

ORDINANCE NO. 2994 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING
CITY CODE CHAPTER 18 – GARBAGE AND TRASH; AND
DECLARING AN EMERGENCY.

WHEREAS, pursuant to Arizona Revised Statutes Section 9-511.03, the City may provide waste or garbage collection services, landfill, services and recycling collection services to residential properties within the City's boundaries, and to residential or commercial customers within or outside its jurisdictional boundaries in certain circumstances; and

WHEREAS, pursuant to Arizona Revised Statutes Section 49-704, the City may adopt and enforce any ordinance, resolution or other policy relating to solid waste regulation or solid waste services if such policy is otherwise authorized by statute or charter and is not in conflict with state law or any rule or regulation of state law; and

WHEREAS, Arizona Revised Statutes Section 49-746 has been amended to prohibit municipalities from unreasonably restraining a private enterprise from delivering recycling or solid waste management services to commercial, industrial or multi-family residential properties within the municipality; and

WHEREAS, the amendments to Arizona Revised Statutes Section 49-746 require the City to prescribe rules for the delivery of recycling and solid waste management services for commercial, industrial and multi-family residential properties that promote the availability and competition in the delivery of these services; and

WHEREAS, the amendments to Arizona Revised Statutes Section 49-746 take effect July 1, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Chapter 18 – Garbage and Trash – of the City Code is hereby amended as provided in Exhibit A.

SECTION 2. Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on July 1, 2016 and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of
Glendale, Maricopa County, Arizona, this day of , 2016.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager
o_public works_chapter 18.doc

EXHIBIT A

Chapter 18 - GARBAGE AND TRASH FOOTNOTE(S):

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Cross reference— Weeds, debris, etc., constituting a nuisance, § 25-21 et seq.; removal of construction debris, § 30-116 et seq.; water, sewers and sewage disposal, Ch. 33.

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator: ~~The~~ means the public works administrator or his delegate.

Animal waste: ~~Waste~~ means waste from stables, kennels, pet pens, chicken coops, veterinary establishments and others of a similar nature and household pet waste.

Ashes: ~~All~~ mean all solid residue from the burning of combustible material.

Bin: ~~A~~ means a container, that can hold one (1) through half (0.5) to forty (40) cubic yards in capacity, for containing of refuse or recyclable material.

Bulk trash means solid waste that is too large to be contained in a bin. "Bulk trash" may include, but is not limited to, oversize or overweight refuse not capable of being disposed of in a bin or container, such as tree limbs, branches, palm fronds, hedge clippings, shrubs, scrap metal, pipes less than one (1) inch in diameter, appliances, furniture, cardboard boxes or other items exceeding five (5) feet in length.

Business establishment: ~~Any~~ means any public or private place, building or enterprise structure utilized for the conduct of a business, commercial or industrial enterprise, but shall not include any residential or multifamily dwelling units. Hotels, Business establishments may include hotels, motels, motor inns, and other like establishments providing buildings or structures that provide lodging for travelers and long term care facility/nursing homes are business establishments as defined in this chapter. "Business establishment" shall not include any "residential property" as defined elsewhere in this article.

Combustible waste: ~~Miscellaneous burnable materials, or~~ means solid waste or refuse that is susceptible to catching fire or burns at ordinary incinerator operating temperatures. Combustible waste may also include the organic component of refuse.

Commercial sanitation service: ~~Refuse~~ means refuse collection or recycling service provided to any business establishment.

Compactor bin: ~~A~~ means a metal container varying in size attached to a stationary refuse compaction unit.

~~Construction and demolition wastes: All waste building materials, rubble and spoils resulting means solid waste derived from the construction, repair, remodeling, repair and destruction or demolition operations on any building or structure.~~

~~Contractor: Any person engaged in the business of collecting, hauling, or transporting refuse including recyclable material, or any other types of waste including hazardous and medical, in the city for disposal, salvage, recycling or any of buildings or other purpose structures.~~

Customer Account means the account established by the City to bill and collect fees for sanitation service. A customer may establish a residential or commercial account,

~~Dispose or disposal: Discarding means discarding, abandoning, dumping, spilling, injecting, leaking, depositing, placing or discharging solid waste into or on land or water.~~

~~Garbage: All means all~~ putrescible animal and vegetable wastes resulting from preparation or handling of food, including discarded food stuff and food packaging material.

~~Hazardous waste: Any chemical, compound, mixture, substance or article which is designated by the U.S. Environmental Protection Agency, or appropriate agency of the state, to be hazardous, as that term is defined by or pursuant to federal or state law.~~

Generator means a person who, by virtue of ownership, management or control, is responsible for causing or allowing to be caused the creation of solid waste.

Hazardous waste means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations or from community activities which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed or any waste identified as hazardous pursuant to A.R.S. section 49-922.

~~Long term care facility/nursing home: Any means any business~~ establishment licensed by the State of Arizona as a long term care facility or nursing home to provide long term care, including food, shelter housing, assisted living and/or other long term medical treatment or personal care to elderly, sick or disabled residents. “Care” may include providing food, shelter, assistance with personal hygiene or other daily needs, and skilled nursing care.

~~Manual collection: A contained refuse collection system in which containers are manually emptied into collection vehicles.~~

~~Mechanical collection: A contained refuse or recyclable material collection system utilizing city provided containers in which containers are mechanically lifted and emptied into collection vehicles.~~

~~Mechanized collection container: A container owned by the city, made available to residents for their use as part of the city's mechanized refuse collection system.~~

~~Medical waste: Consists of~~Medical waste means any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste. "Medical waste" may include human or animal tissue, any part of a human or animal body that has been removed by surgery, and any contaminated material such as facial tissues, bandages, and hypodermic needles.

~~Noncombustible~~Multi-family residential properties means any real property that has one or more structures and that contains five or more dwelling units for rent or lease that are subject to title 33, chapter 10 of the Arizona Revised Statutes.

~~Non-combustible waste: Consists of miscellaneous~~means solid waste or refuse materials that are unburnable that is not susceptible to catching fire or otherwise does not burn at ordinary incinerator operating temperatures or. ~~Non-combustible waste may also include the inorganic component of refuse.~~

~~Nonhazardous~~Non-hazardous liquid waste: All means all liquid waste not defined as non-a hazardous liquid waste by the state department of health services or federal statute, law or regulation.

~~Plastic bag: A~~means a disposable bag manufactured either from polyethylene or ethylene copolymer resin of an approved thickness, used for the purpose of containing household refuse.

~~Recyclable~~Person means any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, this state or any of its agencies, departments, political subdivisions, counties, towns or municipal corporations, as well as a natural person.

Recycling means the process of collecting, separating, cleansing, treating and reconstituting post-consumer materials that would otherwise become solid or liquid waste and returning them to the economic stream in the form of raw material (liquid): Any for reconstituted products which meet the quality standards required for use in the marketplace, but does not include incineration or other similar processes (A.R.S. § 49-831).

Recyclable material means both liquid and solid recyclable material.

Recyclable material (liquid) means any liquid refuse produced by the community a generator which can be reused through a recycling process.

Recyclable material (solid): Any means any solid refuse produced by the community a generator which can be reused through a recycling process.

~~Recycling container: A~~means a container, bin, can or box specifically approved by the Administrator that can be used in a recycling or waste reduction program on public or private property, and approved by within the administrator City of Glendale.

~~Refuse: All~~means all solid waste produced by the community a generator, including putrescible and nonputrescible non-putrescible wastes, organic and inorganic wastes, combustible and noncombustible wastes, recyclable material being discarded by the producer, and liquid

nonhazardous wastes, but ~~does not including~~include hazardous waste, medical waste or human body waste from sources other than septic tanks or chemical toilets.

~~Refuse container:~~A means a bin, can, mechanized collection container, bag, or cardboard box as specified herein.

~~Residential property:~~Any means any property used as a ~~nontransient~~non-transient residential dwelling unit or units, including any single-family dwelling, duplex, triplex, quad-plex, condominium, cooperative, townhouse, mobile home park, trailer park, rooming house, or boarding house, and multifamily unit such as an apartment, condominium or townhouse complex, but excluding any . Residential property excludes any “multi-family residential properties” as defined elsewhere in this sectionarticle and any building or structure defined elsewhere in this article as a "business establishment."

~~Residential sanitation service:~~Refuse means refuse collection or ~~recycling~~recyclable material collection service provided to all residential properties.

~~Sanitation fee:~~A means a fee or service charge assessed for any sanitation services provided.

~~Sanitation inspector:~~A city means a City employee or authorized representative who has been assigned responsibility for the inspection of public and private properties so that compliance with the provisions, rules and regulations of this chapter may be enforcedassured.

Sanitation service means refuse collection or recyclable material collection service provided to residential properties or business establishments.

Solid waste means any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility, and other discarded material, including solid, liquid, semisolid or contained gaseous material (A.R.S. § 49-701.01).

Solid waste management means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste in a manner that protects public health, public safety and the environment and prevents environmental nuisances, as defined in A.R.S. § 49-701.

Store or Storage means the holding of a solid waste for a temporary period at the end of which the waste is treated, disposed of or stored elsewhere.

Third party commercial sanitation service means refuse collection or recyclable material collection service provided to any business establishment by a person other than the City.

~~Trash:~~All ~~nonputrescible~~ means all non-putrescible wastes consisting of both combustible and ~~noncombustible~~non-combustible solid waste material, excluding ashes.

~~Uncontained refuse:~~Oversize or overweight refuse which may not be practicably containerized, such as tree limbs, branches, palm fronds, light metal, pipe less than one (1) inch in diameter, with no object exceeding six (6) feet in length, hedge clippings, cardboard boxes, discarded appliances, furniture, and bagged or boxed plant cuttings.

~~Uncontained trash collection:~~Refuse collection service for ~~oversize and overweight~~ waste materials that cannot practicably be containerized.

Treat or Treatment means any method, technique or process used to change the physical, chemical or biological character of solid waste so as to render that waste safer for transport, amenable for processing, amenable for storage or reduced in volume

(Ord. No. 1325, § 1(13-2), 12-4-84; Ord. No. 1434, § 1, 6-24-86; Ord. No. 1479, § 1, 2-3-87; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88; Ord. No. 1796, § 1, 1-11-94; Ord. No. 2106, § 1, 10-26-99; Ord. No. 2186, § 2, 2-27-01)

Sec. 18-2. - Purpose; interpretation.

The Council for the City of Glendale hereby determines that the regulations contained in this chapter are necessary and appropriate to achieve the stated purposes and to protect the health, safety and welfare of the citizens of the City of Glendale.

(a) The purposes of this article are ~~as follows~~:

- (1) To preserve the health, safety and welfare of the citizens of Glendale by providing minimum standards for the safe and sanitary collection, storage, transportation and disposal of garbage, trash, refuse and other solid wastes generated within the cityCity. Whenever this chapter conflicts with any other portion of this Code, this chapter shall prevail with respect to any matters relating to solid waste management and sanitation; and
- (2) To promote competition in the delivery and availability of recycling services and commercial or industrial waste management services within the City of Glendale consistent with A.R.S. § 49-746.

