

ORDINANCE NO. 1244

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 8.12 OF THE MUNICIPAL CODE TO UPDATE NON-EXCLUSIVE FRANCHISE AGREEMENTS FOR THE COLLECTION OF SOLID WASTE TO COMPLY WITH SB1383

THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.12.010 (“Definitions”) of Chapter 8.12 (“Solid Waste Collection and Disposal”) of Title 8 (“Health and Safety”) of the City of Hollister Municipal Code is hereby amended to read as follows:

8.12.010 – Definitions

Roll off dumpster means a container designed to hold eight (8) to fifty (50) cubic yards of loose or compacted material that is emptied off site by mechanically rolling the container off of the motor vehicle used for collection.

SECTION 2. Section 8.12.015 (“Franchises for collection of waste and recycled materials”) of Chapter 8.12 (“Solid Waste Collection and Disposal”) of Title 8 (“Health and Safety”) of the City of Hollister Municipal Code is hereby amended to read as follows:

8.12.015 – Franchises for solid waste collection

A. The city council may determine, pursuant to state law, if a collection franchise shall be awarded exclusively or non-exclusively, with or without competitive bidding. The council shall specify the duration of the franchise agreement or permit and shall specify, by resolution, an appropriate franchise fee.

B. The city council or board of supervisors may grant non-exclusive solid waste collection franchise agreements or permits for roll-off collection in the city limits. These franchise agreements or permits shall be known as “roll-off collection” and shall be granted subject to any franchise fees which may be established by council resolution. In no case shall that franchise fee exceed that which is charged for the exclusive franchise.

C. It is unlawful for any person to engage in a commercial enterprise to collect solid waste or recyclables in the city limits unless the person has been granted a franchise or permit by the city to collect solid waste, or unless the person is exempt from the franchise or permit requirement.

SECTION 3. SEVERABILITY. If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 5. PUBLICATION. The City Clerk is hereby directed to post a summary and certified copy of this ordinance in the city clerk's office at least five (5) days prior to adoption and to publish a summary of the ordinance in the Free Lance, a newspaper of general circulation, within fifteen (15) days after its adoption.

INTRODUCED at a regular meeting of the City Council held on February 5, 2024 and adopted as an ordinance by the City of Hollister at a regular meeting of the City Council held on February 20, 2024 by the following vote:

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 20th day of February 2024, by the following vote:

AYES: Councilmembers Resendiz, Morales, and Mayor Casey

NOES: None

ABSENT: Councilmembers Perez, and Burns

ABSTAINED: None

Mia Casey, Mayor

ATTEST:

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Jennifer Thompson, Assistant City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1244 is an original Ordinance, or true and correct copy of a City Ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 20th day of February 2024, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this 20th day of February 2024.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister