

Chapter 44 GARBAGE AND REFUSE¹

44-1. Definitions.

In addition to the definitions set forth in section 1-2 of this Code, the following terms, as used in this Chapter, shall have the following meanings unless the context clearly requires otherwise:

Alley collection means collection of refuse deposited in three hundred-gallon plastic refuse containers utilized by more than one (1) covered residence and that are located in an alley behind those covered residences.

Basic solid waste services means the collection and disposal of solid waste generated by a covered residence in accordance with this Chapter pursuant to a schedule developed by the Director to ensure that refuse will be collected once per calendar week and that recyclable materials will be collected once per calendar week.

Bulk materials means materials that are too large to be deposited in a City-provided refuse or recycling container but may be collected by the City pursuant to section 44-6.

Business establishment means any facility utilized to conduct any sort of commercial, business or industrial enterprise, other than a covered residence from which a home-based business is being legally conducted. Business establishments include apartment complexes, multi-plexes, other than covered residences, mobile home parks, hotels, motels, motor inns, and other like establishments providing lodging for travelers, long-term care facilities and nursing homes and activities conducted by nonprofit organizations.

Commercial hauler means any person engaged in collecting, removing, transporting or hauling solid waste on or along any public street, avenue or alley within the City.

Construction debris shall have the meaning set forth in A.R.S. Section 49-701.5.

Covered residence means the following types of residential units located within the City that allow safe access for collection vehicles to complete curbside collection in front of each unit, as determined by the Director:

- a) Single-family homes;
- b) Duplexes;
- c) Tri-plexes; and
- d) Multi-plexes, other than business establishments.

Curbside collection means collection of refuse deposited in refuse containers, and recyclable materials deposited in recycling containers, that are utilized by a covered residence on the designated days for collection of refuse and recyclable materials respectively.

Director means the Director of the Department of Public Works and Utilities or designee.

¹Editor's note(s)—Ord. No. 3027, § 2, adopted Oct. 14, 1999, repealed former Ch. 13, in its entirety, which pertained to garbage and trash. Section 3 of said ordinance enacted provisions designated as a new Ch. 44 to read as herein set out. Subsequently, Ord. No. 3739, § 1, adopted Dec. 12, 2005 amended Ch. 44, in its entirety, to read as herein set out in §§ 44-1—44-10. See also the Code Comparative Table.

Generator means the person who resides at a covered residence and produces or generates the solid waste to which the provisions of this Chapter apply.

Hazardous waste shall have the meaning set forth in A.R.S. Section 49-921.5.

Household hazardous waste shall have the meaning set forth in A.R.S. Section 49-701.13.

Household hazardous waste collection center means that area located within the recycling-solid waste collection center that is designed to accept and accumulate household hazardous waste for processing, recycling and proper disposal.

Landscaping rubble shall have the meaning set forth in A.R.S. Section 49-701.17.

Large appliances means discarded appliances emptied of contents, including refrigerators, freezers, oven ranges, water heaters, dishwashers, washers, dryers, kitchen compactors, window unit air conditioners, evaporative coolers, water softeners and other similar large residential appliances.

Medical waste shall have the meaning set forth in A.R.S. Section 49-701.19.

Neighborhood drop-off-sites means designated sites throughout the City for the placement of containers for collection of specified recyclable materials.

Recyclable materials means solid waste that is separated from other solid waste for the purpose of recycling or reuse, and that meets the qualitative criteria established by the Director for recycling.

Recycling shall have the meaning set forth in A.R.S. Section 49-831.21.

Recycling container means a container used for the placement of recyclable materials for collection by either the City or a commercial hauler permitted pursuant to this Chapter.

Recycling drop-off zone means that area located within the recycling-solid waste collection center designed to accept and accumulate recyclable materials for the purpose of recycling and reuse.

Recycling-solid waste collection center means the City-owned property that houses the refuse drop-off zone, the recycling drop-off zone and the household hazardous waste collection center.

Refuse means solid waste other than recyclable materials placed in a recycling container and unacceptable waste.

Refuse container means a container used for the placement of refuse for collection by either the City or a commercial hauler permitted pursuant to this Chapter.

Refuse drop-off zone means that area located within the recycling-solid waste collection center designed to operate as a transfer facility.

Salvaging shall have the meaning set forth in A.R.S. Section 49-701.27.

Scavenging shall have the meaning set forth in A.R.S. Section 49-701.28.

