

PROPOSITION C

Ordinance submitted to electors, amending ordinance adopted by electors on November 8, 1932, relating to refuse collection and disposal.

ORDINANCE

ORDERING SUBMISSION OF PROPOSED AMENDMENT TO INITIATIVE ORDINANCE REGULATING REFUSE COLLECTION AND DISPOSAL

The Board of Supervisors hereby orders submitted to the qualified electors of the City and County of San Francisco, at an election to be held therein on June 8, 1954, an ordinance amending the initiative ordinance adopted at an election held in said City and County November 8, 1932, entitled, "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 the City and County of San Francisco into Collection Routes; Providing Penalties for the Violation of the Provisions of this Ordinance," by amending Sections 3, 4, 6, 7, 10, 11 and 16 of said ordinance, as follows:

ORDINANCE No. 8452

(Series of 1939)

AN ORDINANCE, AMENDING THE INITIATIVE ORDINANCE ADOPTED BY THE ELECTORS ON NOVEMBER 8, 1932, ENTITLED, "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," BY AMENDING SECTIONS 3, 4, 6, 7, 10, 11 AND 16 OF SAID ORDINANCE, PROVIDING FOR THE SIZE OF REFUSE CONTAINERS, THE LICENSING AND CHARGES OF REFUSE COLLECTORS AND OTHER REGULATIONS RELATING THERETO.

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

Section 1. Section 3 of the ordinance cited in the title hereof is amended to read as follows:

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 a 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.

Section 2. Section 4 of said ordinance is amended to read as follows:

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, the permit of 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.

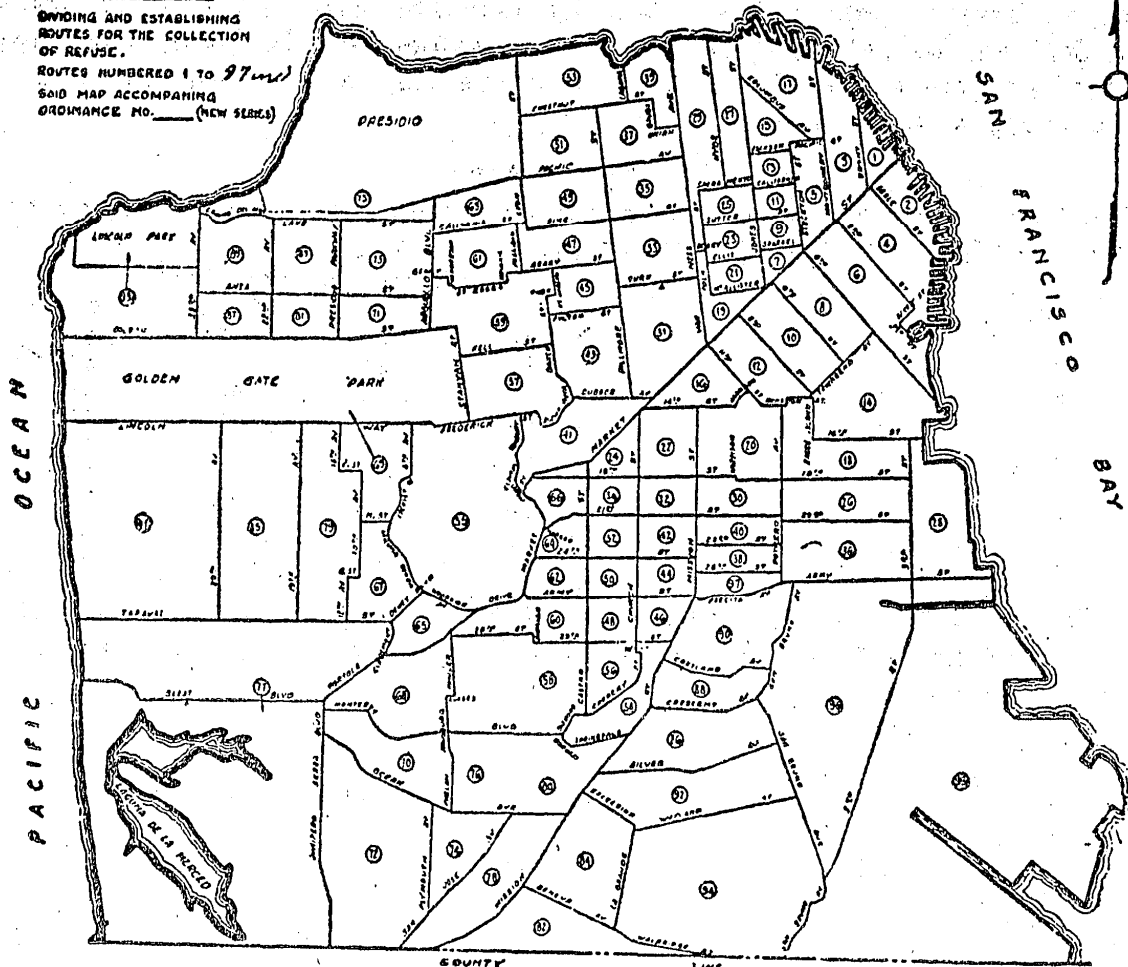
The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a 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.

**MAP OF
CITY AND COUNTY
OF
SAN FRANCISCO**

Exhibit A

**DIVIDING AND ESTABLISHING
ROUTES FOR THE COLLECTION
OF REFUSE.**
ROUTES NUMBERED 1 TO 97
SAID MAP ACCOMPANYING
ORDINANCE NO. _____ (NEW SERIES)



MAP OF THE CITY AND COUNTY OF SAN FRANCISCO

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 in any said application for a route or routes by a person, firm or corporation, that twenty per cent 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 over-charging 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 and County of San Francisco only waste paper or other refuse having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this ordinance.

