, flats and apartment houses of not more than 600 rooms, and the regulations relating to such rates or charges, shall be as follows:~~

Rate Schedules

~~Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from the ground floor:~~

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.80	\$1.20	\$1.35	\$1.50
5	.85	1.25	1.40	1.55
6	.85	1.25	1.40	1.55
7	.95	1.35	1.50	1.70
8	1.00	1.50	1.70	1.80
9	1.00	1.50	1.70	1.80
10	1.00	1.50	1.70	1.80
11	1.00	1.50	1.70	1.80
12	1.00	1.50	1.70	1.80

~~Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from second floor, one stairway above ground floor or basement:~~

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.85	\$1.25	\$1.40	\$1.55

5	.95	1.35	1.45	1.60
6	.95	1.35	1.45	1.60
7	1.00	1.40	1.55	1.75
8	1.10	1.60	1.80	1.90
9	1.10	1.60	1.80	1.90
10	1.10	1.60	1.80	1.90
11	1.10	1.60	1.80	1.90
12	1.10	1.60	1.80	1.90

Monthly rates from residences and flats for one container of not exceeding 32 gallons.
Made from third floor, two stairways above ground floor or basement:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.90	\$1.30	\$1.45	\$1.60
5	.95	1.35	1.50	1.65
6	.95	1.35	1.50	1.65
7	1.10	1.55	1.70	1.80
8	1.15	1.70	1.90	2.00
9	1.25	1.75	1.95	2.10
10	1.25	1.75	1.95	2.10
11	1.25	1.75	1.95	2.10
12	1.25	1.75	1.95	2.10

Monthly rates from residences and flats for one container of not exceeding 32 gallons.
Made from fourth floor, three stairways above ground floor or basement:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$1.00	\$1.40	\$1.55	\$1.70
5	1.10	1.50	1.65	1.80
6	1.10	1.50	1.65	1.80
7	1.20	1.60	1.75	1.90
8	1.20	1.70	1.90	2.05
9	1.25	1.75	1.95	2.10
10	1.25	2.00	2.20	2.40
11	1.25	2.00	2.20	2.40
12	1.25	2.00	2.20	2.40

Monthly rates from apartment houses:

No. Rooms	Collections Per Week				
	6.	4.	3.	2.	1.
10	\$3.00	\$2.40	\$2.20	\$1.90	\$1.80
20	5.70	4.90	4.40	3.90	3.70
30	7.90	6.40	5.90	5.20	
40	9.80	8.70	7.40		
50	11.30	10.20	8.70		
60	12.50	11.50			

70	13.80	12.90
80	15.00	14.00
90	16.30	15.20
100	17.50	16.20
110	19.00	
120	20.40	
130	21.80	
140	23.20	
150	24.50	
160	25.90	
170	27.30	
180	28.70	
190	30.00	
200	31.40	
210	32.50	
220	33.80	
230	35.00	
240	36.30	
250	37.50	
260	38.80	
270	40.00	
280	41.30	
290	43.80	
300	45.00	
310	46.30	
320	47.50	
330	48.80	
340	50.00	
350	51.30	
360	52.50	
370	53.80	
380	56.30	
390	57.50	
400	58.80	
410	59.00	
420	60.40	
430	61.80	
440	63.20	
450	64.50	
460	65.90	
470	67.30	
480	68.70	
490	70.00	
500	71.40	
510	72.80	
520	74.20	

530	75.50
540	76.90
550	78.30
560	79.70
570	82.30
580	82.40
590	83.80
600	85.00

Rate Regulations

Rates for residences and flats shall be increased for more than one container of a maximum of 32 gallons by 10 cents per additional container per collection.

Any charge made by a refuse collector for removal of waste material not required to be placed in metal cans and which is delivered to him in other suitable containers as provided by Section 3 hereof, shall not exceed the rates fixed herein for collection and disposal of equivalent volumes of refuse in metal cans.

In determining the number of rooms of any household, building or apartment in order to ascertain the rate for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets and toilets shall not be considered as rooms, nor shall basements or attics be considered as rooms unless the same be occupied as living quarters.

Any collection and disposition charges not specifically set forth herein shall be subject to agreement between the producer and a duly licensed refuse collector.