Scrap metals means ferrous and non-ferrous materials suitable for recycling.

Secondary hauler means any person engaged in a business that generates, collects, removes or hauls solid waste as a by-product of its primary business. Examples of secondary haulers include carpet installers, roofing companies and landscape contractors.

Solid waste shall have the meaning set forth in A.R.S. Section 49-701.01.A, without the exclusions set forth in A.R.S. Section 49-701.01.B.

Special waste shall have the meaning set forth in A.R.S. Section 49-851.A.

Transfer facility shall have the meaning set forth in A.R.S. Section 49-701.34.

Unacceptable waste means the following types of solid wastes that may not be placed in a City-provided roll-off, refuse or recycling container, or placed at the curb for bulk materials collection, and that will not be accepted at the recycling-solid waste collection center:

- (a) liquid waste;
- (b) septic tank pumpings;
- (c) hazardous waste;
- (d) household hazardous waste (except at the household hazardous waste collection center);
- (e) special waste;
- (f) sludge;
- (g) vehicle bodies;
- (h) vehicle tires or equipment tires (except at the recycling drop-off zone);
- (i) livestock or dead domestic animals (except that dead domestic animals under seventy-five (75) pounds will be accepted at the refuse drop-off zone);
- (j) batteries, other than small alkaline batteries (except that all batteries will be accepted at the household hazardous waste collection center);
- (k) ammunition;
- (l) medical waste;
- (m) radioactive waste;
- (n) scrap metal (except for bulk collection and at the recycling drop-off zone);
- (o) household construction and demolition debris (except at the refuse drop-off zone when authorized by the Director);
- (p) concrete (except that concrete slabs that are less than twenty-four (24) inches by twenty-four (24) inches by twenty-four (24) inches in size will be accepted at the refuse drop-off zone);
- (q) dirt, gravel and rocks (except at the refuse drop-off zone when authorized by the Director); and
- (r) livestock manure (except at the refuse drop-off zone when authorized by the Director).

Vegetative waste shall have the meaning set forth in A.R.S. Section 49-701.36.

(Ord. No. 1103, § 1, 10-28-82; Ord. No. 1544, § 1, 10-10-85; Ord. No. 1978, § 1, 6-9-88; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2287, § 1, 7-9-92; Ord. No. 2371, § 1, 6-10-93; Ord. No. 2686, § 2, 12-16-96; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3311, § 4, 9-27-01; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 1, 5-10-07; Ord. No. 4802, § 2(Exh., § 6), 4-26-18; Ord. No. 4895, § 2(Exh., § A), 12-9-19)

44-2. General requirements.

44-2.1. Generator responsibilities. Generators shall be responsible for compliance with all applicable federal, state and local laws relating to the solid waste generated, including compliance with this Chapter and, as applicable, the alley maintenance provisions of Chapter 30 of this Code.

44-2.2. Property owner and tenant responsibilities. Property owners and tenants shall be responsible for compliance with all applicable federal, state and local laws relating to the solid waste generated, accumulated, stored or otherwise deposited on their property, including compliance with this Chapter and, as applicable, the alley maintenance provisions of Chapter 30 of this Code.

44-2.3. Proper storage of refuse. Except where expressly provided otherwise in this Chapter, all refuse shall be stored or accumulated in refuse containers meeting the requirements of this Chapter. Refuse shall be placed in leak proof plastic bags that are tightly secured prior to being placed in refuse containers. This subsection does not apply to the storage or accumulation of recyclable materials pursuant to this Chapter, solid waste stored or accumulated within a building structure and vegetative waste stored or accumulated on property in conjunction with legitimate composting activities.

44-2.4. Recyclable materials. It shall be the responsibility of persons receiving basic solid waste services to ensure that only recyclable materials are placed in recycling containers. Recyclable materials shall not be secured in plastic bags when placed in the recycling container. Placement of refuse or hazardous waste in recycling containers is prohibited, and may result in the City replacing the recycling container with a second refuse container and charging the covered residence the additional fee set forth by City Council resolution for this change in collection service.

44-2.5. Proper placement of solid waste. Unacceptable waste shall not be placed in refuse or recycling containers. No solid waste shall be placed in a refuse or recycling container if such placement will damage the container or preclude the lid from completely closing.

44-2.6. Maximum weight. The weight of the solid waste placed in City issued refuse or recycling containers shall not exceed two hundred (200) pounds for refuse and recycling containers provided for curbside collection or six hundred (600) pounds for refuse containers provided for alley collection.

44-2.7. Proper disposal. In addition to other federal, state and local statutes, rules and regulations limiting the disposal of solid waste, no person shall discard or otherwise dispose of any solid waste on or in a City refuse or recycling container that has not been assigned for use by that person or on or in any street, sidewalk, alley, right-of-way or other City property except as expressly authorized and approved by the Director.

(Ord. No. 1103, § 1, 10-28-82; Ord. No. 1544, §§ 2, 3, 10-10-85; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2686, §§ 2, 8, 12-16-96; Ord. No. 2287, § 1, 7-9-92; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3611, § 1, 10-14-04; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 2, 5-10-07; Ord. No. 4895, § 2(Exh., § B), 12-9-19)

44-3. Inspections.

Representatives of the City may conduct inspections of solid waste storage, collection, hauling and disposal activities to ensure compliance with, and knowledge of, the provisions of this Chapter. The City may provide notice of compliance violations prior to undertaking formal enforcement action pursuant to procedures established by the administrator. Inspections of restricted access areas on private property shall not be conducted without prior notice to the property owner.

(Ord. No. 1103, § 1, 10-28-82; Ord. No. 1299, § 1, 7-9-84; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2287, § 1, 7-9-92; Ord. No. 2371, § 1, 6-10-93; Ord. No. 2686, § 2, 12-16-96; Ord. No. 1103, § 1, 10-28-82; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2371, § 1, 6-10-93; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05)

44-4. Collection of solid waste.

44-4.1. City collection of solid waste. Except as expressly provided to the contrary in this Chapter, all solid waste, other than unacceptable waste, generated at a covered residence shall be collected and either disposed or recycled by City forces and every person residing in a covered residence that generates solid wastes shall cause the same to be collected by the City, its authorized agents or other qualified operatives as provided herein.

44-4.2. Covered residences. The City will provide basic solid waste services for all covered residences, unless determined by the Director to be infeasible or unsafe to do so, and charge the monthly disposal fee for these services including an additional fee for residents receiving alley collection as set forth by City Council resolution.

The City will provide additional refuse collection services for those additional refuse containers provided pursuant to Section 44-5 for the additional fee set forth by City Council resolution for such additional refuse collection. The additional refuse collection fee shall apply to the owner or occupant of a covered residence requesting an additional refuse container until such time that the additional refuse container provided is returned to the City. Solid waste will only be collected by the City when placed in refuse or recycling containers issued by the City, or when properly set out for bulk collection pursuant to Section 44-6.

44-4.3. Special collections. The owner or occupant of a covered residence may, in addition to the established weekly refuse collection provide as part of basic solid waste services, request a one-time special collection of their curbside or alley refuse container upon paying the additional fee set forth by City Council resolution for such special collection.

44-4.4. Business establishments. The City will not provide solid waste collection and disposal services for business establishments. Business establishments must either properly dispose of all solid waste they generate or contract for the collection of all solid waste they generate with a commercial hauler that is permitted to provide such collection activities pursuant to section 44-9.

44-4.5. Conversion from alley to curbside collection. The Director may convert areas receiving alley collection to curbside collection pursuant to established administrative procedures under either of the following circumstances:

- A. Where the Director determines that there are safety issues associated with continued alley collection; or
- B. Where a majority of residents in a neighborhood wish to convert from alley collection to curbside collection.

44-4.6. Prohibited actions. Except as authorized by the Director, no person shall engage in scavenging or salvaging solid waste placed in refuse or recycling containers, or at the recycling-solid waste collection center.

(Ord. No. 1103, § 1, 10-28-82; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2371, § I, 6-10-93; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3611, § 1, 10-14-04; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 3, 5-10-07; Ord. No. 4060, §§ 1, 2, 5-8-08; Ord. No. 4895, § 2(Exh., § C), 12-9-19)

44-5. Container requirements.

44-5.1. City-provided refuse and recycling containers for covered residences.