Section 3. Section 6 of said ordinance is amended to read as follows:

(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 thirty-two gallons. Made from the ground floor:

No. Rms.	Collections Per Week			
	1	2	3	4
1-4.....	.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 thirty-two gallons. Made from second floor, one stairway above ground floor or basement:

No. Rms.	Collections Per Week			
	1	2	3	4
1-4.....	.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 thirty-two gallons. Made from third floor, two stairways above ground floor or basement:

No. Rms.	Collections Per Week			
	1	2	3	4
1-4.....	.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 thirty-two gallons. Made from fourth floor, three stairways above ground floor or basement:

No. Rms.	Collections Per Week			
	1	2	3	4
1-4.....	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:

Collections Per Week						Collections Per Week					
No. Rms.	6	4	3	2	1	No. Rms.	6	4	3	2	1
10.....	3.00	2.40	2.20	1.90	1.80	310.....	46.30	.....	.....	.....	.....
20.....	5.70	4.90	4.40	3.90	3.70	320.....	47.50	.....	.....	.....	.....
30.....	7.90	6.40	5.90	5.20	.....	330.....	48.80	.....	.....	.....	.....
40.....	9.80	8.70	7.40	.....	.....	340.....	50.00	.....	.....	.....	.....
50.....	11.30	10.20	8.70	.....	.....	350.....	51.30	.....	.....	.....	.....
60.....	12.50	11.50	.....	.....	.....	360.....	52.50	.....	.....	.....	.....
70.....	13.80	12.90	.....	.....	.....	370.....	53.80	.....	.....	.....	.....
80.....	15.00	14.00	.....	.....	.....	380.....	56.30	.....	.....	.....	.....
90.....	16.30	15.20	.....	.....	.....	390.....	57.50	.....	.....	.....	.....
100.....	17.50	16.20	.....	.....	.....	400.....	58.80	.....	.....	.....	.....
110.....	19.00	.....	.....	.....	.....	410.....	59.00	.....	.....	.....	.....
120.....	20.40	.....	.....	.....	.....	420.....	60.40	.....	.....	.....	.....
130.....	21.80	.....	.....	.....	.....	430.....	61.80	.....	.....	.....	.....
140.....	23.20	.....	.....	.....	.....	440.....	63.20	.....	.....	.....	.....
150.....	24.50	.....	.....	.....	.....	450.....	64.50	.....	.....	.....	.....
160.....	25.90	.....	.....	.....	.....	460.....	65.90	.....	.....	.....	.....
170.....	27.30	.....	.....	.....	.....	470.....	67.30	.....	.....	.....	.....
180.....	28.70	.....	.....	.....	.....	480.....	68.70	.....	.....	.....	.....
190.....	30.00	.....	.....	.....	.....	490.....	70.00	.....	.....	.....	.....
200.....	31.40	.....	.....	.....	.....	500.....	71.40	.....	.....	.....	.....
210.....	32.50	.....	.....	.....	.....	510.....	72.80	.....	.....	.....	.....
220.....	33.80	.....	.....	.....	.....	520.....	74.20	.....	.....	.....	.....
230.....	35.00	.....	.....	.....	.....	530.....	75.50	.....	.....	.....	.....
240.....	36.30	.....	.....	.....	.....	540.....	76.90	.....	.....	.....	.....
250.....	37.50	.....	.....	.....	.....	550.....	78.30	.....	.....	.....	.....
260.....	38.80	.....	.....	.....	.....	560.....	79.70	.....	.....	.....	.....
270.....	40.00	.....	.....	.....	.....	570.....	82.30	.....	.....	.....	.....
280.....	41.30	.....	.....	.....	.....	580.....	82.40	.....	.....	.....	.....
290.....	43.80	.....	.....	.....	.....	590.....	83.80	.....	.....	.....	.....
300.....	45.00	.....	.....	.....	.....	600.....	85.00	.....	.....	.....	.....

Rate Regulations

Rates for residences and flats shall be increased for more than one container of a maximum of thirty-two 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 or 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 any 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 thereto, 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 thirty days thereafter, the Director of Public Works shall commence a public hearing upon the application and shall, not less than twenty 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 ninety 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 fifteen 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 fifteen 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 ten 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

sixty days of the date of filing with it of the Director of Public Works' 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 sixty 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 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.

Section 4. Section 7 of said ordinance is amended to read as follows:

It shall be unlawful for any refuse collector to charge a greater rate for the collection and disposition of refuse than that fixed in, or pursuant to, Section 6 of this ordinance.

Nothing herein contained shall be taken or construed as preventing a refuse collector from charging a less rate or charge for the collection of refuse than that fixed in, or pursuant to, Section 6 of this ordinance.

Section 5. Section 10 of said ordinance is amended to read as follows:

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 6. Section 11 of said ordinance is amended to read as follows:

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 7. Section 16 of said ordinance is amended to read as follows:

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 8. This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor.

Ordered submitted: Board of Supervisors, San Francisco, March 15, 1954.

Ayes: Supervisors Arnold, Carberry, Christopher, Dobbs, Ferdon, Mancuso, McAteer, McCarty, McMahon, Mead.

Absent: Supervisor Lewis.

I hereby certify that the foregoing ordinance was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. McGRATH, Clerk.