

4-2-5: COLLECTION FEES, TRANSPORTATION AND STORAGE:

- A. **Solid Waste Collection Fees:** The owner of every residential dwelling unit or multi-family dwelling unit, and the owner of every commercial business shall be responsible and liable for the monthly charges enumerated in the consolidate fee schedule for solid waste collection services. For the purpose of this chapter, commercial business shall include all governmental buildings, churches, parks and other nonbusiness units. The charge for such services shall be billed on a periodic basis to each address of which the city has record. In those instances where the periodic utility bill is currently being sent to a tenant at the owner's request, solid waste collection services may be similarly billed.
- B. **Billing And Delinquency:**
1. The city shall cause billing for solid waste collection services to be rendered periodically at rates established in the consolidated fee schedule, in a manner approved by the city council.
 2. Fees and charges levied in accordance herewith shall be a debt due to the city, unless otherwise determined by the city council. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent and shall be subject to recovery in a civil action for which the city may recover reasonable attorney fees and collection costs or shall be certified as an unpaid service charge to the county treasurer for collection with the property tax.
- C. **Deposits Required:** The city may require that all users of solid waste collection services who are not the owners of the premises, pay to the city, for deposit with the city treasurer, an amount sufficient to cover the cost of solid waste collection services that may accumulate. The amount deposited shall not be less than two (2) times any monthly or bimonthly bill for solid waste collections over the preceding year on such premises, but in no case shall the amount be less than fifteen dollars (\$15.00). The city shall issue a receipt of deposit. The city treasurer shall refund the amount deposited to the holder; provided, that all solid waste bills and other charges have been paid. All bills for solid waste collection services must be paid promptly without reference to said deposit. Whenever any user of solid waste collection services has failed to pay for solidwaste collection services rendered to such premises, the city may apply the money deposited, or any part thereof, to the payment of any such delinquent bills.
- D. **Indigent Abatement:** Any tenant or real property owner of any residential single-family dwelling unit or multiple-family dwelling unit shall be granted a one hundred percent (100%) annual abatement of the above charges for residential solid waste collection services in any given year, subject to the following:

1. The applicant shall file with the city an application for abatement, in a form approved by the city, which shall set forth sufficient facts to support the applicant's eligibility to receive the abatement.
 2. The applications shall include an affidavit setting forth the eligibility of the applicant for the abatement. The affidavit shall be signed by both husband and wife if they seek abatement of a dwelling unit in which they both reside.
 3. The applicant shall reside for not less than ten (10) months of each year in the residence for which the abatement is requested. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)
 4. The applicant's total household income for the year in which a claim for abatement has been filed shall not exceed the maximum annual income allowable according to the standards set, which shall be eight thousand dollars (\$8,000.00). (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)
 5. Any decision by the city relative to the abatement of residential solid waste collection fees may be appealed to the mayor by filing a written notice of said appeal with the mayor within ten (10) business days following the written decision of the city. Any decision of the mayor may be appealed to the city council by filing a written notice of appeal with the city council within ten (10) days following the written decision of the mayor. The decision of the city council shall be final.
 6. No abatement of fees for residential solid waste collection services shall be applied retroactively. The charges for any person applying for an abatement shall be abated only from the date the application is approved by the city, forward. Such abatement shall be effective only for the next succeeding twelve (12) month period.
- E. Customer's Duties And Liabilities: The storage containers shall be in the possession and control of the customer. The customer shall be responsible for the cleanliness and safekeeping of the storage containers. The customer shall not make any alterations or improvements to the storage containers without the prior written consent of the waste contractor. Customer shall be responsible for loss or damage in excess of reasonable wear and tear.
- F. Approved Collection And Transportation Required: Solid waste shall be collected and transported by means approved by the city in order to prevent public health and safety hazards, unsanitary conditions and nuisances.
- G. Removal Of Waste By Owner Required: All solid waste not collected and hauled by the city or its contracted agent in its regular waste collections shall be collected, hauled and disposed of by the owner, occupant or licensed waste contractor as required by this chapter.

- H. Frequency Of Collections: Solid waste, except bulky waste, shall be removed from the storage containers on premises and disposed at least once a week. Waste of every kind shall be removed from commercial, industrial, institutional, residential and recreational properties as often as necessary to prevent a nuisance, overfilling of storage containers, rodent harborage, or the creation of a fire hazard or unsanitary conditions, and at minimum of once a week to prevent other adverse health or nuisance conditions.
- I. Placement Of Containers For Collection: The city may designate the time and place of solid waste collected and hauled by the city. Containers of solid waste shall not be set out upon the street prior to the evening of the day before scheduled collection and shall be set out before seven o'clock (7:00) A.M. on the scheduled collection day. All empty containers shall be removed from the street the same day they were emptied.
- J. Uncontained Waste: No person shall place or cause to be placed upon any street or alley for collection any loose paper, yard trimmings, or other solid waste. All such waste shall be properly contained, baled or securely tied before collection is made.
- K. Bulky Waste Collection: The city may designate the time and place for collection of bulky waste. No bulky waste shall be placed on any curbside or roadside earlier than one day prior to the scheduled collection date. Bundles of small limbs, twigs and shrubs too large for containers shall be securely tied before being placed for bulky waste collection. It shall be unlawful to place on any curbside or roadside any of the following materials: construction and demolition waste, commercial waste, car bodies, tires, used oil, batteries, hazardous materials, rocks, brick, broken concrete or dirt.
- L. Burning Or Hot Waste: No person shall place smoking, smoldering or burning waste for collection, and no collector or hauler shall provide service if waste materials show evidence of smoking, smoldering or burning. All waste in transit that must be dumped in an emergency due to smoking, smoldering or burning shall be cleaned up by the collector or hauler. The operator of the vehicle shall immediately notify the police and fire departments having jurisdiction.
- M. Spillage From Container: No person, waste contractor or any employee of a governmental entity engaged in the collection and transportation of solid waste shall permit, allow or cause any solid waste to fall and remain on any property, place, building, premises, street, road or highway. If spillage occurs, the material shall be picked up immediately by the collector and returned to the vehicle or container and the area properly cleaned. If