- A. The City shall provide refuse containers to all covered residences for either curbside collection (one curbside container per covered residence) or alley collection (one alley container per two covered residences), whichever is applicable. The City will also provide curbside recycling containers to all covered residences. Covered residences shall only use City-provided refuse and recycling containers.
- B. All City-provided refuse and recycling containers are the property of the City and shall remain at the covered residence, or in the alley, as applicable, after the residence is sold or new occupants move in.
- C. The City will provide replacement containers at no additional expense to the owner or occupant of a covered residence where replacement is necessary because of normal wear and tear caused by proper usage. The owner or occupant of a covered residence will be charged the fee set forth by City Council resolution when replacement of a container is required or requested because of something other than normal wear and tear caused by proper usage.
- D. At the request of an owner or occupant of a covered residence, the City will provide additional curbside refuse container(s) to accommodate additional curbside refuse collection for the fees set forth by City Council resolution.
- E. At the request of an owner or occupant of a covered residence, subject to the Director's determination that an additional alley refuse container can safely and effectively be placed in an alley, the City will provide

an additional alley refuse container to accommodate additional alley refuse collection for the fees set forth by City Council resolution. Only the owner or occupant of a covered residence who requested the additional alley refuse container shall be charged. While the City will place the additional alley refuse container as close to the covered residence of the person requesting the additional alley refuse container as practicable, the City cannot guarantee that the person requesting the additional alley refuse container will have exclusive use of that container.

F. At the request of an owner or occupant of a covered residence, additional recycling container(s) will be provided to covered residences as set forth by City Council resolution.

G. The owner or occupant of a covered residence is responsible for keeping all City-provided refuse and recycling containers in a clean and sanitary condition and to use such containers only for their intended purpose.

44-5.2. Cost of solid waste containers. The initial cost of providing refuse containers and recycling containers, including the cost of assembling such containers, for newly constructed covered residences shall be set forth by City Council resolution and shall be paid by the person applying for the initial building permit for each new covered residence at the same time that the fees for the residential building permit are paid. When property with a covered residence located thereon is annexed into the City, the owner of such property shall pay the initial cost to the City of providing such property with a refuse container and a recycling container as set forth by City Council resolution.

44-5.3. Placement of containers.

A. Refuse containers used for alley collection shall be placed by the City in the alley in a location determined by the Director. No person may change these locations without prior approval by the Director.

B. Refuse and recycling containers used for curbside collection shall be placed in the street against the curb in front of each covered residence, in the driveway for that residence at the curb line, or in a location determined by the Director, away from street light poles, mail boxes and parked cars. Refuse and recycling containers shall be located in such a manner as to not create a pedestrian hazard, impair the use of the sidewalk or interfere with vehicular traffic. If parked cars prevent access by collection vehicles to the sidewalk or driveway, the containers shall be placed in the street away from such parked cars. Refuse and recycling containers must be placed in such a manner that the lids open toward the street to facilitate proper dumping of the containers into the collection vehicles.

C. If provided with written documentation from a physician setting forth the need for an accommodation, the Director will provide reasonable accommodations for those person's needing special assistance with proper placement of containers for curbside collection. Written documentation from that person's physician must be updated on an annual basis unless ruled exempt by the Director.

D. Where collection vehicle access is restricted by the residential development design, the City shall designate the collection location for refuse and recycling containers, and bulk materials, in a location in which collection vehicles are able to operate safely. Because refuse and recycling containers from such developments will be grouped together, rather than being adjacent to a covered residence as set forth in subparagraph B above, the City shall require house number markings to be affixed on top of the lid of City-provided containers by the owner or occupant to identify the covered residence address associated with each container placed for collection. The owner or occupant of a covered residence shall place refuse and recycling containers a minimum of two (2) feet apart to facilitate automated collection.

E. Refuse and recycling containers used for curbside collection that require repair or replacement shall be placed at the curb on the scheduled date for repair or replacement. Containers not accessible at the curb for maintenance or replacement shall be subject to a fee set forth by City Council resolution.

44-5.4 Time for placement of containers. Refuse and recycling containers used for curbside collection shall be placed at the curbside prior to 6:00 a.m. on the designated collection day, but shall not be placed at the curbside

before 6:00 p.m. on the day preceding the designated collection day. Containers must be removed from the curb by 9:00 a.m. on the day following collection and shall be secured at the covered residence between collection days in such a manner that they are not readily susceptible to theft or vandalism.

(Ord. No. 1103, § 1, 10-28-82; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2287, § I, 7-9-92; Ord. No. 2371, § I, 6-10-93; Ord. No. 2686, § 4, 12-16-96; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 4, 5-10-07; Ord. No. 4060, § 3, 2, 5-8-08; Ord. No. 4305, 6-9-11; Ord. No. 4895, § 2(Exh., § D), 12-9-19)

44-6. Collection of bulk materials.