~~The council for the City of Glendale hereby determines that the regulations contained in this chapter are necessary and appropriate to achieve the stated purposes and to protect the health, safety and welfare of the citizens of the City of Glendale.~~

- (b) Nothing in this chapter is intended or shall be construed ~~so as to impinge upon~~ supersede or supplantinterfere with the authority of the county health department, state department of ~~health services~~ environmental quality, the United States Environmental Protection Agency or any other public agency ~~asthat~~ that may have prior jurisdiction over the subject matter of this chapter.

(Ord. No. 1325, § 1(13-1, 13-3), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-3. - Powers and duties of ~~administrator~~ Administrator.

- (a) ~~The administrator in~~ In order to protect the health and safety of the people of the ~~city~~ City, ~~the Administrator,~~ the Administrator, is authorized and directed to adopt any reasonably necessary ordinance, resolution, rule, procedure, policy or practice to establish, implement and enforceensure compliance with the provisions of this chapter ~~and to control the storage, collection, disposal and salvaging of refuse including solid waste and recyclable material within the cityCity.~~ The administratorAdministrator is further authorized to provide public refuse disposal sites for refuse originating within the cityCity and to provide and/or approve of recyclable material collection sites, so that the usual type and quantity of refuse and approved recyclable materials may be safely and expeditiously handled, andcollected, managed, treated, stored, disposed of and/or recycled. The Administrator is

also authorized to regulate the development, construction, maintenance, and operation and closure of such sites.

- (b) ~~The administrator~~Administrator may ~~impose operational regulations on~~adopt rules for the collection, management, treatment, storage, recycling and disposal processes, such as determining types of wastes that may be disposed of, routing of traffic and designating time and location that dumping may occur ~~on landfills.~~in landfills. Additionally, the Administrator may prescribe rules for the delivery of recycling services and commercial or industrial solid waste management services, to promote the availability of such services, and to provide competition in the delivery of such services within the City in accordance with A.R.S. § 49-746.

(Ord. No. 1325, § 1(13-3), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

~~Sec. 18-4. - Additional rules and regulations.~~Sec. 18-4. - Additional rules and regulations.~~authorities; Environmental Nuisances.~~

- (a) ~~The city shall have the authority to make administratively such other reasonable rules and regulations concerning the keeping, accumulation, storage, collection, disposal, salvaging, and hauling of refuse, other wastes, and recyclable materials, by the city, residents, contractors, or any other person engaged in the keeping, accumulation, storage, collection, disposal, salvaging, and hauling of same. The city shall have the authority to make administratively such other reasonable rules and regulations relating to the operation of a transfer station, disposal site, recycling site, recycling or waste reduction program or similar activities or other similar facilities as may be deemed necessary.~~The City shall have the authority to adopt any reasonably necessary ordinance, resolution, rule, procedure, policy or practice to establish, implement and ensure compliance with minimum standards for storing, collecting, transporting, disposing and reclaiming solid waste, including garbage, trash, rubbish, manure and other objectionable wastes. These provisions shall provide for inspecting premises, containers, processes, equipment and vehicles, and for abating as environmental nuisances any premises, containers, processes, equipment or vehicles that do not comply with the minimum standards of these provisions.
- (b) The City may adopt any reasonably necessary ordinance or resolution or the Administrator may implement any rule, procedure, policy or practice to prevent, mitigate or take action to abate any environmental nuisance and to ensure it does not recur. As used in this section, an “environmental nuisance” is the creation or maintenance of a condition in the soil, air or water that causes or threatens to cause harm to the public health or the environment and that is not otherwise subject to regulation under the City Code or this chapter. For purposes of this chapter, the following conditions may constitute environmental nuisances:
- (1) A condition or place in populated areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.

- (2) A place, condition or building which is controlled or operated by any governmental agency, state or local, and which is not maintained in a sanitary condition.
- (3) Sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
- (4) A vehicle or container which is used in the transportation of garbage or human excreta and which is defective and allows leakage or spillage of contents.
- (5) The maintenance of an overflowing septic tank or cesspool, the contents of which may be accessible to flies.
- (6) The pollution or contamination of any domestic waters.
- (7) The use of the contents of privies, cesspools, or septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of the department of health services or the department of environmental quality.
- (8) The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law and rule.
- (9) Water, other than that used by irrigation, industrial or similar systems for non-potable purposes, which is sold to the public, distributed to the public or used in production, processing, storing, handling, servicing or transportation of food and drink and which is unwholesome, poisonous or contains deleterious or foreign substances or filth or disease-causing substances or organisms.

(Ord. No. 1325, § 1 (13-4), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-5. ~~Suspension or~~ Modification, suspension, revocation or termination of permits.

- (a) In addition to the sanctions provided any penalties or relief in section 18-7, the cityCity may modify, suspend or, revoke or terminate any permit authorized or required by this chapter, or suspend or, revoke any collection, recycling or disposalterminate any solid waste management services provided by the cityCity, or by a contractorsuspend, revoke or terminate any license or permit of any person providing third party commercial sanitation service within the City's jurisdictional boundaries, whenever it is found that the holder of such permit, or user of such collection, recycling, or disposal services,a person commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulationsordinance, resolution, rule, procedure, policy or practice promulgated hereunder, or fails.
- (b) Any person who violates this chapter or any ordinance, resolution, rule, procedure, policy or practice promulgated consistent with it may also be required to fully reimburse the city

~~its~~City for any costs associated with the remedying of~~incurred to remedy any violation of any applicable health codes and ordinances of the city, county, state, and federal government.~~this chapter or to prevent, mitigate or take action to abate any environmental nuisance and to ensure it does not recur.

- (c) ~~(b)~~—~~A contractor~~Any person whose permit is ~~revoked or terminated~~ for a violation of this chapter may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the ~~revocation~~ or termination.

(Ord. No. 1325, § 1(13-48), 12-4-84; Ord. No. 1479, § 1, 2-3-87; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-6. - Appeals.

- (a) ~~Any person aggrieved~~whose permit is modified suspended, revoked, or terminated by a determination by the ~~administrator~~Administrator made in accordance with Section 18-5 of this chapter shall have the right to appeal such action to the ~~city manager, who shall have~~City Manager.
- (b) ~~The City Manager has~~ the authority to confirm, modify, or ~~revoke any such~~ reject the Administrator's determination. An appeal of the action taken pursuant to the notice of suspension or revocation of a permit ~~Section 18-5~~ must be submitted in writing to the ~~city manager~~City Manager within fourteen (14) calendar days of receipt of the notice from the ~~administrator~~Administrator. The decision of the ~~city manager~~City Manager shall be final.
- (c) ~~The permittee may continue collecting, transporting, and/or disposing of refuse or other wastes until the city manager has rendered his decision.~~City Manager has rendered his decision, unless the Administrator has determined that 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.

(Ord. No. 1325, § 1(13-5), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-7. - Violations.

- (a) A violation of any provision of this chapter shall be deemed a public nuisance and be punishable as a misdemeanor. The fine for each occurrence shall not be less than one thousand dollars (\$1,000.00) ~~for a first offense and less than two thousand five hundred dollars (\$2,500.00) for any subsequent offense.~~
- (b) Any police officer, code enforcement officer or designated sanitation official who observed a violation of any provision of this chapter is empowered to issue a citation or seek a complaint. Prior to issuing a citation or seeking a complaint, the officer or official may, in his sole, unreviewable discretion, issue a written notice of violation allowing the violator seven (7) days to remedy the violation. If the violation is not remedied in seven (7) days, a citation or complaint will be issued.
- (c) ~~Any bins~~No person may place any bin or recycling containers placed ~~container~~ on public or private property within the ~~city~~City by a ~~contractor or person who does not have~~without first obtaining a valid permit to service customers or the public at large

~~within~~from the ~~city~~ City. Any violation of this provision may result in the bin or container being seized by the ~~city~~ City and ~~subject to~~ the assessment of a one hundred dollar (\$100.00) return fee.

(Ord. No. 1325, § 1, (13-46, 13-49), 12-4-84; Ord. No. 1433, § 1, 6-24-86; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-8. - Compliance responsibility.

~~The primary responsibility for proper keeping, accumulation, storage, salvaging, owner, operator and disposal~~occupant of refuse, including property on which solid waste or recyclable materials, are kept, accumulated, stored, salvaged, managed, treated, processed recycled or disposed of shall be jointly and severally responsible for ensuring the material is properly managed in accordance with the provisions of this chapter shall be that of the producer thereof. Should such producer refuse, neglect, or fail to provide for proper keeping, accumulation, storage, salvaging, and disposal of refuse, including recyclable materials, the owner of the premises on which the same has been produced shall keep, accumulate, store, salvage, federal and dispose of it in accordance with the state law and all provisions of this chapter.

(Ord. No. 1325, § 1(13-45), 12-4-84; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-9. - Unauthorized accumulation or disposal; violators liable for cost of removal.

- (a) No owner, ~~tenant, lessee~~operator, or other occupier or useroccupant of property shall allow garbage, trash, refuse, other ~~waste~~solid waste, or recyclable ~~materials~~material to accumulate or ~~exist~~remain on ~~his~~its property, including any street, sidewalk, alley, right-of-way, unless the same such material is kept managed in covered bins or other proper containers for collection which are approved by in accordance all applicable health codes, ordinances, and rules and regulations of the administrator, city Administrator, City, county, state and federal government, or is set out for collection in accordance with all administrative rules, regulations, and provisions of this chapter. However, leaves, grass, clippings and ~~the like~~similar organic yard waste may be ~~permitted~~accumulated and stored for the purpose of composting under such circumstances ~~and~~ conditions and/or rules as may be established by the ~~administrator~~Administrator. A property being used as a multi-material recycling center, sorting facility, composting facility, materials recovery facility, ~~and the like~~or for a similar recycling purpose is exempt from this subsection ~~as long as provided~~ all recyclable materials are kept properly managed on the property, and the property and business operations are properly zoned and permitted by the city, county or state. (b) ~~No person shall keep, accumulate, store, discard or otherwise dispose of any garbage, trash, refuse, recyclable materials, or other wastes, upon any street, sidewalk, alley, right-of-way or other city, and property or any private property, except business establishment has obtained and is in proper containers or covered bins which are approved for the accumulation and collection of such materials by this chapter, or are expressly approved by the administrator, or except when set out for collection in accordance with procedures established under section 18-3.~~compliance with all permits required by the City, county, state or federal government.