the waste was not properly contained pursuant to the requirements of this chapter, the waste shall be cleaned by the person responsible for the improper containerization of the waste.

- N. **Transportation Of Waste Material:** The waste collector shall be responsible for the satisfactory transportation of all solid waste to an approved site or facility. No person, waste contractor or any employee of a governmental entity engaged in waste collection and transportation shall:
1. Permit or allow any vehicle loaded with manure, slops, swill, refuse, solid waste, or any other type of waste material to remain standing upon any public street any longer than necessary for loading and transporting.
 2. Haul, convey or transport any manure, tree limbs, brush, clippings, solid waste, or any other type of waste material in any open truck, transfer vehicle, open trailer, or other open conveyances for a distance of five (5) blocks or more without making a waste collection stop, unless covered completely or secured to prevent littering. The duties and responsibilities imposed by this subsection shall be applicable to both the owner of the vehicle and the operator.
 3. Operate any vehicle used for the collection and transportation of solid waste in a way that the contents fall, leak or spill. If spillage occurs, the material shall be picked up immediately by the collector or transporter and returned to the vehicle and the area properly cleaned.
 4. Convey, transport or haul any swill, sewage, sludge, fecal material or other similar solid waste except in a sanitary receptacle or vehicle especially constructed for that purpose and with a current permit from the city.
 5. Carry or haul any sewage or contents of any grease trap between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. from May 1 to October 30 and between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. from November 1 to April 30, unless authorized by the city.
- O. **Unloading Of Waste Material:** All solid waste material shall be unloaded only within a facility or site approved by the city, and all unloading shall be done according to the requirements of the approved site and the city. Unless warranted by an emergency such as severe weather conditions, equipment breakdown or accident, no solid waste shall be allowed to remain or be stored in any collection or hauling vehicle in excess of twenty four (24) hours.
- P. **Inspection Of Vehicle:** Vehicles used by waste contractors to haul or transport solid waste shall be inspected and approved by the city. Upon making application for the required permit or license, or both, each vehicle used in such business shall be made available to

the city for inspection. If the vehicle meets the requirements of subsection Q of this section and is approved, the following documents shall be issued:

1. An inspection report signed by the mayor or representative stating that the vehicle identified by the report has passed inspection.
2. Two (2) permit stickers that shall be placed on the vehicle by the mayor or representative to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the city, so long as the vehicle is used for hauling.
3. A receipt showing payment of the permit fee.

Q. Vehicle Requirements: Each vehicle to be used by a waste contractor in the collection or transportation of solid waste shall meet the following requirements:

1. The vehicle body shall be clean, easily cleanable and in good condition and repair.
2. The body shall be metal lined with steel and welded at all seams or constructed of other materials approved by the city.
3. The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size certification company approved by the city.
4. The vehicle shall be easily loaded and emptied.
5. The tailgate or hopper of the vehicle shall be constructed so that the contents of the body will not spill or blow from the vehicle while in motion.
6. A heavy duty canvas or other acceptable heavy duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle.
7. The outside of the body shall be painted and identified by the name and telephone number of the person or company owning the vehicle and the size capacity of the truck body or tank in letters and numbers that are legible and at least three inches (3") (7.5 centimeters) in height.
8. All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves, and the containers or tanks, or both, used to contain the waste shall be watertight and in good repair.
9. The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations.

R. Report Required: At the request of the city, a waste contractor or other person collecting and hauling solid waste shall report to the city: 1) the names and addresses of all places

of business or person; 2) where collection of solid waste is made; and 3) where such waste is hauled or deposited. The report shall be made as required by the city.

- S. Continuing Compliance Required: A collection vehicle that fails to meet the requirements of this chapter shall be repaired or corrected within the time specified in the notice of violation. If the corrections are not made to the collection vehicle within the time specified in the notice of violation, its use shall be discontinued, and the permit issued the owner of the vehicle shall be revoked pursuant to the revocation provision of subsection 4-2-31 of this chapter.
- T. Equipment To Be Maintained: All equipment used for the collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency and method determined by the city to prevent the propagation or attraction of flies, rodents or other vectors and prevent the creation of a nuisance.
- U. Transportation Of Only Approved Waste: A vehicle shall be used to collect and transport only that type of solid waste for which it was approved when the permit was issued. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)