44-6.1. Bulk materials collected for disposal; requirements; fees. Included as part of the monthly disposal fee for providing basic solid waste services for covered residences is the right to request the collection of bulk materials for disposal at a frequency of up to twice every calendar year at no additional charge. Requests for collection of bulk materials for disposal that exceed the twice every calendar year frequency provided at no additional charge shall be charged the fee set forth by City Council resolution for additional bulk material disposal. Placement and sizing of bulk material shall be established by the Director.

44-6.2. Bulk materials collected for recycling; requirements; fees. Bulk materials collected for recycling shall be collected separately from bulk materials for disposal. Cardboard boxes shall be empty, flattened and stacked. Large appliances containing refrigerants such as freon that require refrigerant removal are subject to a fee set forth by City Council resolution. Refrigerators, freezers and similar appliances shall have the doors removed or secured for safety.

44-6.3. Collection parameters. Owners or occupants of a covered residence wishing to request bulk materials collection shall call Solid Waste Customer Service. Upon receipt of a request for bulk materials collection from an owner or occupant of a covered residence, the Director will schedule a day for the collection of the bulk materials. Bulk materials shall be placed out for collection no later than 6:00 a.m. on the day scheduled for collection and no earlier than twenty-four (24) hours before the collection day scheduled by the City. Except as provided by the Director, the quantity of the bulk materials to be collected shall be capable of fitting into a container four (4) feet deep, sixteen (16) feet wide and four (4) feet high. The City will not accept unacceptable waste during a bulk materials collection.

44-6.4. Placement of bulk materials to be collected. Bulk materials shall only be collected if placed along the right-of-way behind the curb or sidewalk, on the property of the covered residence. Bulk materials to be collected shall not be collected when placed in public or private alleys. The placement of bulk materials must not block alley passages, sidewalks for pedestrian usage or interfere with curbside container collection and shall be no more than four (4) feet from the sidewalk, or curb where there is no sidewalk. Notwithstanding the above, the Director may designate an alternative location for the placement of bulk materials to be collected where there is restricted access to the front of a covered residence, or to provide reasonable accommodations for those persons needing special assistance with proper placement. Persons in need of an accommodation shall provide the Director with written documentation from that person's physician setting forth the need for such accommodations. Such written documentation from that person's physician must be updated on an annual basis unless ruled exempt by the Director.

44-6.5. Christmas trees. Christmas tree collection for a covered residence shall be the first business day following December 25th through the last regular recycling collection day of the 3rd week of January. Trees shall be placed in front of each covered residence behind the curb line so as not to interfere with vehicular traffic or obstruct pedestrian traffic on or along the sidewalk. Trees shall not be placed inside a City-provided refuse container pursuant to 44-2.3 and 44-2.4 or in the alley for collection. The City may designate other collection areas, such as neighborhood drop off sites, or provide reasonable accommodations for those persons needing special assistance.

(Ord. No. 1978, § 2, 6-9-88; Ord. No. 2056, § 1, 5-25-89; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 5, 5-10-07; Ord. No. 4895, § 2(Exh., § E), 12-9-19)

44-7. Use of recycling-solid waste collection center.

44-7.1. Staff direction. Staff at the recycling-solid waste collection center shall direct persons to the appropriate area of the center for the type of solid waste being presented. Unless specified in Chapter 44, unacceptable waste shall not be accepted at the recycling-solid waste collection center.

44-7.2. Refuse drop-off zone. The following provisions shall apply to use of the refuse drop-off zone.

A. Persons presenting documentation establishing covered residence status and residing at the covered residence are allowed to use the refuse drop-off zone at no charge twice during the calendar year for loads up to 400 pounds, or for a fee set forth by City Council resolution for additional visits or loads in excess of 400 pounds. Additionally, persons presenting documentation to use the refuse drop-off zone pursuant to an agreement approved by the City Council, and persons wishing to drop off refuse generated from neighborhood cleanup programs sponsored by the City and approved by the Director, shall be entitled to use the refuse drop-off zone at no charge.

B. Persons presenting documentation establishing City residency, but who are not an owner or occupant of a covered residence, may use the residential drop-off zone upon payment of the fee set forth by City Council resolution.

C. Refuse to be accepted at the refuse drop-off zone shall be limited to loosely compacted matter that can be removed and handled by machinery normally used at a transfer facility.