- (e) ~~If a violator of section 18-9(a) does not remedy the (b)~~ In addition to being subject to any penalties for a violation of this chapter as provided in Section 18-7, any person who fails to remedy the violation within twenty-four (24) hours after a citation has been issued to him, the city may remedy the violation itself and charge the violator pursuant to Section 18-7(c) may be charged double the rate established by council resolution for commercial loosebulk trash collection established by resolution of the City Council. If the violator has a ~~municipal service~~customer account with the ~~city~~City, such ~~costs~~penalties shall be charged to that account.
- (d) ~~If (c) Nothing in this Section prohibits the City from remedying the violation itself or ordering the violator to abate an environmental nuisance in accordance with Section 18-4. The City may remedy any person commits a violation of section 18-9(b); this chapter without first giving the city may violator notice and an opportunity to cure or remedy the violation itself or request the violator to remedy the violation within one (1) hour after actual receipt of city's request to remedy the violation. If the violator fails to remedy the violation as requested, the city may remedy the violation. If the city. If the City remedies any violation of section 18-9(b), with or without prior request to remedy being delivered to the violator, the city this chapter, the City may charge the violator double the rate established by council resolution for commercial loosebulk trash collection; established by resolution of the City Council. If the violator has a refuse collection customer account with city City, such costs shall be charged to that account.~~

(Ord. No. 1325, § 1(13-9, 13-40), 12-4-84; Ord. No. 1433, § 1, 6-24-86; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

State Law reference— Authority of city City to prevent the throwing of offensive materials on streets, A.R.S. § 9-276(A)(7).

Sec. 18-10. - Avoiding sanitation fees and regulations.

No person shall place any of his own garbage, refuse, trash, recyclable material, or any other solid wastes with that of any other person, residential property or business establishment, for the purpose of avoiding payment of sanitation, recycling or landfill fees or service charges, or for the purpose of evading any regulation or limitation on collection, disposal or recycling service, or for any other reason, ~~shall place any of their own refuse material, recyclable materials, or any other wastes with that of any other dwelling unit or business establishment, or in a refuse or recycling container of the occupant of any other premises or in front of any other premises, or in a refuse or recycling container not obtained from the city; nor shall any person identify refuse, including recyclable materials from other sources, as their own. Residents. Customers receiving residential sanitation services shall not place out for collection any garbage, refuse, trash, or other solid waste or recyclable materials or other wastes material that originated from a commercial-business enterprise, along with their own residential garbage, refuse, trash, recyclable materials or other wastes-establishment.~~ Customers receiving commercial sanitation service may share bins upon approval by the city City or the ~~contractor providing third party~~ commercial sanitation service provider. The city City reserves the right to determine the source of any refuse, solid waste or recyclable ~~materials material,~~ or any other wastes, so as to properly the City can accept or reject

such wastes for collection, management or disposal, or assign and charge the appropriate fees as necessary in accordance with this chapter.

(Ord. No. 1325, § 1(13-52), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-11. - Refuse containment in transit.

(a) No person shall collect, transport or receive any garbage, trash, refuse, recyclable materials, or any other waste solid or liquid waste or recyclable material, within or upon any public or private streets in the city, or anywhere in the city City, except in leakproof containers or vehicles so that are leak-proof or constructed so that no garbage, refuse, recyclable material trash, or any other wastes can leak solid or sift through, fall out, liquid waste or recyclable material, can be blown released or emitted from such container or vehicle.

(b) Any person collecting or transporting any garbage, trash, refuse, recyclable materials, or any other waste solid or liquid waste or recyclable material, shall immediately pick up collect all garbage, trash, refuse, or any other solid or liquid waste or recyclable materials, or any other wastes material, which drops, spills, leaks, escapes or is blown released or emitted from the collecting or transporting container or vehicle, and shall otherwise clean the place onto which any take such refuse, recyclable materials, or any other wastes was so dropped, spilled, blown or leaked. as actions as the City deems appropriate to remedy such a release.

(Ord. No. 1325, § 1 (13-26), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-12. - Landfills and Recycling Facilities.

(a) No person other than the city City shall establish, maintain, or operate any dump or disposal grounds or facility in the city City for the keeping, accumulation, or disposal of any garbage, trash, refuse of any kind, or any other solid or liquid waste or recyclable material unless so authorized by a permit of the county, state department of health services or the federal government and approved by the city City.

(b) Payment of any dumping fees or payment of any, annual licenses or permits are permit fees is subject to the conditions of this chapter, and the schedule of fees as established herein and approved by the City Council.

(c) Persons who own, operate or occupy residential property within the City may either:

(1) use the City's curbside sanitation services for the collection and disposal fees, of garbage, trash, refuse or other solid waste and the collection and processing recyclable material, provided they pay all applicable fees, as set by the City Council; or

(2) (e) City residents of single family dwellings and duplexes and residents of areas for which if special arrangements are made with the city City by formal agreement may themselves, collect, manage and dispose of their own refuse garbage, trash, refuse or other solid waste and collect and manage their recyclable material themselves.

- (d) Persons who own, operate or occupy residential property as defined in this article within the City may deliver and dispose of garbage, trash, refuse or other solid waste at the City's landfill at no charge until, provided the net refuse weight of a load weight of such material does not exceed two thousand (2,000) pounds. Once the weight of a load of such material exceeds two thousand (2,000) pounds, at which time applicable disposal fees shall be charged. Residents of the city City may be required to display their a driver's license as or other suitable proof of residency identification in order to qualify for free usage. Residents of any other area to be the fee waiver. Persons other than owners, operators or occupants of residential property within the City may also qualify for such a fee waiver if they are served through an agreement may be required to display with the City and have obtained an approved use permit. All applicable fees shall be charged to any residential user unable to demonstrate residency within the city or within a special service area pursuant to agreement, with the current use permit who does not qualify for a fee waiver or provide proof of residency or eligibility.
- (de) ~~Business establishments, mobile home parks, trailer parks, rooming houses, boarding houses may:~~
- (1) use the City's commercial sanitation service for the collection and multifamily units may dispose of their disposal of garbage, trash, refuse themselves, except that they must pay any or other solid waste and the collection and recycling of recyclable material, provided these customers pay all applicable fees. Any business establishment, mobile home park, trailer park, rooming house, boarding house or multifamily unit disposing of wastes resulting from contracted work must also, as set by the City Council; or
 - (2) collect, transport and dispose of garbage, trash, refuse or other solid waste themselves, provided they pay all applicable fees, as set by the City Council, and such self-collection, management and disposal does not violate any provision of this chapter; or
 - (3) use a duly-permitted third party commercial sanitation service.
- (f) ~~All business establishments, mobile home parks, trailer parks, rooming house, boarding houses and multifamily units must pay all that use the City's sanitation services or collect, transport and dispose of their garbage, trash, refuse or other solid waste themselves must pay all applicable sanitation and landfill fees with cash or establish a chargecustomer account. Business establishments, mobile home parks, trailer parks, rooming houses, boarding houses and multifamily units who that wish to establish a chargecustomer account for landfill usage shall submit a payment guaranty deposit to the city upon establishment of an account. The permit fee may be prorated. In addition, a payment guaranty deposit shall be submitted to the city City upon establishment of an account. The permit fee may be pro-rated. At the end of each permit year thereafter, a customer account shall remain active only if the user maintains a deposit equal to the average monthly billing of the previous year. Deposits shall not be interest earning. If any business establishment, mobile home park, trailer park, rooming house, boarding house or~~

~~multifamily unit which has posted a deposit~~ fails to pay the landfill fees by the last day of the billing month, the ~~administrator~~Administrator may ~~refuse to allow~~;

- (1) consider the firm account delinquent;
- (2) decline to charge~~extend~~ credit;
- (3) prohibit the business establishment from accruing any further~~additional~~ landfill fees; ~~and may/or~~
- (4) deduct all delinquent fees from the payment guaranty deposit.
- (fg) The ~~administrator~~Administrator may require any user to return to the scales for verification of the tare weight of any vehicle. Loads may be estimated with a known tare weight when the scales are inoperative.
- (gh) All bulk disposal loads of liquid waste are prohibited except with the express written approval of the ~~administrator~~Administrator. The ~~city~~City shall have the right to take samples of any ~~approved~~bulk liquid waste loads for the purpose of lab testing to determine if hazardous waste is present in the bulk liquid waste.
- (hi) Surcharges are added to the schedule of the disposal fees for "hard to handle" waste materials. ~~Surcharge to the prevailing per ton fee~~ shall be charged for wire and tires and other hard to bury materials which are defined as "hard to handle" wastes at the prevailing market rate.
- (ij) The schedule of disposal fees, guaranty deposit and "hard to handle" waste surcharge fee shall be established by resolution of the ~~council~~Council.
- (jk) Bills shall become due and payable when a statement is ~~rendered~~generated by the ~~city~~City and shall become delinquent twenty (20) days after ~~rendered~~. It is transmitted to the customer account holder. Any delinquent balance contained in a bill shall ~~may~~ be subject to interest, a penalty, established and late fees, as provided in the fee schedule approved by the city, on any outstanding unpaid balanceCity Council.

(Ord. No. 1386, § 1, 10-22-85; Ord. No. 1479, § 1, 2-3-87; Ord. No. 1536, § 1, 4-12-88; Ord. No. 1547, § 1, 6-14-88; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2106, § 2, 10-26-99)

Sec. 18-13. - Burning of refuse.

All burning of garbage, trash, refuse or other solid or liquid waste or recyclable material is prohibited except ~~in incinerators~~ as may be permitted by the ~~county~~City, the County, the State and the city~~federal government~~. Any burning of garbage, trash, refuse or other solid or liquid waste or recyclable material must comply with ~~the any and all applicable laws, statutes, rules and regulations established~~ of the City, County, State and federal government, including those administered by the Maricopa County Environmental Services Department, the Arizona Department of Health Services~~Environmental Quality~~ and the U.S. Environmental Protection Agency.

(Ord. No. 1325, § 1(13-43), 12-4-84)

Sec. 18-14. - Ownership of ~~refuse~~Recyclable Material.

(a) ~~Any person who sets out for collection by the city, or deposits in the city landfill, any refuse material deemed acceptable for disposal, thereby agrees that the ownership of the refuse material shall become the sole property of the city when it is taken into the actual or constructive possession of the city.~~ (b) ~~Any person who sets out for collection by the city any recyclable material, thereby for collection by the City agrees that the ownership of the recyclable material shall become the property of the city when it is set out for~~transfer upon its actual collection by the City.

(Ord. No. 1325, § 1(13-27), 12-4-84; Ord. No. 2106, § 3, 10-26-99)

Sec. 18-15. ~~Sanitation~~ Solid Waste collection fund-Created.

A fund is hereby established for the funding and payment, ~~as hereinafter provided,~~ of expenses associated with sanitation services provided by the ~~city~~City. The fund shall be known as the "~~sanitation~~Solid Waste Collection fund."

(Ord. No. 1451, § 1, 9-23-86; Ord. No. 1570, § 2, 11-8-88)

Sec. 18-16. ~~Same~~ Solid Waste collection fund —Purpose.

The purpose of the ~~sanitation~~Solid Waste collection fund is to accumulate all revenues and earnings received for sanitation services, to accumulate all interest earnings thereon, pay all administrative, operational and maintenance expenses, direct or indirect, of ~~same~~sanitation services, and accumulate contingency funds as an operational fund reserve to the sanitation fund. The sanitation fund shall be a separate and protected fund, to be used for no other purpose than expenses associated with sanitation services.

(Ord. No. 1451, § 1, 9-23-86; Ord. No. 1570, § 2, 11-8-88)

Sec. 18-17. ~~Same~~ Solid Waste collection fund—Procedure.

