

## **§ 6-3.02 SOLID WASTE AND RECYCLING; MANDATORY SERVICE.**

Unless special contractual arrangements have been made by the subscriber with the contractor for commercial containers, cart services, or otherwise, every subscriber described in this section shall be subject to the provisions of this section.

(A) Every owner, proprietor, person in possession, manager, or other person, firm, or corporation having the charge or control of any occupied boarding or lodging house, hotel, club, bar, restaurant or other eating place, or vegetable or food processing or handling establishment within the city shall subscribe to a level of solid waste and recycling service with the contractor that is sufficient to handle the volume of solid waste generated or accumulated on the premises.

(B) The owner, manager, person in possession, or other entity having the charge or control of any dwelling of four or less residential units, unless other contractual arrangements are made with the contractor, shall provide and keep at all times, for each unit, one solid waste cart and one recyclables cart of adequate size to contain in the appropriate containers, all solid waste produced or accumulated on the premises.

(C) The owner of any dwelling of five or more residential units or any commercial or industrial business, unless other contractual arrangements are made with the contractor, shall provide and keep at all times an adequate level of service including solid waste and recycling collection for all materials produced or accumulated on the premises.

(D) Every person, firm or corporation that generates and that is required by this chapter to dispose of solid waste, green waste and recyclable materials shall subscribe with the contractor for the collection of solid waste, green waste, and recyclable materials. In the case of any leased or rented single-family dwelling or leased or rented apartment, flat, duplex, or multi-family dwelling, the owner shall ensure that there is adequate collection and disposal service for each occupant residing therein and shall be responsible for the payment of the charges therefor.

(E) The contractor shall give written notice to the City Manager or his or her designee of the address of any commercial or industrial business or occupied premises within the city which is not furnished with the collection and disposal service provided by the contractor.

(F) Failure to subscribe for the collection of solid waste, rubbish and recyclable materials as required by this code is unlawful. In addition to the penalties provided in Chapter 2 of Title 1 of this code, failure to subscribe for the collection and disposal of solid waste, rubbish and recyclable materials may also result in abatement action by the city, including the city subscribing to the collection service on behalf of the property owner in incremental periods of six months and the imposition of a special assessment lien upon the property for recovery of costs thereof in accordance with the procedures set forth in §§ [1-5.09](#) and [5-1.309](#) of this code.

(G) If the city manager or his or her designee determines that any person, firm, corporation or entity has failed to subscribe for the collection of solid waste, rubbish, and recyclable materials as required by this code, a written notice may be sent to the person, firm, corporation or entity informing them of the violation and the requirements of this chapter. The notice shall direct the recipient to subscribe with the contractor within ten days after the date of the notice and the penalties for continued failure to comply.

(H) Any person, firm, corporation or other entity may apply for an exemption to the requirements of this chapter upon the showing that the premises are unoccupied. Such application shall be made on any form supplied by the city.

(I) No provision of this chapter shall be construed to prevent an owner from requiring the tenant to furnish the containers required by this chapter, or to subscribe for the collection of solid waste, rubbish and recyclable materials; provided, however, that such arrangement does not excuse the owner of his or her obligations under this chapter if the tenant fails to comply.

(J) Nothing in this chapter shall be construed to prevent any person, firm, corporation, or entity from the periodically removing and disposing of rubbish from premises owned, managed or controlled by that person, unless the material removed includes hazardous, infectious or special handling materials, or to so remove the material would constitute a hazard to the public health or safety or would constitute a public nuisance, or unless such person, firm, corporation or entity is engaged in the business of hauling.

('66 Code, § 6-3.02) (Ord. 711-C-S, passed 6-9-88; Am. Ord. 1088-C-S, passed 3-13-07)

### **§ 6-3.03 SOLID WASTE AND RECYCLING CONTAINERS; LOCATION.**

(A) *Commercial accounts.* All subscribers of commercial accounts shall comply with the following requirements regarding containers and their placement:

(1) All solid waste, rubbish and recyclable materials containers and dumpsters shall be placed and maintained in a location readily accessible to the contractor and not constituting either a fire hazard or a public nuisance.

(2) Upon written notification from the city that containers are being maintained in a hazardous or offensive condition, they shall be relocated immediately by the subscriber.

(3) Failure to relocate the containers following notice shall be unlawful and constitute an infraction, punishable as specified in this code.

(B) *Residential accounts.* All subscribers of residential accounts shall comply with the following requirements regarding containers and their placement:

(1) It shall be the duty of every residential subscriber to place the containers in the street, with the wheels against the curb, not earlier than 6:00 p.m. the night before the scheduled pickup. There must be at least three feet of space between each container and four feet between any container and any other object on the street, such as vehicles.

(2) All containers shall be removed from the city right-of-way at the end of the day of collection.

(3) It shall be unlawful to place hot ashes or similar materials in containers. Violations of this provision shall subject the violator to civil liability for any loss, cost or damage of the public or the contractor for such violation.

(C) Solid waste, green waste, and recyclables shall not be transferred from a nonsubscribing premises to any other premises.

('66 Code, § 6-3.03) (Ord. 711-C-S, passed 6-9-88; Am. Ord. 1088-C-S, passed 3-13-07)

#### **§ 6-3.04 SOLID WASTE AND RECYCLING CONTAINERS; TYPE PERMITTED; CLEANING.**

(A) Only those containers defined in § [6-3.01](#) of this chapter as subscriber-supplied containers may be supplied or used by subscribers, unless special contractual agreements are made with the contractor for the use of commercial containers and/or other containers approved by the city and contractor, including, but not limited to, containers for recyclable and salvageable materials. Subscribers shall use containers that are provided by the contractor, except in special situations as authorized by the contractor, such as for the pickup of oil to be recycled.

(B) All containers shall be maintained in a clean and sanitary condition. Failure to do so shall be unlawful and constitute both a public nuisance and an infraction.

(C) Upon the failure of the subscriber to maintain containers in a sanitary condition after notice from the city, the city may order the contractor to clean same. Any such cleaning shall constitute an extra service and shall be the liability of and be recoverable from the subscriber.

('66 Code, § 6-3.04) (Ord. 711-C-S, passed 6-9-88; Am. Ord. 1088-C-S, passed 3-13-07) [Penalty, see §§ 1-2.01 et seq.](#)