44-7.3. Household hazardous waste collection center. Persons presenting documentation establishing City residency may schedule an appointment for use of the household hazardous waste collection center at no charge. Household hazardous waste, to the extent capable of being containerized, shall be presented in a container(s) that are properly sealed and labeled as to contents. Due to the nature of the operation, containers will not be returned to the person. The Director reserves the right to make inquiry as to the origination of any waste presented as household hazardous waste to ensure that such waste qualifies as household hazardous waste rather than hazardous waste.

44-7.4. Recycling drop-off zone. Any person bringing recyclable materials to the recycling drop-off zone is allowed to use the recycling drop-off zone at no charge with the exception of large appliances that require removal of coolant(s) for a fee set forth by City Council resolution. Recycling is required and materials must be separated by type and be placed in the designated area of the recycling drop-off zone applicable to that type of recyclable material.

44-7.5. Proper Documentation. Proper documentation to establish covered residence status under this section means the presentation of a current printed copy or by mobile device screen of a City of Chandler utility billing statement for basic solid waste services dated within sixty (60) days of the date of the use of the recycling-solid waste collection center and a picture identification that includes the same last name included on the billing statement and a picture that matches the facial characteristics of the person presenting the identification. Proper documentation to establish City residency under this section is the same as that to establish covered residence status except that any form of billing statement setting forth a City address that is dated within sixty (60) days of the date of use of the recycling-solid waste collection center may be used instead of the City billing statement for basic solid waste services. The Director may also develop other, equivalent, methods for providing the proper documentation required under this section as necessary to implement the intent of this section, including a method for those circumstances where not all of the occupants of a residence share the same last name.

44-7.6. Exception to salvaging prohibitions. Salvaging of bicycles and other usable items at the recycling-solid waste collection center shall be permitted if conducted pursuant to a City-sponsored program. Bicycles and other

usable items salvaged from the recycling-solid waste collection center pursuant to such a program may be distributed to nonprofit, charitable organizations, or restored by City staff, individuals or volunteer groups and then given to the needy, with City residents being given first priority. The City shall receive an executed release of liability form prior to distributing or releasing any bicycle or other useful items to a person under this section. The public sale requirements of this Code shall not apply to salvaged bicycles and other items donated for the purposes set forth in this section.

(Ord. No. 2056, § 1, 5-25-89; Ord. No. 2287, § I, 7-9-92; Ord. No. 2371, § I, 6-10-93; Ord. No. 2686, § 5, 12-16-96; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 6, 5-10-07; Ord. No. 4646, § 1, 8-16-15; Ord. No. 4895, § 2(Exh., § F), 12-9-19)

44-8. Containers for business establishments.

The City will not provide refuse or recycling containers for use by business establishments. Business establishments must either provide containers necessary for collection of solid waste or have the commercial hauler that will collect solid waste provide the necessary containers. All containers used must have operative lids covering entire opening of the container and be equipped with a lid type brace to prohibit the lid from falling behind the container and shall include decals stating that container lids must be closed at all times other than when placing solid waste in the container. Other industry standard decals required by ANSI, OSHA or other regulating agencies must also be affixed to these containers. All containers must be painted and include the name and telephone number of the commercial hauler responsible for collecting the solid waste placed in the containers legibly printed thereon. Except where the Director determines that an alternative container capacity requirement satisfies the disposal requirements for a particular business establishment, the size of the containers utilized shall be a minimum of three-fourths ($\frac{3}{4}$) cubic yard capacity per unit collected on a twice per week basis. It shall be the responsibility of the owner of the container (whether owned by the business establishment or by a City permitted commercial hauler) to maintain them in sanitary condition and in good repair and to remove any graffiti on these containers within seventy-two (72) hours following notification by a designated City representative.

(Ord. No. 815, § 1, 8-9-79; Ord. No. 870, 8-14-80; Ord. No. 1057, § 5, 4-8-82; Ord. No. 1103, §§ 2—4, 10-28-82; Ord. No. 1141, § 1, 1-27-83; Ord. No. 1544, § 5, 10-10-85; Ord. No. 1167, § 1, 4-11-83; Ord. No. 1978, § 3, 6-9-88; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2287, § I, 7-9-92; Ord. No. 2371, § I, 6-10-93; Ord. No. 2617, 2-8-96; Ord. No. 2686, §§ 6, 7, 12-16-96; Ord. No. 2773, § 1, 12-15-97; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3611, § 1, 10-14-04; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 7, 5-10-07; Ord. No. 4895, § 2(Exh., § G), 12-9-19)

44-9. Commercial hauler permit.