Commencing on the effective date of this section, all revenues derived from sanitation services shall be deposited within the ~~sanitation~~Solid Waste collection fund. All revenues in excess of the projected annual expenditures, for administrative, operational and maintenance expenses, direct or indirect, for the sanitation services, shall be placed in an operational fund reserve within the ~~sanitation~~Solid Waste collection fund. The funds ~~with~~placed in the operational fund reserve shall be maintained in one or more interest bearing accounts pursuant to the ~~city's~~City's investment policy. All interest earned thereon shall be accumulated with the principal sum. The operational fund reserve shall only be used for those purposes set forth in section 18-16.

(Ord. No. 1451, § 1, 9-23-86; Ord. No. 1570, § 2, 11-8-88)

Sec. 18-18. - Landfill enterprise fund-Created.

An enterprise fund is hereby established for the funding and payment, ~~as hereinafter provided,~~ of expenses associated with the disposal of solid wastes. The enterprise fund shall be known as the "Landfill Enterprise Fund."

(Ord. No. 1440, § 1, 7-22-86)

Editor's note— Ord. No. 1440, § 1, adopted July 22, 1986, added new provisions designated as §§ 18-15—18-17. In order to avoid duplication of section numbers assigned by Ord. No. 1451, these provisions have been ~~redesignated~~re-designated as §§ 18-18—18-20, at the discretion of the editor.

Sec. 18-19. —~~Same~~Landfill enterprise fund—Purpose.

The purpose of the landfill enterprise fund is to accumulate all revenues and interest earnings associated with the ~~city~~City landfill, to pay all administrative, operational and maintenance expenses, direct or indirect, of same, and to accumulate a contingency reserve for future solid waste disposal related improvements in a solid waste facility account within the landfill enterprise fund. The landfill enterprise fund shall be a separate and protected fund, to be used for no other purpose than for expenses associated with solid waste disposal. The solid waste facility account within the landfill enterprise fund shall be a separate and protected account to be used for no other purposes than for capital improvements associated with the establishment, improvement, or closure of ~~city~~City landfills or other solid waste handling facilities, and the acquisition of land therefor, major equipment purchases for which funds are required in excess of the landfill operation funding and emergency purposes.

(Ord. No. 1440, § 1, 7-22-86)

Note— See the editor's note following § 18-18.

Sec. 18-20. —~~Same~~Landfill enterprise fund—Procedure.

Commencing July 1, 1986, all revenues derived from the ~~city~~City landfill shall be deposited within the landfill enterprise fund. All revenues in excess of the projected annual expenditures plus an operational fund reserve, to be determined annually ~~in concert~~ with the ~~city~~City budget process, shall be placed in the solid waste facility account within the landfill enterprise fund which will maintain such. Such funds, including interest earnings, shall be used for such purposes as stated in section 18-19; except that revenues received as a result of providing commercial sanitation services or intergovernmental agreements may be placed in the City's general fund if the costs of providing such sanitation services to those customers do not significantly increase the City's overall administrative, operational and maintenance expenses of providing sanitation services.

(Ord. No. 1440, § 1, 7-22-86)

Note— See the editor's note following § 18-18.

Secs. 18-21—18-30. - Reserved.

ARTICLE II. - CONTAINERS AND ~~PRECOLLECTION~~PRE-COLLECTION PRACTICES

DIVISION 1. - GENERALLY

Sec. 18-31. - Rules and regulations.

The ~~administrator~~Administrator shall have the authority to establish and enforce rules and regulations requiring garbage, ashes, trash, refuse and recyclable material to be placed and maintained in separate containers.

(Ord. No. 1325, § 1(13-6), 12-4-84; Ord. No. 2106, § 3, 10-26-99)

Sec. 18-32. - Containers generally.

(a) For customers with City sanitation service:

~~(1) Refuse containers used for the manual collection system may be either metal or plastic cans, plastic bags, or cardboard boxes as specifically set forth in this chapter for refuse containers. These containers shall be provided by the owner or occupant of the premises. Containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced. The administrator shall have the authority to deny collection service for failure to comply herewith.~~

~~(2) Individually assigned~~(1) All residential properties within the City of Glendale shall only use the City's curbside sanitation services for the collection and disposal of garbage, trash, refuse or other solid waste and for collection of recyclable material unless special arrangements have been made with the City by formal agreement in accordance with Section 18-12(c)(2). Residential properties within the City of Glendale shall not use any third party commercial sanitation service for solid waste management or recyclable material services.

~~(2) All residential properties within the City of Glendale shall be provided with refuse and recycling containers used for the residential sanitation service~~mechanized collection system. These containers shall only be provided only by the cityCity and shall be used for no other purpose than as garbage and trash or recycling containers. One (1) container is issued per single family dwelling unit and the collection of refuse and recyclable material. Any containers provided by the City for residential sanitation service shall remain the property of the city; however, the owner, landlord and/or tenantCity. The City shall be responsible to replace any container whichthat is damaged beyond use, lost or stolen. Additional containers may be obtained only from the city, and by payingCity if the customer pays a delivery fee and an additional monthly service fee to the cityCity for each additional container, as established by the council by resolution. The cityCity shall maintain cityCity-owned containers in good condition, except for cleaning. The city shall be responsible for cleaning containers and bins placed in alleys for single family residential use. Bins owned and serviced by the city commercial sanitation service at other locations are cleaned by the city once per year at no charge to the customer. The

- ~~(3) The customer shall be responsible for additional cleanings ordered by the administrator. Additional cleanings by the city shall be on a fee basis to the maintaining the containers in a safe and clean manner. If the Administrator determines the container is not being maintained in a safe and clean manner, he may order the residential property owner or occupant to clean the container or the Administrator may replace it. Any cleaning or replacement that is caused by the failure or neglect of the residential customer. Residents shall be responsible for cleaning the individual containers assigned to their respective properties. The administrator or may result in the City imposing a fee on the customer account. The Administrator or his designee shall determine the size and number of containers issued to a residential property or customer or to residents, and the location where the containers will be placed. Containers not obtained from the city for mechanized collection. City will not be serviced.~~
- ~~(3) Refuse containers provided by the owner or occupant of the premises shall be of a type approved by the administrator and shall be kept in a clean, neat and sanitary condition at all times. Cans shall be either metal or plastic; maximum thirty two gallon size. They shall be equipped with suitable handles, have tight fitting covers, be water tight, and shall not exceed sixty (60) pounds when loaded.~~
- ~~(4) Plastic bags shall be heavy polyethylene or ethylene copolymer resin, a minimum 1.7 mils thick; maximum thirty three gallon size. Bags shall be securely tied, shall not exceed sixty (60) pounds fully loaded, and shall comply with material and performance specifications on file with the administrator.~~
- ~~(5) Cardboard boxes are accepted for trash only. They are not acceptable for household waste, may not exceed three (3) cubic feet in size, and shall not weigh more than sixty (60) pounds when loaded. by the City.~~
- (b) ~~Non-city~~For customers using third party commercial sanitation service:
- ~~(1) The owner, tenant, lessee or operator of a business establishment not served by the city(1) _____ Business establishments shall have sufficient containers to meet their needs collect, store, accumulate or otherwise contain refuse awaiting transport and disposal to an appropriate waste management facility, and to maintain a clean and sanitary condition on the premises. All containers or bins shall have a lid and be equipped with suitable handles, plates, or sleeves for manual or mechanical lifting. Containers or bins shall be kept in good repair and shall be repaired or replaced when no longer serviceable. Containers or bins shall be cleaned at least once per year or more frequently if so ordered by the administrator Administrator.~~
- (2) Containers or bins determined by the administrator Administrator to be unsafe, unserviceable or in an unsanitary condition, shall be removed from further use. The city City may periodically inspect business establishments to ensure compliance with requirements relative to refuse containers and the sanitary containment of refuse.

(Ord. No. 1325, § 1(13-7, 13-8), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2106, § 3, 10-26-99)

Sec. 18-33. - Special handling of certain items placed for collection; items ~~city~~City will not collect.

Various types of refuse shall be contained and placed for collection as follows:

- (a) Ashes or sawdust ~~no~~. No hot ashes, hot cinders or any burning matter shall be placed or kept in a refuse container. Ashes shall be soaked with water and placed in a plastic bag before being placed in a container used for refuse. Sawdust shall be placed in a closed bag before placement in a container used for refuse.
- (b) All boxes, cartons and crates shall be collapsed or cut up prior to placement in containers, ~~or bundled. Bundles of wastepaper, boxes, cartons, crates and similar materials shall be securely tied and not exceed thirty (30) pounds.~~
- (c) ~~Clippings and leaves~~ Yard waste, such as grass and weed clippings, weeds and leaves shall be contained ~~cut to lengths of 5 feet or less, be no more than 12 inches in diameter, and be bagged and placed in containers for garbage and household trash as directed by the City. Uncontained plant clippings or leaves~~ yard waste shall not be collected. If mechanized collection is provided to a residence, the grass and weed clippings, and leaves, shall be placed in a mechanized collection container. No such materials may be left loose or placed in containers not issued by or purchased from the city, if mechanized collection is provided.
- (d) Cactus plants and/or trimmings or pruning from shrubs, bushes, trees (including palm trees), cut to lengths greater than 5 feet or having a diameter greater than 12 inches shall be separated from same shall be placed in small cardboard boxes for manual ~~all other refuse collection. For mechanized collection, such materials shall and be cut up and placed in the container. Only Yucca, Century Plants and Ocotillos may be placed out with uncontained trash. collected as bulk trash.~~
- (e) Medical waste shall be contained and disposed of in a manner approved by the ~~administrator~~ Administrator and the state department of health services.
- (f) Wastes from small animals or pets shall be placed in a refuse bag, securely tied and then placed in the regular containers used for garbage. ~~Wastes from larger animals, such as horses, may be placed out for collection, provided the waste is dry and is placed in an approved plastic bag as described herein. The bag shall be securely tied and placed in the regular containers used for garbage.~~
- (g) Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the ~~administrator~~ Administrator or public safety authorities at the expense of the owner or possessor thereof.
- (h) Acids, caustics, rapid oxidizers, or any hazardous waste shall not be disposed of in refuse containers. Residents shall contact the state department of health services for instructions to dispose of such materials.
- (i) Construction and demolition waste-special arrangements shall be made for the collection of construction and demolition wastes, and they shall not be placed with other refuse for collection. The builder, permittee, or owner, shall insure that all such wastes are removed

promptly, and not be stored in any location where they may be blown about or otherwise dispersed beyond the construction site.

(Ord. No. 1325, § 1(13-9), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-34. - Placement in containers.

No refuse shall be so compacted, placed or accumulated in any container in a manner which does not allow the contents of the container to fall out, by its own weight, upon the container being lifted and turned upside down. All refuse before being deposited for collection shall be drained of liquids.

(Ord. No. 1325, § 1(13-10), 12-4-84)

Sec. 18-35. - ~~Use of another's container.~~ Inspection of containers; notice of violation.

