

AMENDMENT TO CHAPTER 8: HEALTH AND SAFETY

Sec. 8.05.020 Garbage and Trash Removal shall be amended to include the following provisions:

- (D) *Residential Property.* Unless otherwise provided in this Chapter, all residential properties within the City limits, which are occupied, shall have refuse services through a contracted waste collection permittee. In the event the City determines that a legitimate governmental purpose would be advanced by having the City, or a contracted waste collection permittee as selected by the City in its sole and absolute discretion, exclusively provide Residential Refuse or recycling services, solid waste collection service shall be provided by the City or by the person, firm, or corporation identified by the City. Payment for such service shall be made to the permittee.
- (E) *Prohibition Against Non-Use of City Collection Service.* Except as provided otherwise in this Chapter, no person in possession of any residence within the City shall avoid or refuse to accept the solid waste collection service provided by the City or its approved collection company and such avoidance or refusal shall not exempt such premises from the payment of charges for such collection services.
 - 1. In the event the City, or a waste collection permittee as selected by the City exclusively provides Residential Refuse or recycling services, all residential customers, by and through their respective Home Owners Association, using a private contractor for solid waste collection shall be required to use the City or the City's approved collection company for collection services upon the termination of its current contract with a private contractor. The City shall have the right to request verification from any residential customer, or their respective Home Owners Association, that has contracted with a private contractor for solid waste collection and the date such contract expires.

(F) *Exemptions to Mandatory Collection.*

The City Manager, or his designee, may issue an exemption to a property owner, if the property owner can establish that the below exception applies. The City Manager, or his designee, may at any time revoke an exemption issued to a property.

- 1. The property owner or occupant otherwise has arranged for shared solid waste disposal with the owner or occupant of another structure receiving solid waste collection service in accordance with the City code, and such shared service does not involve an undue accumulation or improper storage of solid waste. Shared service shall be limited to the following circumstances:

- i. One service account shared by no more than two adjacent parcels owned by the same person or entity;
- ii. One service account shared by property owners or occupants of no more than two separate structures with a common driveway; or
- iii. One service account shared by the primary and secondary units on a single parcel.

(G) *Exceptions to Mandatory Collection.* Nothing in this Chapter shall prevent the following:

- 1. The disposition of recyclable materials for which there are established commercial values, and for which the generator, accumulator or producer actually receives compensation, provided such materials are accumulated in a sanitary manner and disposed of through regular commercial channels.
- 2. The donation of recyclable material for which there are established commercial values by the generator, accumulator or producer of such recyclable material to any approved drop-off center. Further, recyclable materials may be provided free of charge to any charitable, youth, civic, religious or similar person, group or organization, and the collection, transport and/or disposal of such recyclable material may be provided free of charge by such person, group or organization.
- 3. The collection, disposal or transportation of any recyclable materials for which the contractor does not provide recycling to or at any recycling drop-off center or facility which is appropriately permitted or authorized under applicable health and safety laws and regulations.
- 4. The disposition, collection, transport or disposal by any person of construction and demolition debris and wastes as long as the quantity is less than 10 cubic yards.
- 5. The collection, transportation or disposal of lawn, tree and garden trimmings by any person as an incidental part of a landscaping or gardening service by that person, as long as the quantity is less than 10 cubic yards.

Section 8.15.010(A) Permit Required for Refuse Service – Exemptions shall be deleted in its entirety and replaced with the following:

Except as otherwise provided in this section, no person shall engage in, operate as, or represent himself to the public as one who is in the business of collecting, transporting, disposing, or recycling residential or commercial or industrial refuse, including construction debris, generated within the city unless that person has obtained a valid annual permit from the city pursuant to the

provisions of this chapter. Any person found guilty of violating this provision shall be guilty of a Class 3 misdemeanor.

Section 8.15.010(H) Permit Required for Refuse Service – Exemptions shall be deleted in its entirety and replaced with the following:

(H) All Persons who primarily collect and dispose of or recycle scrap metal, scrap plastic, waste motor oil, human excreta, animal excreta or remains, yard wastes, medical wastes, infectious wastes, hazardous wastes, toxic wastes, or any other similar category of solid waste that either requires a special state, county, or federal permit to handle or constitutes a limited category of waste that the private hauler specializes in collecting shall be exempt from the permit provisions of this Article.

Section 8.15.090 Revocation of Permit shall be deleted in its entirety and replaced with the following:

The City may suspend or revoke a permit whenever the permittee violates the provisions of that permit, this Chapter or any other applicable rule or regulation, or fails to pay all fees when due. Notice of the 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 8.15.100 of this Code. If an appeal is timely filed, the permittee may continue collecting, transporting and/or disposing of refuse or other waste until the appeal is final, unless such continuance would cause the City to violate a federal or state law, regulation or permit or cause or continue a public or environmental nuisance. 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 revocation. Once a permit has been revoked, the permittee must wait twenty-four (24) months before reapplying for a permit with the City.