44-9.1. Permit required; exceptions. Except as provided in this Chapter, it shall be unlawful for any person to collect, remove or haul any solid waste on or along any street within the City without first obtaining a commercial hauler permit from the Director. A commercial hauler permit shall not be required for the following:

- A. Tenants and property owners hauling solid wastes generated on their property within the City;
- B. Secondary refuse haulers;
- C. Charitable entities collecting reusable materials as approved by the Director;
- D. Solid waste haulers who do not collect solid waste within the City and are simply traversing the City with solid waste collected outside of the City; and
- E. Solid waste haulers with proper state or county permits that collect and transport unacceptable waste that will not be collected by the City, its agents, or City-permitted haulers.

44-9.2. Permit application. Applicants for a new commercial hauler permit, or for an annual renewal thereof, shall file a City-provided application form with the Director that includes the following information, documentation and fees:

- A. The name, address and local telephone number(s), and email address(es) of the individual(s) applying for the permit;
- B. The name, address and local telephone number of the business entity that will conduct commercial hauling activities;
- C. The name(s), business address, telephone number(s), and email address(es) of all owners, partners, general managers and principal officers of the business entity that will conduct commercial hauling activities;
- D. Evidence that the applicant possesses the adequate equipment and necessary qualifications to collect, transport and dispose of solid waste in a manner satisfactory to the Director and in conformity with this Chapter and all applicable federal, state and county laws.
- E. Evidence that the applicant possesses the appropriate City business registration and has all required federal, state and county vehicle permits for each vehicle and/or trailer to be used pursuant to the permit.
- F. Other information that the Director may reasonably require to verify the applicant's qualifications and the information submitted in the application. Such information may include an audited financial statement and other indicators of the financial stability of the applicant.
- G. The nonrefundable permit application or renewal fee set forth by City Council resolution.
- H. The per vehicle fee set forth by City Council resolution. This fee shall not be refundable unless the applicant's permit application is denied by the Director.

44-9.3. Insurance and Indemnification.

- A. Applicants shall be required to submit a certificate evidencing coverage for public liability, property damage, business automobile liability and worker's compensation/employer's liability insurance in amounts and under terms to be established by the City prior to issuance of a commercial hauler permit. The coverage limits and terms imposed by the City on applicants shall not exceed the standard coverage limits and terms adopted by the City pursuant to administrative regulation. Such insurance policies shall list the City as an additional named insured and shall require that the City's Risk Manager be given a minimum thirty (30) days' written notice prior to cancellation for any reason. Any deductible or self-insured retention shall be the responsibility of the permittee and any self-insurance amounts over twenty-five thousand dollars (\$25,000.00) shall require the approval of the City's Risk Manager. The lapse of any of the above-stated insurance policies shall be cause for revocation of the permit.
- B. Permittee shall agree to indemnify, defend, and save harmless the City from all losses, claims, suits, actions, payments and judgments, demands, expenses, attorney's fees, defense costs, or actions of any kind and nature resulting from personal injury to any person, including employees of the permittee or of any subcontractor employed the permittee (including bodily injury and death) or damages to any property, arising or alleged to have arisen out of permittee's actions under the permit issued. The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of indemnity provided pursuant to this section.

44-9.4. Issuance of permit. The Director may issue a commercial hauler permit to any applicant satisfying the requirements listed in this section. Such permits shall expire on June 30th of each year unless renewed prior to expiration. Permits are nontransferable.

44-9.5. Vehicle requirements. The Director may inspect the vehicles to be utilized by a permittee prior to issuance of a permit or permit renewal and at any time during the term of the permit. All vehicles must meet the following requirements throughout the term of the permit:

A. Vehicles must be maintained in good condition and repair. That portion of the vehicle into which solid waste is deposited shall be watertight up through eighteen (18) inches above the bed floor, shall have watertight rear door seal(s), if applicable, and be free of any openings that would permit solid waste to leak from the vehicle;

B. Vehicles shall be maintained in a clean and neat manner and operated in a manner necessary to reasonably prevent solid waste from spilling, leaking and blowing from the vehicle;

C. All open-top vehicles must be covered or tarped when in transit to prevent its contents from spilling or blowing from the container onto the roadway. Tarps must be affixed to each vehicle at all times;

D. All vehicles shall be equipped with an operable backup audible safety alarm meeting industry standards;

E. Vehicles shall be maintained and operated in such a manner to ensure that noise levels do not exceed seventy-five (75) decibels at a distance of twenty-five (25) feet; and

F. The outside of each vehicle must be clearly identified with the name and phone number of the contractor operating the vehicle. All letters shall be no less than three (3) inches in height and shall be displayed on both sides and the rear of the vehicle. A City-provided decal shall be affixed to and be clearly visible on the driver's side window of each vehicle utilized by a permittee. Only vehicles with a City decal may be used to haul solid waste within the City pursuant to the permit issued.