~~It is unlawful for any owner, occupant, tenant, or lessee, using or occupying a building, structure, or other premises as a separate unit, to utilize the refuse containers or receptacles used by any other owner, occupant, tenant, or lessee for the disposal of the person's own refuse, without the approval of the administrator, if the city is providing sanitation service, or without the approval of the contractor, if sanitation is being provided by a contractor.~~

~~(Ord. No. 1325, § 1(13-11), 12-4-84; Ord. No. 1562, § 1, 9-13-88)~~

~~Sec. 18-36. - Disallowance of container.~~

~~Any container which does not conform with the provisions of this chapter be disallowed for future use by the administrator. Such disallowance shall be by attaching a tag advising the resident of such action.~~

~~(Ord. No. 1325, § 1(13-12), 12-4-84)~~

~~Sec. 18-37. - Replacement of containers.~~

~~The city accepts no responsibility for replacement of any privately owned containers that may be damaged while being serviced in the normal manner or deteriorate through normal wear and tear.~~

~~(Ord. No. 1325, § 1(13-13), 12-4-84)~~

~~Sec. 18-38. - Inspection of containers; notice of violation.~~

~~Provision shall be made for~~ The City may conduct regular inspections ~~by the city to secure~~ ensure compliance with ~~this chapter with reference to containment of refuse and maintenance of~~ containers the provisions of this Article. Notification of violations shall be given by the ~~administrator~~ Administrator or designee, to the owner or occupants of the property upon which such violations occur. Notification may consist of ~~tagging the containers~~ affixing a tag, sticker or other label to the container that ~~present~~ presents a health or safety hazard ~~with tags, with the violations indicated on the tag, or by delivering or serving~~ a notice in person or by certified mail to the owner or occupant. ~~With permission, of the administrator~~ property. The Administrator or designee shall have the right to enter commercial, industrial and institutional establishments for inspection purposes. ~~If action necessary to remedy a health, after proving the owner or safety hazard~~ occupant with reasonable notice. If violation is not taken corrected within three (3) days

after receipt of notification, the ~~administrator~~Administrator or designee shall have the right to remove the container, ~~to discontinue sanitation service, and dispose of it, and may~~to collect from any person found guilty of such violation, the impounding costs and expenses the City incurs in addressing the violation, in addition to any penalty which may be imposed pursuant to City Code for a violation of this chapter.

(Ord. No. 1325, § 1(13-47), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-~~39~~36. - Container repair.

Any expense to the ~~city~~City for the repair or replacement of damaged, stolen, or misused refuse containers or bins, shall be charged against and collected from the person or persons who caused the expense.

(Ord. No. 1325, § 1(13-61), 12-4-84)

Sec. 18-~~40~~37. - Recycling containers for public use.

- (a) ~~Recycling~~All recycling containers shall not be placed within the city~~City~~ for use by the general public, ~~and whether operated for profit or not, are subject to~~ without the express approval of the ~~administrator.~~Administrator.
- (b) All recycling containers in use shall be ~~ainted~~ and maintained in a clean, neat and sanitary manner at all times. The recycling container shall have the name and current telephone number of the servicing contractor as well as the owner of the container identified legibly thereon.
- (c) Owners of recycling containers shall ~~first~~ obtain a permit from the ~~administrator.~~Administrator prior to locating any recycling container within the ~~city~~City. General public use recycling permit regulations are established by the ~~administrator.~~Administrator. Recycling permit fees are established by the ~~council.~~Council by resolution. ~~Violations may subject the owner to the revocation of a permit as well as removal, and after ten (10) days, disposal of recycling containers.~~
- (d) Locations for recycling containers shall be subject to the approval of the ~~administrator.~~Administrator upon submission of a permit request. No recycling container shall be placed on ~~city~~City right-of-way. If placed on private property, written permission from the property owner must be submitted to the ~~administrator.~~Administrator.
- (e) Recycling containers placed within the ~~city~~City shall be serviced regularly to prevent an environmental nuisance as defined in this chapter, including, but not limited to, overflowing and the subsequent discharge of recyclable materials and other wastes upon any street, sidewalk, right-of-way, or other city~~City~~ property, or any private property. Service schedules ~~by contractors of providers~~ shall be provided to the ~~administrator.~~Administrator upon demand. If containers are not serviced at a frequency to prevent ~~the overaccumulation of materials, and overflowing and discharge occurs, the administrator~~ an environmental nuisance, the Administrator shall have the authority to suspend or revoke a recycling permit, and remove and after~~such recycling containers.~~ If the City removes the recycling containers for such a violation, the owner must reclaim the

containers within ten (10) days, dispose or such containers may be disposed of by the container City at the owner's expense.

~~(f) Recycling container permits may be revoked if the container states that all or a portion of the revenue from the sale of recyclables placed in the container inures to a nonprofit organization, and in fact does not. The permittee shall provide written verification from an officer of the nonprofit organization at time of permit application.~~

(f) Violations of this section may subject the owner of the recycling containers to the revocation of a permit as well as removal of such containers.

(Ord. No. 2106, § 4, 10-26-99)

Secs. 18-4138—18-50. - Reserved.

DIVISION 2. - SINGLE FAMILY DWELLING UNITS AND DUPLEXES - RESIDENTIAL PROPERTIES

Sec. 18-51. - Scope.

This division shall apply to ~~single family residential dwelling units and to residential duplexes~~ properties as defined in Section 18-1.

Sec. 18-52. - Container storage.

All moveable refuse containers shall be ~~kept~~located on private property except on collection day, when they may be placed upon the edge of the alley or street for collection. Following collection, they shall be returned to private property within 24 hours.

(Ord. No. 1325, § 1(13-14), 12-4-84)

Sec. 18-53. - Container service location.

(a) Containers may be placed out for collection after 6:00 p.m. on the day before collection, but no later than 6:00 a.m. on the day of collection, and shall be returned to private property by 6:00 a.m. of the day after collection.

~~(b) When there is an alley in the rear or side of the property, privately owned containers may be placed on the property at the edge of the alley, or on the edge of the alley adjacent to the property line if there is manual collection. If placed in the alley, they shall be removed on the same day in which the refuse is collected. When there is mechanized collection in the alleys, city owned containers~~ Containers shall remain at the edge of the alley at locations designated by the ~~administrator~~ Administrator.

~~(c) Where there is a side entrance opening upon a public street but there is no alley, the containers shall be placed on the premises and adjacent to the property line on which the side entrance is located.~~

~~(d) In locations where there is neither alley nor side entrance, containers~~ Containers shall be placed in the street in front of the house to which containers are assigned with the wheels against the curb, and the lid opening facing the street. In locations where there is no curb, the container should be placed at the edge of the property within two (2) feet of the street

or improved surface. Containers must not be placed within ~~fifteen~~ten (10) feet of a vehicle, mailbox, or other obstruction as may be determined by the ~~administrator~~Administrator. Containers must not be placed on arterial streets for service; rather, they should be placed on the property at the edge of the curb with the lid opening facing the street or in a location selected by the ~~administrator~~Administrator. Containers should not block or impede access to the sidewalk.

- (ed) When it is not possible to place a container on a street, the container should be placed on the driveway adjacent to the sidewalk unless otherwise directed by the ~~administrator~~Administrator.
- (fe) Refuse and recycling containers that are placed out for service must be at least three (3) feet apart to allow proper service. Lids for containers must be entirely closed.

(Ord. No. 1325, § 1(13-15), 12-4-84; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2861, § 1, 9-24-13)
Secs. 18-54—18-65. - Reserved.

DIVISION 3. ~~MULTIPLE DWELLING UNITS AND~~ BUSINESS ESTABLISHMENTS SERVED BY CITY

Sec. 18-66. - Scope; service contracts.

- (a) This division shall apply to business establishments as defined in Section 18-1 which are serviced by the city and multiple family dwelling units, mobile home parks, rooming houses and boarding houses~~City~~.
- (b) The ~~administrator~~Administrator or his designee is hereby authorized to execute any contracts for providing commercial sanitation service to business establishments ~~or multiple family dwelling units, mobile home parks, rooming houses and boarding houses.~~

(Ord. No. 1562, § 1, 9-13-88)

Sec. 18-67. - Bin placement.

(a) ~~Each bin shall be placed on or adjacent to the property of the authorized user~~business establishment at a location approved by the ~~administrator~~Administrator. This requirement may be waived by the ~~administrator~~Administrator if necessary for the provision of commercial sanitation service, however, in no case shall the placement of such bin interfere with vehicular or pedestrian traffic.

- ~~(b) Where there is an alley to the rear of the premises, bins shall be placed on one side of the alley and located such that vehicular passage is not obstructed. The administrator may temporarily waive this requirement when conditions warrant.~~
- ~~(c) Where there is no alley but there is a side entrance opening upon a public street, the bin shall be placed on the premises and adjacent to the property line on which the side entrance is located, as approved by the administrator.~~

- ~~(d) Where there is no alley and where collection vehicles cannot enter private property to empty bins, commercial type bins may be placed at the front or side of the property, in a location approved by the administrator.~~

~~(Ord. No. 1325, § 1(13-16), 12-4-84)~~

Sec. 18-68. - Enclosures.

All enclosures shall conform to ~~city~~City specifications and shall be subject to approval by the ~~administrator~~Administrator. Enclosures shall not be constructed, stationed, or maintained upon any public right-of-way. City collection service may be suspended, a citation issued, and the provisions of section 18-9(c) may be initiated, if the enclosure area is not maintained in such a manner as to prevent the uncontained accumulation of refuse.

(Ord. No. 1325, § 1(13-17), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-69. - Accessibility of bins.

If a bin is inaccessible to a collection vehicle, ~~it is the owner's~~owner, operator or occupant's responsibility to ~~occupant of the business establishment shall~~ move the bin to an accessible and approved location ~~for so that it can be accessed by~~ the collection vehicle. Bins shall be placed at the approved location no later than 6:00 a.m. of the day of the collection.

(Ord. No. 1325, § 1(13-18), 12-4-84)

DIVISION 4. - BUSINESS ESTABLISHMENTS SERVICED BY CONTRACTORS-THIRD PARTY COMMERCIAL SANITATION SERVICE PROVIDERS

Sec. 18-70. - Scope.

This division shall apply to all business establishments serviced by ~~contractors~~third party commercial sanitation service providers.

(Ord. No. 1562, § 1, 9-13-88)

Sec. 18-71. - Bin placement.

~~(a) Each bin, compactor bin or container used to collect the refuse of a business establishment shall be placed on or adjacent to the property of the authorized user~~business establishment at a location approved by the ~~administrator~~Administrator. This requirement may be waived by the ~~administrator~~Administrator if necessary for the provision of commercial sanitation service; however, in no case shall the placement of such bin interfere with vehicular or pedestrian traffic.

