

ORDINANCE NO. 735

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**AN ORDINANCE OF THE CITY OF MILLBRAE
AMENDING CHAPTER 6.15, "GARBAGE," OF THE MILLBRAE MUNICIPAL CODE
TO RESTRICT THE PROVISION OF DEBRIS BOXES OTHER THAN PURSUANT TO
A CITY GARBAGE COLLECTION FRANCHISE**

Be it ordained by the City Council of the City of Millbrae as follows:

SECTION 1: Amending Chapter 6.15, "Garbage."

Section 6.15.155 of Chapter 6.15, "Garbage," the Millbrae Municipal Code is hereby added to read as follows:

6.15.155 Dumpster and Roll-off Bin Restriction - Franchise Required; Enforcement

A. Except as expressly authorized in this chapter, if the city council awards or grants an exclusive garbage or waste matter hauling or removal contract, it shall be unlawful for any person, firm or corporation not holding such contract to engage in or carry on the business of providing any garbage or waste matter hauling services in the city that are covered by the exclusive contract. It shall further be unlawful for any person, firm or corporation to place or use in the city any roll-off bin or box, dumpster, debris bin or box, or other container for the collection of garbage or waste matter (hereinafter "Dumpster or Roll-off Bin") unless the Dumpster or Roll-off Bin is provided by the holder of the exclusive contract. Any such Dumpster or Roll-off Bin provided other than by the holder of the exclusive contract shall be deemed illegal and subject to removal pursuant to these provisions. This section does not apply to the removal of demolition and construction debris by a licensed demolition construction contractor using its own employees and equipment as an incidental part of a comprehensive service offered by that contractor rather than as a hauling service, or other exceptions specified in the exclusive contract.

B. The city manager or his/her designee, which may include the awardee or grantee of an exclusive garbage or waste matter hauling or removing contract, may notify, in writing on a conspicuous place on any unlawfully placed Dumpster or Roll-off Bin, the owner of the Dumpster or Roll-off Bin that it is suspected of violating this section and that the Dumpster or Roll-off Bin may be impounded if it is not permanently removed by the time set forth in the notice. The Dumpster or Roll-off Bin shall be moved no less than twenty-four hours after posting of the notice.

C. Any person or persons, company or companies, that violates or violate this section shall be liable to the city for all fines and charges levied in connection with, and the actual costs to the city of, the collection, transportation, storage and handling of an unlawfully placed Dumpster or Roll-off Bin by the city or a designee of the city. Actual costs to the city include the cost of the city's pick up and delivery of the illegal box to the city's storage yard, staff costs for

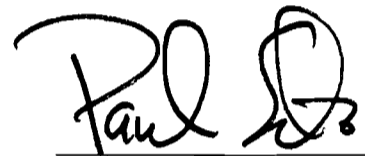
investigating and processing the illegal box, and costs for storing the illegal box. If the identity of the owner of the Dumpster or Roll-off Bin is known or becomes known to the city manager or his/her designee, the city manager or his/her designee shall promptly notify the owner by mail of the impounding of the Dumpster or Roll-off Bin and instruct the owner how to claim the stored property. Any impounded Dumpster or Roll-off Bin shall be retrieved by the owner or his/her representative immediately after the applicable charges have been paid. If the property is not claimed within ninety days of the mailing of such notice, the Dumpster or Roll-off Bin and its contents shall be deemed abandoned property and may be disposed of accordingly.

SECTION 2. Effective Date; Publication.

This Ordinance shall be in full force and effect thirty days from and after its passage. Within fifteen (15) days of its adoption, this Ordinance shall be published once in a newspaper of general circulation.

INTRODUCED at a regular meeting of the City Council of the City of Millbrae held on the 8th day of June, 2010.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on the 22nd day of June, 2010.


MAYOR

ATTEST:


CITY CLERK

I do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Millbrae this 22nd day of June 2010, by the following vote:

AYES:	COUNCILMEMBERS:	Seto, Quigg, Colapietro, Papan, and Holober
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


CITY CLERK