44-9.6. Container requirements for collection by permitted hauler.

A. Permittee shall have joint responsibility with the business establishment for whom it will provide solid waste collection services to keep and maintain sufficient collection containers, as may be reasonably determined by the Director, to accommodate the disposal needs of the business establishment.

B. Permittee shall have joint responsibility with the business establishment for whom it will provide solid waste collection services to keep and maintain the containers utilized for the collection of solid waste in a sanitary condition and in good repair.

C. Permittees shall service only those collection containers consistent with the permit issued under this Chapter. The collection containers shall be located so as not to interfere with vehicular or pedestrian traffic.

44-9.7. Conditions of permit. The following conditions shall apply to commercial hauler permittees throughout the term of the permit:

A. Permittees shall comply with all provisions of the permit, this Code and applicable federal, state and county laws relating to transporting solid waste;

B. Permittees shall not collect solid waste from any location within three hundred (300) feet of the property line of any residential property between the hours of 7:00 p.m. and 6:00 a.m.;

C. Permittees shall provide the City the number, type, and size of containers and frequency of collection for any business establishment serviced within City limits. Permittees shall also promptly notify the City if permittee's business is sold, transferred or assigned or if permittee discontinues the collection and hauling of solid waste within the City;

D. Permittees shall complete and provide with their permit renewal application an annual solid waste and recycling tonnage report on a City-provided form for waste that it collected and diverted for recycling in the City during the previous year;

E. All contracts for the collection and hauling of solid waste within the City shall contain a clause allowing the contract to be cancelled by the customer in the event the permittee's permit is suspended or revoked by the City; and

F. Permittees shall immediately pick up all material that drops, spills, leaks, or is blown from a collection container or vehicle, and shall repair damage to, and clean the place onto which any material was so dropped, spilled, blown or leaked to the reasonable satisfaction of the Director.

44-9.8. Suspension or revocation of permit. The City may suspend or revoke the commercial hauler permit whenever a permittee violates the provisions of that permit, or this Chapter, or fails to pay all fees when due. Notice of proposed suspension or revocation shall be delivered personally or by registered mail to the permittee and shall become effective five (5) working days after the receipt of the notice unless the permittee files a notice of appeal pursuant to section 1-7 of this Code. Failure to file a notice of appeal within five (5) working days of the date of the notice of suspension or revocation shall constitute a full waiver of the right to contest that suspension or termination. If a permit is suspended for collecting solid waste within the City with a non-permitted vehicle, the permit may be reinstated only upon payment of twice the amount of the established per vehicle fee for the vehicle found to be in violation.

(Ord. No. 815, § 1, 8-9-79; Ord. No. 2056, § 1, 5-25-89; Ord. No. 2773, § 2, 12-15-97; Ord. No. 3027, § 3, 10-14-99; Ord. No. 3496, § 5, 12-18-03; Ord. No. 3689, § 1, 6-23-05; Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 8, 5-10-07; Ord. No. 4895, § 2(Exh., § H), 12-9-19)

44-10. Violations.

Any person who violates any of the provisions of this Chapter, or any permit issued pursuant to this Chapter, shall be guilty of a civil infraction punishable as set forth in Section 1-8.7A of this Code unless such violation causes such person to meet the definition of a "Habitual Offender" set forth in Section 1-8.7B of this Code, in which case they shall be guilty of a criminal misdemeanor punishable as set forth in Section 1-8.3 of this Code. Violations of this Chapter that are continuous with respect to time are a public nuisance and may be abated through administrative enforcement pursuant to Chapter 26 of this Code or by injunctive or other equitable relief. The imposition of civil or criminal penalties pursuant to this section shall not prevent the administrator from suspending or revoking any permit issued pursuant to this Chapter or from imposing other administrative sanctions, enforcement actions or abatement actions or from seeking injunctive relief. Violations of this Chapter may also result in the charges for special refuse service or the additional vehicle permitting fees set forth in this Chapter.

(Ord. No. 3739, § 1, 12-12-05; Ord. No. 3886, § 9, 5-10-07)