~~(b) Where there is an alley to the rear of the premises, bins shall be placed on one side of the alley and located such that vehicular passage is not obstructed. The administrator may temporarily waive this requirement when conditions warrant.~~

~~(c) Where there is no alley but there is a side entrance opening upon a public street, the bin shall be placed on the premises and adjacent to the property line on which the side entrance is located, as approved by the administrator.~~

- ~~(d) Where there is no alley and where collection vehicles cannot enter private property to empty bins, commercial type bins may be placed at the front or side of the property, in a location approved by the administrator.~~

(Ord. No. 1562, § 1, 9-13-88)

Sec. 18-72. - Enclosures.

All enclosures used to house bins for the collection of the refuse of a business establishment shall conform to ~~city~~City specifications and shall be subject to approval by the ~~administrator~~Administrator. Enclosures shall not be constructed, stationed or maintained upon any public right-of-way. If the enclosure area is not maintained in such a manner as to prevent the uncontained accumulation of refuse, the owner, operator or occupant of the business establishment may be subject to the enforcement of the provisions of this chapter, including, but not limited to, section 18-9(c) may be initiated. Bins shall be placed and maintained within the enclosure.

(Ord. No. 1562, § 1, 9-13-88)

Sec. 18-73. -~~Containers~~Bins.

- (a) Containers, bins or ~~compactors~~compactor bins supplied by a ~~contractor~~third party commercial sanitation service provider, or used by an owner, tenant, lessee or operator, or occupant of a business establishment to collect the refuse of the business establishment, are subject to approval by the ~~administrator~~Administrator.
- (b) Business establishments being serviced by a ~~contractor~~third party commercial sanitation service provider may have standard refuse containers, roll-off bodies, bins and ~~refuse compactors~~or compactor bins supplied by the ~~contractor~~third party sanitation service provider. All containers, roll-off bodies, bins and ~~refuse compactors~~compactor bins shall be painted and maintained in a clean, neat and sanitary manner at all times and shall have the name of the ~~contractor~~third party sanitation service provider identified legibly thereon.
- (c) ~~It shall be the joint responsibility of both the contractor~~The third party commercial sanitation service provider and the owner, ~~occupant, operator, tenant, or lessee~~occupant of the business establishment ~~to keep~~shall be jointly and maintain at such places~~severally responsible for keeping and maintaining a sufficient standard~~number of bins and containers, as may be determined by the administratorAdministrator, to accommodate the ~~disposal~~accumulation and collection needs of the business establishment.
- (d) All ~~commercial~~refuse generated by a business establishment shall be placed in approved containers, bins or ~~compactors~~ which shall be located at the approved location(s) using any enclosure(s) which were constructed for this purpose. Containers shall be relocated if ~~so directed by the city~~compactor bins in accordance with city requirements.~~this Article.~~

(Ord. No. 1562, § 1, 9-13-88)

Secs. 18-74—18-100. - Reserved.

ARTICLE III. - COLLECTION AND DISPOSAL

DIVISION 1. - GENERALLY

Sec. 18-101. - Necessity.

The orderly and regular collection of refuse, including garbage, trash, and other refuse~~solid and liquid wastes,~~ is necessary to prevent the spread of disease, the creation of health menaces and fire and other public safety hazards and public nuisances.

(Ord. No. 1325, § 1(13-19), 12-4-84)

Sec. 18-102. - Frequency of contained refuse collection; hours.

- (a) The frequency of contained refuse collection shall at a minimum be in accordance with state ~~department of health services~~ and/or county regulations, but in no case shall be less than once per week for bins ten (10) cubic yards or less in size.
- (b) Hours of collection from business establishments shall be regulated by the ~~administrator.~~Administrator. However, refuse or recyclable materials shall not be removed from any bin or recycling container located at a business establishment or at any recycling location, when the bin or recycling container is located within two hundred (200) feet of the property line of residential property, between the hours of 7:00 p.m. and 6:00 a.m.

(Ord. No. 1325, § 1(13-20), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 2106, § 5, 10-26-99)

Sec. 18-103. - Obstructions prohibited.

It shall be unlawful for any person to park a vehicle which obstructs access to a refuse or ~~recycling~~recyclable material container or bin placed out for collection service or to obstruct the refuse collection or recycling operations in any other manner.

(Ord. No. 1325, § 1(13-21), 12-4-84; Ord. No. 2106, § 5, 10-26-99)

Sec. 18-104. - Authorized refuse and recyclable ~~materials~~material collectors; permits.

- (a) Except as otherwise provided in this chapter, no person, other than the ~~city or a contractor authorized by permit pursuant to the provisions of this chapter~~City shall ~~collect, remove, salvage, transport or dispose of~~conduct any ~~refuse, recyclable materials or any other wastes of any kind produced, kept or accumulated within or upon any business establishment or residential property within the city.~~
- ~~(b) Contractors, before collecting refuse or other wastes from business establishments within the city and before collecting solid recyclable materials from waste management or recycling services for residential properties within the city, shall obtain applicable permits(s) from the administrator to collect refuse, recyclable materials or other wastes.~~City.
- ~~(e)~~(b) Except as otherwise provided in this chapter, no person, other than the City or a duly-permitted third party commercial sanitation services provider shall conduct any solid waste management or recycling services for any business establishment within the City.

- (c) All third party commercial sanitation services providers must obtain applicable permits(s) from the Administrator prior to conducting or providing any solid waste management or recycling services for business establishments within the City.
- (d) This chapter shall not prohibit the ~~actual producers~~generators of refuse, or the owners of premises upon which refuse has accumulated, from personally salvaging, collecting, conveying and disposing of such refuse without a permit, provided such ~~producers or owners~~persons comply with the provisions of this chapter and with any other governing law or ordinances.
- ~~(d) Every person engaging (e) Nothing in the business of contracting, except refuse collection, this chapter is authorized intended to personally collect, remove and dispose of wastes incidental to such contracting business without a permit.~~
- ~~(e) This chapter shall not prohibit collectors of refuse from outside of the city any person from hauling such refuse over cityCity streets, provided such collectors persons obtain any applicable permits and comply with the provisions of such permits, this chapter and with any other governing law or ordinances.~~
- ~~(f) No contractor shall collect, remove, salvage, transport, or dispose of any refuse or other waste of any kind produced, kept or accumulated within or upon any residential property except for the collection of solid recyclable materials pursuant to subsection (h) of this section.~~
- ~~(g) (f) All contracts for service executed by a contractor~~third party commercial sanitation service provider shall contain a clause subjecting the contract to cancellation by the customer in the event the ~~contractor~~provider does not have a valid permit to service customers within the ~~city~~City.
- ~~(h) Recycling companies are permitted to (g) Third party commercial sanitation service providers may contract with business establishments to collect solid and liquid recyclable materials emanating from the business establishment after obtaining a permit required by sections 18-40 and 18-113, provided the recyclable materials are source separated and are not mixed with nonrecyclable non-recyclables or other refuse. Recycling companies or solid waste. Such providers shall not be permitted to collect, remove, salvage, transport or dispose of any recyclable materials material, medical waste or hazardous waste from residential properties.~~

(Ord. No. 1325, § 1(13-22-13-25, 13-36), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88; Ord. No. 1796, § 2, 1-11-94; Ord. No. 2106, § 5, 10-26-99)

Sec. 18-105. - Types of sanitation services.

- ~~(a) Refuse collection services provided to single family residences and multiple dwellings, including apartments, condominiums, townhouses, mobile home parks, trailer parks, rooming houses and boarding houses, are twice weekly contained refuse collection. Uncontained refuse collection shall be set by the administrator. Residents served by a manual collection system provide their own approved refuse containers as described herein to be manually emptied into collection vehicles. Residents served by a mechanized~~

~~collection system are either provided containers for their individual use and curbside collection, or for alley collection service may be assigned the use of bins located in the alley generally adjacent to their property.~~ (a) Refuse collection services will be provided to residential properties at the frequency proscribed in Section 18-102, on the schedule set by the Administrator. The City shall service two containers per residential property unless arrangements are made for service of additional containers in accordance with Section 18-32.

- (b) Business establishments are provided with refuse collection service as required by state, county and ~~city~~City regulations and, if served by ~~city~~City sanitation service, as agreed upon with the ~~city~~City. The ~~city~~City owns and provides all bins used in the ~~city's~~City's ~~mechanized~~sanitation collection service. If the business establishment is serviced by a ~~contractor~~third party commercial sanitation service provider, the service schedule shall be set by the ~~contractor and provider~~, subject to approval by the ~~administrator~~Administrator, and provided such schedule does not interfere with the City's sanitation service or otherwise cause or contribute to any public or environmental nuisance.

(Ord. No. 1325, § 1(13-28), 12-4-84; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88)

~~Sec. 18-106. –Duplexes.~~

~~Each unit of a duplex shall be deemed to be a single dwelling unit for the purpose of this chapter, except that the owners of said units may arrange for service to their units as one parcel if they pay any and all costs for that service.~~

(Ord. No. 1325, § 1(13-29), 12-4-84)

~~Sec. 18-107. – Multiple dwelling units.~~

~~Multiple dwelling units with more than two (2) dwelling units on one (1) parcel of property shall be required to provide refuse bin service, rather than individual refuse containers, unless otherwise permitted by the administrator or his designee.~~

(Ord. No. 1325, § 1(13-30), 12-4-84; Ord. No. 1570, § 2, 11-8-88)

~~Sec. 18-108. – Volume required for roll-off service.~~

~~When a combined volume of refuse at one (1) site, primarily nonputrescible wastes and nonresidential customer, exceeds twenty (20) cubic yards per week, roll-off bin service may be required whenever practicable.~~

(Ord. No. 1325, § 1(13-31), 12-4-84; Ord. No. 1570, § 2, 11-8-88)

~~Sec. 18-109~~107. - Disposal of dead animals.

No person shall place the body of any dead animal in any street, park or in any refuse container or bin. The bodies of dead animals shall be removed or collected as provided in Section 18-33 of this chapter or as otherwise directed by the cityCity.

(Ord. No. 1325, § 1(13-32), 12-4-84)

Sec. 18-~~110~~108. - Uncontained refuse and Bulk trash collection.

- (a) Uncontained refuse and bulk trash collection shall be offered in accordance with a schedule and level of service approved by ~~city council~~City Council.
- (b) ~~Residents~~Owners or occupants of residential properties shall place uncontained refuse in neat stacks and bulk trash in a location parallel to the street or alley adjacent to their property line. No object placed out for collection shall exceed ~~four~~(five (5)) feet in length, except for bulk trash and palm fronds. The ~~administrator~~Administrator shall determine whether street or alley service shall be provided. Uncontained refuse and bulk trash shall not be placed within two (2) feet of cityCity-owned containers or bins, water meters, cable ~~t.v.~~television, or telephone boxes, etc., or in any manner ~~as to interfere~~that interferes with or ~~be hazardous~~poses a safety hazard to pedestrians, bicyclists, equestrians or motorists. ~~Refuse unacceptable~~The occupant or owner of the residential property shall transport and disposed of any refuse that does not meet the City's criteria for city collection shall be disposed of at the cityCity landfill ~~by the occupant or owner of the premises or other appropriate facility.~~
- (c) No ~~resident~~owner or occupant of a residential property shall place uncontained refuse out for collection earlier than Thursday of the week preceding the scheduled pick up week.
- (d) ~~If~~Any owner or occupant of a residentresidential property who violates section 18-110(C) must remove the uncontained refuse or bulk trash from the street or alley adjacent to his property within 24 hours of a notice of violation issued by the City. Any violator who does not remove the uncontained refuse or bulk trash within the twenty-four (24) hours after the city issues notice of the violation, the cityhour period may remove the ~~uncontained trash and~~ be subject to a reasonable charge for the residentCity's cost of removing the one hour rate for off route looseuncontained refuse or bulk trash service. If the ~~resident~~owner or occupant of the residential property has a ~~municipal service~~customer account with the cityCity, such costs shall be charged to that account.

