

Introduced by:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW SECTION TO CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE, SOLID WASTE COLLECTION FRANCHISE SYSTEM, TO CLOSE THE SYSTEM TO NEW APPLICATIONS

The People of the City of Pasadena ordain as follows:

WHEREAS, the City of Pasadena has operated a non-exclusive solid waste franchise system open to all solid waste haulers, (hereinafter, "haulers") who meet the stated qualifications;

WHEREAS, there are presently in excess of thirty (30) haulers with non-exclusive solid waste franchises operating in the City of Pasadena;

WHEREAS, the addition of new haulers is not likely to improve service or to increase competition in a manner that benefits Pasadena residents or businesses;

WHEREAS, the addition of new haulers will cause further air pollution, road damage, noise pollution and congestion (hereinafter collectively referred to as "adverse impacts");

THEREFORE, the City Council finds and determines that it is in the interests of the public health, safety and welfare of the residents and businesses of the City to close the solid waste franchise system to new haulers, pending study by City staff of the adverse impacts in relation to the goals of an open franchise system and until future determination by City Council that the public health, safety and welfare is best served by otherwise modifying the non-exclusive solid waste franchise system.

SECTION 1. A new Section 8.61.055 is added to the Pasadena Municipal Code to read as follows:

“8.61.55. No new applications for a non-exclusive franchise; renewal of existing franchises.

As of August 6, 2007, and until such future date as the city council may determine, the city shall neither accept nor process new applications for franchises, and the city council shall grant no new franchises. Any franchisee with the city as of August 6, 2007 may apply for the grant of franchise renewal by following the procedures set forth in section 8.61.070, on a renewal form to be provided by the director. For the purposes of this section, ‘a franchisee with the city as of August 6, 2007,’ shall mean the following: Any person approved by the city council for a franchise on or prior to August 6, 2007, but it shall not include the following: franchises which have lapsed prior to August 6, 2007; franchises which have been terminated or not-renewed for non compliance with any provision of this chapter at any time, or applicants for new franchises which were pending as of August 6, 2007, but had not been granted by city council on or prior to that date. Franchise renewals shall be subject to the terms,

conditions, rules, regulations, restrictions and limitations of chapter 8.61 of this code, and such other terms and conditions as city council deems necessary to protect the public health, safety or welfare.”

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. This ordinance shall take effect upon its publication.

Signed and approved this _____ day of _____, 2007.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held the _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PUBLISHED:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:

 8/8/07

Nicholas George Rodriguez
Assistant City Attorney