

REGULAR

NUMBER: 48.18

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS AMENDING AN EXISTING SUBSECTION TO CHAPTER 200 OF TITLE V OF THE MILPITAS MUNICIPAL CODE ENTITLED "WEEKLY DISPOSAL."

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of February 6, 2007, upon motion by Councilmember Polanski and was adopted (Second reading) by the City Council at its meeting of _____, 2007 upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

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

SECTION 1. Recitals and Findings.

- A. The existing Milpitas Municipal Code Title V, Chapter 200, Section 3.40 provides a ten year period for the exemption for businesses that purchased compactor equipment prior to May 1, 1996.
- B. The City Council finds that this ten year exemption period has elapsed as of May 1, 2006.
- C. The City Council finds that this Ordinance does not render Title V, Chapter 200 inconsistent with the City of Milpitas General Plan.

SECTION 2. Title V, Chapter 200, Section 3.40 is hereby amended to read as follows:

“V-200-3.40. **Weekly Disposal.** No more than one week's accumulation of solid waste shall be kept or be permitted to remain upon any premises in the City unless in a commercial compactor. At least once each week all solid waste produced, kept or accumulated within any premises in the City shall be disposed of in accordance with the provisions of this Chapter. Solid waste accumulated in a commercial compactor shall be disposed of at least once every two (2) weeks.”

SECTION 3. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 4. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.