(Ord. No. 1325, § 1(13-33), § 12-4-84; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2113, § 1, 12-14-99; Ord. No. 2345, § 1, 9-23-03; Ord. No. 2345, § 1, 10-14-03)

Sec. 18-~~111~~109. - Inability of cityCity to provide service.

Where it is impossible or impracticable for cityCity trucks to operate due to impassable terrain or other conditions, the ~~administrator~~Administrator or designee may substitute another means of collection or require the person to seek service from another source.

(Ord. No. 1325, § 1(13-34), 12-4-84)

Sec. 18-~~112~~110. - Collection and fees for areas outside cityCity.

- (a) Refuse services may be rendered by the cityCity to areas ~~outside~~beyond the cityjurisdictional boundaries of the City, at the option of the cityCity, and subject to termination at any time.
- (b) The fees for collection ~~outside the city~~beyond the jurisdictional boundaries the City shall be ~~one and one fourth (1 1/4) times~~charged a premium above the fee for similar service

rendered within the ~~city~~-City. Such premium shall be established based on the current market rate and approved by the City Council.

(Ord. No. 1562, § 1, 9-13-88)

Sec. 18-~~113111~~. - Business establishment refuse collection permit.

Permits for collection of refuse or other waste from business establishments within the ~~city~~City shall be issued by the ~~city~~City under the following conditions:

- (a) ~~Contractor~~Third party commercial sanitation service provider must supply evidence satisfactory to the ~~administrator~~Administrator that the ~~contractor~~provider possesses the necessary equipment and qualifications to ~~collect, transport and dispose of~~provide commercial ~~refuse or any other wastes~~sanitation services in a manner satisfactory to the ~~city~~City and in conformity with all applicable federal, state, county and ~~city~~City laws, rules and regulations.
- ~~(b) The contractor must submit an application, on a form provided by the city, to the city with a cash permit surety of two thousand dollars (\$2,000.00) and an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the City of Glendale. Any contractor with a current, valid permit found to be collecting refuse within the City of Glendale with a nonlicensed vehicle shall forfeit the cash permit surety and the contractor's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.~~
- ~~(c) The contractor's~~(b) The third party commercial sanitation service provider application shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.
- ~~(d) Except in an emergency or other situations approved by the administrator or his designee, the contractor shall provide the city~~(c) The third party commercial sanitation service provider must submit an application, on a form provided by the City, to the City with a cash permit surety of two thousand dollars (\$2,000.00). This surety shall be conditioned upon the payment of any charges incurred by the City in correcting any failure by the contractor to perform in accordance with the requirements of this chapter. An annual per-vehicle license fee of one thousand dollars (\$1,000.00) for each vehicle to be used to provide commercial sanitation services within the City of Glendale shall also be paid to the City prior to the issuance of the permit and commencement of commercial sanitation service.
- (d) Once the permit is approved and issued by the City, the third party commercial sanitation service provider shall inform the City of any changes in the number of vehicles it has providing commercial sanitation services within the City. If the provider fails to report any such change, or any applicable fee is not paid for any vehicle performing such services for the provider within the City, the City may suspend the third party commercial sanitation service provider's permit to conduct commercial sanitation services within the

City until such fees are paid in full or cause the cash permit surety held by the City to be forfeited in whole or in part.

- (e) Unless otherwise approved by the Administrator or his designee, the third party commercial sanitation service provider shall provide the City with written notice of intent to service any business establishment at least thirty (30) days before commencing service. Such notice shall include the name and address of the establishment, number and size of standard refuse containers, roll-off bodies, bins or ~~compactors~~compactor bins, and the ~~intended days of proposed schedule for collection.~~ The ~~contractor~~third party commercial sanitation service provider shall also provide the ~~city~~City and the business establishment ~~with thirty (30) days~~days' written notice ~~before~~prior to any discontinuance of or material change in service. The ~~administrator~~Administrator may waive the ~~time~~notice requirements in this paragraph, in his discretion, to facilitate transfer of service.
- (ef) Permits issued pursuant to this section shall be ~~nontransferable~~non-transferable. The permits shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be ~~prorated~~pro-rated monthly on permits issued during the fiscal year.
- (f) ~~Each licensed vehicle operating within the City of Glendale shall display two (2) decals, provided by the city, affixed permanently and clearly visible on the driver's side and on the rear of the vehicle.~~
- (g) ~~Before issuing a permit under the provisions of this section, the city shall require the applicant, as a condition to the issuance of the permit, to post a cash performance surety in the amount of two thousand dollars (\$2,000.00). This surety shall be conditioned upon the payment of any charges incurred by the city in correcting any failure by the contractor to perform in accordance with the requirements of this chapter.~~
- (h) ~~The permit fee, sureties and insurance requirements of this section may be waived by the administrator for any charitable or philanthropic organization engaged in salvaging or recycling; provided, no part of the revenue from the operation inures to the personal benefit of any person.~~
- (i) ~~Contractors~~(g) All third party commercial sanitation service providers must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars (\$1,000,000.00) for personal injury or death to any one (1) person, one million dollars (\$1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars (\$500,000.00) for property damage arising from any single occurrence, arising from any error, omission or act, negligent or intentional, by the ~~contractor~~provider or its employees or ~~agents~~agent in collection, hauling and/or disposal activities within the ~~city~~City. The ~~city~~City shall be named a co-insured. A certificate of insurance shall be furnished to the ~~city~~City at the time of permit application, and at any time during a permit year when requested by the ~~city~~City. The form and coverage shall be subject to ~~city~~City approval.

(h) The permit fee, sureties and insurance requirements of this section may be waived by the Administrator for any charitable or philanthropic organization engaged in salvaging or recycling; provided, no part of the revenue from the operation inures to the personal benefit of any person.

(Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88)

Sec. 18-~~114~~112. - (Reserved).

Editor's note— Ordinance No. 2106, § 6, adopted October 26, 1999, deleted former § 18-114, relative to residential property recyclable material permits, which derived from Ord. No. 1562, § 1, 9-13-88, and Ord. No. 1796, § 3, 1-11-4.

Sec. 18-~~115~~113. - Vehicle requirements.

All vehicles use for the collection, hauling or transportation of any refuse, recyclable materials or other wastes by a ~~contractor~~ third party commercial sanitation service provider within the ~~city~~City must be inspected at the time of initial permit application and at the time of each permit renewal, be approved by the ~~city~~City and meet the following requirements:

- (a) All vehicles must be in good condition and repair.
- (b) Vehicles shall be maintained and operated in a clean and neat manner so as to prevent refuse from spilling, leaking and blowing from the vehicle.
- (c) ~~The outside of each vehicle must be clearly identified.~~Each licensed vehicle operating within the City of Glendale shall display two (2) decals, provided by the City, affixed permanently and clearly visible on the driver's side and on the rear of the vehicle.
- (d) The name and telephone number of the ~~contractor~~ third party commercial sanitation service provider operating the vehicle must be clearly visible of the exterior of each vehicle.
- (~~e~~) Any open-top roll-off container being transported on the vehicle must have a cover which prevents refuse or ~~contents~~recyclable materials from spilling ~~or~~, flowing or otherwise being emitted into the air or onto the roadway.
- (~~f~~) When driven and operated by one (1) person, front loading refuse packers ~~used in the collection, transportation, and disposal of refuse~~ shall be equipped with an approved backup protection device. Audible backup alarms do not meet this requirement.
- (~~g~~) No vehicle shall be painted or identified in such a manner which may lead an ordinarily observant person to confuse such equipment with equipment of ~~the city sanitation~~any City department or division.

(Ord. No. 1796, § 1, 1-11-94)

Secs. 18-~~116~~114—18-125. - Reserved.

DIVISION 2. - SALVAGE, TRANSFER AND HANDLING

Sec. 18-126. - Transfer station.

The ~~city~~City or a ~~contractor~~third party commercial sanitation service provider with a permit issued pursuant to this chapter may, in conjunction with its ~~refuse collection and disposal~~sanitation service operations, transfer ~~wastes~~refuse or recyclable material from collection to disposal vehicles through the use of a transfer station. ~~No other such transfer~~Transfer of refuse by private persons shall be permitted. A transfer station shall not be established unless approved by the ~~city~~City.

(Ord. No. 1325, § 1(13-37), 12-4-84; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-127. - Tampering with containers prohibited.

No person, other than the owner, operator or other authorized representative thereof, or ~~his agents or employees, or an officer or employee or authorized representative of the city or a person holding a permit or franchise from this city for the collection, disposal, or salvage of~~ refuseCity, shall tamper with any refuse-~~or~~, trash or recycling container or bin, or the contents thereof, or remove the contents of any refuse-~~or~~, trash or recycling container or bin, or remove any such refuse-~~or~~, trash or recycling container or bin from the location where same has been placed.

(Ord. No. 1325, § 1(13-38), 12-4-84; Ord. No. 1570, § 2, 11-8-88)

Secs. 18-128, 18-129. - Reserved.

Editor's note— Ord. No. 1562, § 1, adopted Sept. 13, 1988, deleted §§ 18-128 and 18-129, concerning salvage or scavenging permits and collection fees, as derived from Ord. No. 1325, § 1(13-39), adopted Dec. 4, 1984, and Ord. No. 1479, § 2, adopted Feb. 3, 1987.

Secs. 18-130—18-140. - Reserved.

DIVISION 3. - FEES

FOOTNOTE(S):

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State Law reference— User fees for solid waste collection activities authorized, A.R.S. § 49-742.

Sec. 18-141. - Necessity.

~~In order to provide for the continuance of sanitation services and protection for the public health, safety and welfare, a~~A schedule of services and fees for the collection and disposal of refuse and ancillary services by the city shall be established by resolution by the ~~city council~~City Council for the City providing sanitation services to residential properties and business establishments.

(Ord. No. 1325, § 1(13-51), 12-4-84; Ord. No. 1479, § 2, 2-3-87; Ord. No. 1562, § 1, 9-13-88)

Sec. 18-142. - Liability for fees.