Procedure for Adjustment

There is hereby created a Rate Board consisting of the Chief Administrative Officer, who shall act as chairman, the Controller, and the Manager of Utilities. The Board shall convene upon call of the Chairman or the other two members and two members shall constitute a quorum. The Board shall act by majority vote. Any member of the Board may from time to time designate a subordinate from his own department to act in his place and stead as a member of the Board.

Any person, firm or corporation (including any holder of a permit to collect and dispose of refuse) affected by the above schedules of rates, or by revised schedule of rates hereafter placed in effect, and desiring an increase, decrease, or other adjustment or change in, or addition to, such rates or schedules or the regulations appertaining, shall file an application therefor with the Chairman of the Rate Board, who shall thereupon refer the same to the Director of Public Works for hearing, report and recommendation as hereinafter provided, unless the Rate Board shall determine that the application lies beyond its powers or presents no substantial question as to the justice or reasonableness of the rates, schedules of rates or regulations then in effect or is otherwise frivolous, in any of which events the Rate Board shall deny the application without further proceedings thereon.

Within 30 days thereafter, the Director of Public Works shall commence a public hearing upon the application and shall, not less than 20 days in advance of such hearing, cause to be published at least once in the official newspaper notice of the time and place thereof. The Director of Public Works shall be empowered to make or cause to be made such studies and investigations as he may deem pertinent to the application, to continue the hearing from time to time for that purpose, and to introduce the results of such studies and investigations in evidence. The applicant, and any person, firm or corporation affected by the application, shall be entitled to appear at the hearing and be heard. Any such person, firm or corporation desiring notice of

~~further proceedings or action upon the application may file with the Chairman of the Rate Board a written request for such notice, setting forth his name and mailing address.~~

~~Upon the conclusion of the hearing and within 90 days after referral to him of the application, the Director of Public Works shall make and file with the Chairman of the Rate Board a Report setting forth the facts as found by him from the evidence taken and record made at the hearing, and a Recommended Order. The Recommended Order, if it provides for any change in the rates, schedules of rates, or regulations then in effect, shall set forth the date upon which the change is to take effect, which date shall be not less than 15 days from the date of filing of the Recommended Order with the Chairman of the Rate Board. The Chairman of the Rate Board shall publish the Recommended Order, together with notice of filing thereof, in the official newspaper, and shall mail notice of the filing of the Report and Recommended Order to the applicant and to any others who shall have filed written requests for notice as hereinabove provided.~~

~~At any time, within 15 days after filing of the Director of Public Works' Report and Recommended Order with the Chairman of the Rate Board, the applicant or any person, firm or corporation affected by the application, may file with the Chairman of the Rate Board any objections that he may have to the Recommended Order. If no such objections be filed, then the Recommended Order shall be deemed the Order of the Rate Board and shall take effect according to its terms without other or further action by the Rate Board. If any such objections be filed, then the Rate Board, upon not less than 10 days notice by mail to the applicant and to others who shall have filed written requests for notice as hereinabove provided, shall hear the objections and, upon the basis of the evidence taken and record made upon the hearing before the Director of Public Works, shall grant or deny the application in whole or in part and shall make such order, to take effect at such time, as may be just and reasonable. In the event of inability or failure of the Rate Board to render a decision within 60 days of the date of filing with it of the Director of Public Work's Report and Recommended Order, then the said Recommended Order shall be deemed the order of the Board and shall take effect upon expiration of said 60 day period.~~

~~Any revised rates, schedules of rates or regulations placed in effect pursuant hereto shall be just and reasonable.~~

~~An application filed pursuant to this section and denied in whole or in part may not be renewed for a period of one year from the date of filing in the absence of an intervening change in conditions.~~

~~(b) Any collection and disposition of rates or charges for establishments other than residences, flats and apartment houses of not more than 600 rooms, shall be subject to contract between the producer and a duly licensed refuse collector.~~

Any person, firm or corporation authorized by the Board to hold a franchise or contract to collect solid waste generated in the City shall transport and deliver all such solid waste to a facility designated by the City. No person, firm or corporation authorized by the Board to hold a franchise or contract to collect solid waste generated in the City shall dispose of solid waste in a landfill except as expressly authorized by the City.

SECTION 7. MAXIMUM RATES SET BY BOARD

~~It shall be unlawful for any refuse disposer or refuse collector to charge a greater rate for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.~~

~~Nothing herein contained shall be taken or construed as preventing a refuse disposer or a refuse collector from charging a lesser rate or charge for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.~~

In conformity with results of the competitive bidding process the Board shall establish the maximum charges and fees that may be charged to customers for solid waste handling services provided by any person, firm or corporation authorized by the Board to collect, process or dispose of solid waste generated in the City.

SECTION 8.

~~Each licensed refuse collector shall be assigned a number by the Director of Public Health. The Director of Public Health shall furnish each collector a metal badge on which is marked the number assigned the collector, who at all times while collecting refuse shall wear said badge in plain view. The Director of Public Health shall collect from each collector for the expense of providing said badge and the issuance of said license the sum of \$5. Each vehicle or wagon in which refuse is transported through the streets shall be assigned a number by the Director of Public Health and the number thereof shall be plainly marked thereon.~~

SECTION 9.

~~The license, as distinguished from a permit herein, of any refuse collector, may be revoked by the Director of Public Health for failure on the part of the refuse collector to properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons whose refuse he is collecting, and it shall be unlawful for any person whose license is so revoked to collect refuse in the City and County of San Francisco.~~

~~No license of a refuse collector shall be revoked except upon a hearing of which the refuse collector has been given a notice of at least three days.~~

SECTION 10.

~~Upon the payment of the rate fixed in or pursuant to Section 6(a) of this ordinance for the collection and removal of refuse, the person paying the same shall be entitled to, and there shall be delivered to him, a receipt on which shall be shown the amount paid, the premises for which it is paid, the name and number of the collector, the number of the vehicle or wagon, and, in clearly legible print, the schedule of rates applicable to his classification of establishment. On the face of said receipt there shall be printed the following words: "The rates for the collection of refuse are fixed pursuant to initiative ordinance and are printed on the back of this receipt. Complaints as to service should be made to the Department of Public Health."~~

~~Upon the payment of a rate fixed by contract pursuant to Section 6(b) hereof, the person paying the same shall be given a receipt which shall show the amount paid, the period for which~~

paid, the premises for which paid, the name and number of the collector and the date of payment, and shall bear the notation that the rate charged is subject to private contract.

SECTION 11.

~~Disputes over charges made by collectors or as to the character of the service performed shall be decided by the Director of Public Health. Any charges made in excess of rates fixed pursuant to this ordinance, when determined by the Director of Public Health, shall be refunded to the person or persons who paid the excess charge.~~

SECTION 12.

~~A refuse collector shall be entitled to payment for the collection of refuse at the end of each month from each householder or landlord served by him and from whom the payment is due.~~

SECTION 13.

~~The initiative ordinance passed by the People of the City and County of San Francisco on June 14, 1927, providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Board of Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes and apartment houses; dividing City and County of San Francisco into collection routes; and providing penalties for the violation of the provisions of this ordinance, and all other ordinances in conflict therewith, are herewith repealed.~~

SECTION 14.

~~Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.~~

SECTION 15.

~~This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor; provided, however, that for the purpose of issuing licenses to refuse collectors, application may be filed and the licenses issued during the period between the final approval of this ordinance and the date of its taking effect.~~

SECTION 16.

~~The Controller shall furnish the Director of Public Health with such financial data, including data as to the cost of refuse collections, as may be required by the Director to enable him to perform his functions under this ordinance. The Controller shall likewise make available at any hearing before the Director of Public Works upon an application filed pursuant to Section 6 hereof such financial data, including data as to the cost of refuse collections, as the Director of Public Works may deem pertinent to the issues raised by the application. Each collector holding a permit shall keep such records and render such reports as may be required by the Controller to enable him to develop the above-mentioned data, and the Controller shall have access to such records.~~

SECTION 17.

~~If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. It is hereby declared that this act, and each section, subsection, sentence, clause and phrase thereof, would have been passed irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases had been declared unconstitutional.~~

SECTION 4. AMENDMENTS.

This Ordinance may only be amended by the voters at a subsequent municipal election, except the Board may amend the Ordinance, but only to further the purposes and principles of the Ordinance.

SECTION 5. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance, and to this end the provisions of this Ordinance are severable.

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