

CHAPTER 13

Municipal Utilities

Article I

Solid Waste Disposal Service

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ARTICLE I

Solid Waste Disposal Service

Sec. 13-1-10. Purpose.

It is the intent of this Article to:

(1) Adopt a plan for residential solid waste disposal in the City that will assure the residents of consistent, quality service and will reduce the wear and tear on the City's public roads caused by the excessive weight, number and frequency of trash trucks entering into the City; and

(2) Regulate the hours of trash collection, as herein defined, in the City. (Ord. 99-02 Art. 2; Ord. 08-01 Art. 3)

Sec. 13-1-20. Definitions.

As used in this Article, the following words shall have the following meanings:

Contractor means the residential solid waste disposal service provider selected by the City Council through the formal bidding process to enter into a waste service contract with the City.

Hazardous wastes means wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, as determined by law or by the City Council.

Residence means each single-family residence, apartment and residential condominium within the City.

Trash collection means waste service as defined herein. Waste collection and removal from a residence where the owner or occupant has entered into a private contract for service, and collection and removal of trash, garbage, solid waste, rubbish or recyclables from nonresidential property.

Waste means residential solid waste, including garbage, rubbish, trash, Christmas trees and securely bundled yard debris resulting from the normal activities of households; provided, however, that any garbage, rubbish and trash created by third-party contractors is not included within the definition.

Waste service means weekly waste collection from all single-family residences, apartments and residential condominiums, except those that have entered in private contracts for such service; and shall include regular recycling service. (Ord. 99-02 Art. 3; Ord. 04-17 §1; Ord. 08-01 Art. 3)

Sec. 13-1-30. Service provided.

The City Council shall have authority to enter into an agreement with a contractor to provide waste service to residences within the City as follows:

(1) The contractor shall be required to provide waste service to each residence within the City one (1) time per week. The collection schedule shall be established by the contractor, subject to

approval by the City as provided in a contract to be approved by the City Council. There will be no regular collection on Saturday; only missed or emergency collections will be permitted on Saturday. Collection before 7:00 a.m., after 7:00 p.m. or on Sunday is hereby expressly prohibited.

(2) Recycle bins shall be provided to residents upon request and recycling services shall be provided at no additional cost. Reasonable deposits for bins may be required of residents.

(3) The contractor shall not be permitted to collect hazardous wastes except with the express written consent of the City.

(4) The contractor's vehicles shall not exceed axle and total weight limits established by the City Engineer.

(5) No owner of a residence is obligated to accept the waste service provided by the contractor, and each is free to continue to independently engage the services of the provider of his or her choosing at his or her own expense.

(6) In order to assure that each owner of a residence is afforded an equivalent opportunity to enjoy the benefit of waste service funded by the City, the City may endeavor on a case-by-case basis to assist any owner of a residence or homeowners' association with its outstanding obligations under existing solid waste disposal contracts by subsidizing such contracts for a period of not more than one (1) year. In considering each such case, the City will act in accordance with the specific purposes of this Article. (Ord. 99-02 Art. 4)

Sec. 13-1-40. Availability of funds and annual appropriation.

Any sums authorized for payment pursuant to a contract to be awarded for waste service shall be subject to the availability of funds and annual appropriation by the City Council. (Ord. 99-02 Art. 5)

Sec. 13-1-50. Trash collection.

(a) No person shall operate or use, or cause to be operated or used, a motor vehicle for the purpose of trash collection between the hours of 7:00 p.m. and 7:00 a.m. the following day from a trash, garbage, waste, solid waste or rubbish container (a *trash container*) or a container holding items discarded for the purpose of recycling (a *recycling container*) if the trash container or recycling container is located within a residential area or within eight hundred (800) feet of a residential area. No person shall operate or use on Sunday, or cause to be operated or used on Sunday, a motor vehicle for the purpose of waste service or waste collection and removal from a residence where the owner or occupant has entered into a private contract for service. Waste service, and waste collection and removal from a residence where the owner or occupant has entered into a private contract for service, on Saturday are permitted only to complete collections that were missed during routine collection hours.

(b) The prohibitions in Subsection (a) above shall not apply in the event of an extreme weather occurrence or a public emergency that prevents trash collection during permitted hours through no fault of the person conducting the trash collection.

(c) The prohibitions in Subsection (a) above shall not apply to a residential area where the residential area is part of an approved mixed use development intended to combine residential use with commercial, business or retail uses in the same or adjacent structures. (Ord. 08-01 Art. 3)

Sec. 13-1-60. Enforcement and penalty.

The provisions of this Article shall be enforced by the Police Department. Any person who violates any provision of this Chapter shall be fined an amount not to exceed five hundred dollars (\$500.00) for each violation. (Ord. 08-01 Art. 3)