The owner of any ~~dwelling or premises~~residential property and the owner of real property on which a business establishment is located shall have ultimate liability for ~~sanitation~~all fees and charges incurred under this chapter, including any penalties or fines, assessed by the City for collection services provided. The owner shall be liable to the city for all unpaid fees and service charges.~~violations.~~ Nothing in this section is intended to prevent ~~an such owner from making any arrangement or the continuance of an existing arrangement,~~entering into any contractual agreement under which payments for ~~collections~~sanitation service ~~are~~may be made by a ~~tenant~~tenant operator, occupant or ~~tenants or any other authorized agent,~~on behalf assumes such payment obligations. The City may agree to establish a customer account in the name of someone other than the owner,~~upon approval by of the city.~~property based on such arrangements or agreements. Any such arrangement shall not affect the owner's ultimate payment obligation as provided herein. If any delinquency occurs under such an arrangement, the ~~city~~City ~~may in the future, but is not required to,~~ bill the owner of the ~~dwelling~~residential property or ~~premises~~owner of the real property on which business establishment is located directly.

(Ord. No. 1325, § 1(13-58), 12-4-84)

Sec. 18-143. - ~~Residential sanitation collection development fee.~~

- (a) ~~In order to provide mechanized sanitation collection service to residential developments, there is hereby levied, for the purpose of defraying the cost of acquiring and providing mechanized collection equipment required for the new residential development, a sanitation collection development fee upon persons constructing single family or duplex dwelling units within the city. The amount of this fee shall be established by a resolution of the council for each single family or duplex dwelling unit hereinafter constructed within the city, and shall not exceed the actual costs incurred by the city of providing such equipment.~~
- (b) ~~The sanitation collection development fee shall be collected by the development services center director and shall be paid prior to the issuance of a building permit for the construction of any single family or duplex dwelling unit within the city. The director shall not issue a building permit until the fee required by this section has been collected by the city.~~
- (c) ~~All funds collected by the city pursuant to this section shall be separately accounted for in the sanitation fund, curb service account, to be used for residential sanitation collection.~~

(Ord. No. 2073, § 1, 3-23-99)

Sec. 18-144. - ~~Single family and duplex service and fees.~~

- (a) ~~Sanitation service and sanitation fees for single family dwellings and duplexes, which meet all requirements for refuse collection service, shall commence with city water service and terminate when city water service is stopped. As long as city water service is provided to the premises and billings are rendered therefor, said charges shall accrue and it shall be presumed that the services provided for herein have been rendered. The city may bill and collect all special charges and all charges which are billed to a person other~~

~~than the person in whose name the water meter is connected. The sanitation fee shall not be waived for single-family dwellings and duplexes not wishing to use the city's collection service.~~

- ~~(b) Residents may request additional mechanized collection containers. Additional containers may be obtained only from the city and by paying a delivery fee and an additional monthly service fee to the city for each additional container, as established by the council by resolution.~~
- ~~(c) Refuse collection fees are billed on a monthly basis as part of the water and sewer utility bill. Nonpayment may result in a delinquent penalty, and in the termination of not only the collection service, but also of city water service to the premises until all charges have been paid.~~

~~(Ord. No. 1325, § 1(13-53-13-55), 12-4-84; Ord. No. 1479, § 2, 2-3-87; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88; Ord. No. 2106, § 7, 10-26-99)~~

~~Sec. 18-145. Sanitation service and fees for business establishments serviced by city and multiple dwelling units, etc.~~

- ~~(a) Service and fees described by this division for business establishments serviced by the city, and multiple dwelling units (apartments, condominiums and townhouse complexes), mobile home parks, trailer parks, rooming houses and boarding houses, shall commence and terminate upon such dates as agreed upon by the user and the city.~~
- ~~(b) Billing for refuse collection service is on a monthly basis. If a bill is not paid within twenty (20) days of the billing date, it shall be considered delinquent. In addition to the applicable monthly rate, a delinquent bill shall be subject to a penalty of any outstanding unpaid balance as established by the administrator. A notice of delinquency requesting payment of the total past due amount will be made by the city to the customer of record. If the total past due amount, including any assessed delinquent charges, is not paid within twenty (20) days after the notice of delinquency has been given, the administrator may suspend collection service and water service and may deduct the total unpaid balance from any deposit held by the city.~~

~~(Ord. No. 1325, § 1(13-56, 13-60), 12-4-84; Ord. No. 1479, § 2, 2-3-87; Ord. No. 1562, § 1, 9-13-88; Ord. No. 1570, § 2, 11-8-88)~~

~~Sec. 18-146. Roll-off service.~~

~~Due to extraordinary costs in providing rolloff containers to customers, a A minimum billcharge equivalent to one servicing fee will be chargedbilled to all customers utilizing rolloffroll-off bin service. The minimum billcharge shall be for one servicing for thefee per billing period, regardless whether the customer requested or received the collection service. Customers receiving roll-off bin service more than once during each billing period shall be charged for the actual costs associated with providing such service.~~

~~(Ord. No. 1325, § 1(13-59), 12-4-84)~~

~~Secs. 18-147144—18-150. - Reserved.~~

ARTICLE IV. - HAZARDOUS AND MEDICAL WASTES

Sec. 18-151. - Disposal.

- (a) It is unlawful for any person to cause, allow or permit the disposal of hazardous ~~material wastes~~ or medical wastes within the ~~city~~City, except as provided hereunder.
- (b) Medical wastes- may include:
 - (1) Sickroom waste: Sickroom waste shall include facial tissues, bandages and other contaminated material, except hypodermic needles and other sharp objects. Residential sickroom waste shall be placed in plastic bags, tied securely, and disposed of in the same manner as regular refuse. Pathogenic sickroom waste from hospitals, doctor offices, clinics, and nursing homes shall be placed in plastic bags, tied securely and disposed of in a pathogenic waste incinerator approved by the Arizona Department of Health Services or autoclaved and disposed of in the same manner as regular refuse.
 - (2) Surgical waste: Surgical waste shall include human or animal tissue, any part of a human or animal body that has been removed, bandages and other contaminated material. Surgical refuse shall be placed in plastic bags, tied securely and disposed of in a pathogenic waste incinerator approved by the Arizona Department of Health Services.
 - (3) Institutional pathogenic waste: Institutional pathogenic or infectious waste shall include facial tissues, bandages and other contaminated material, except hypodermic needles and other sharp objects, ~~and that~~ is generated by hospital, clinic and doctor office activities. Pathogenic or infectious waste shall be placed in plastic bags or wet-strength bags, tied securely and disposed of in a pathogenic waste incinerator approved by the Arizona Department of Health Services.
 - (4) Sharps: Shall include any waste capable of producing injury, but not limited to, needles, syringes, scalpels, and disposal instruments. All sharps from sickrooms, hospitals, doctors' offices, clinics, veterinarians' offices or animal hospitals shall be contained in the original or similar container, placed in plastic or wet-strength paper bag, tied securely, and disposed of in pathogenic waste incinerator approved by the Arizona Department of Health Services.

(Ord. No. 1434, § 2, 6-24-86; Ord. No. 1479, § 3, 2-3-87)

Sec. 18-152. - Storage.

No person shall store hazardous or medical waste within or upon any property or place within the ~~city~~City unless such storage complies with any applicable federal or state law, including, but not limited to, the Federal Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., Arizona Revised Statutes Title 36, chapter 28, section 36-2821 et seq., and Title 49, chapter 5, section 49-901 et. seq. and any applicable statutes and rules and regulations promulgated by the department of health services ~~of~~ Maricopa County.

(Ord. No. 1434, § 2, 6-24-86; Ord. No. 1479, § 3, 2-3-87)

Sec. 18-153. - Removal by ~~city~~City; violators liable for costs.

- (a) The ~~city~~City may remove any hazardous or medical waste ~~materials~~, which ~~have~~has been disposed of generated, stored or transported in violation of this article, without prior notification to the violator.
- (b) Any person who generates, handles, stores, transports, treats or disposes of or contracts for the disposal of hazardous or medical waste ~~materials~~same in violation of this article shall be liable for all costs incurred by the ~~city~~City to properly manage, remove or clean up such hazardous or medical waste ~~material~~, in addition to being subject to the suspension or revocation of collection or disposal services as provided for in article I, section 18-5.

(Ord. No. 1434, § 2, 6-24-86; Ord. No. 1479, § 3, 2-3-87)

Sec. 18-154. - Hazardous and medical waste ~~contractors~~providers.

~~Contractors~~Any person providing collection and/or disposal services of hazardous or medical wastes shall submit an application for a hazardous/medical wastes permit in accordance with requirements for a refuse permit together with an annual per vehicle license fee of two hundred dollars (\$200.00) for each vehicle used in the collection of hazardous or medical wastes within the City of Glendale. Vehicles licensed under this section must be used and operated within the ~~city~~City solely for the collection, transportation, and disposal of hazardous and/or medical wastes. No sureties are required for ~~contractors~~providers who conduct only collection and/or disposal services of hazardous or medical wastes.

(Ord. No. 1562, § 1, 9-13-88)

Secs. 18-155—18-159. - Reserved.

ARTICLE V. - RESIDENTIAL AND BUSINESS ESTABLISHMENT RECYCLING PROGRAMS

DIVISION 1. - RESIDENTIAL PROPERTIES

Sec. 18-160. - Collection of residential recyclable materials.

- (a) The collection of recyclable materials from residential properties by ~~any person or contractor~~ other than the ~~city~~City is prohibited.
- ~~(b) Under~~ unless special arrangements have been made with the residential sanitation serviceCity by formal agreement in accordance with Section 18-12(c)(2).
- (b) Participation in the City's recycling program, the city is optional. The recycling program costs shall be paid by all residential customers whether participating in the recycling program or not.
- (c) For residential properties wishing to participate in the City's recycling program, the City will provide residential customers a second clearly identified one or more recycling containercontainers in which to place specified residential recyclable materials. The

~~recycling container~~containers will be clearly marked as “recycling containers” remain the property of the ~~city~~City.

- (ed) ~~The specified residential~~ recyclable materials ~~are approved by city council~~that can be placed in these containers and collected as part of the City’s recycling program may change from time to time. Changes in the recyclable materials collected by the City will only occur after notification has been given to all residential customers and such changes have been approved by the City Council. No person shall deposit or cause to be deposited, in any recycling container, anything other than the approved ~~specified~~ recyclable materials.
- ~~(d) Residential customers participating in the residential sanitation service recycling program shall receive from the city once per week collection of residential recyclable materials placed into recycling containers, and once per week collection of nonrecyclable materials placed into refuse containers. The administrator will designate specific collection days each week, including holidays.~~
- (e) Residential recyclable materials placed inside a recycling container shall not be bagged or contained and should conform to all residential recycling program guidelines developed consistent with this article.
- ~~(f) Residential customers participating in the residential recycling program shall bag and securely tie their refuse and place it inside a refuse container.~~

(Ord. No. 2106, § 8, 10-26-99)

Sec. 18-161. – Frequency of recyclable material collection; hours.

- (a) The frequency of contained refuse collection shall at a minimum be in accordance with state and/or county regulations, but in no case shall be less than once per week.
- (b) Hours of collection of recyclable material shall be regulated by the Administrator. The Administrator will designate specific collection days each week, including holidays.

(Ord. No. 2106, § 8, 10-26-99)

Sec. 18-162. - Recycling program nonparticipants.

- (a) ~~A nonparticipant shall~~residential customer who chooses not to participate in the City’s recycling program shall not receive nor retain any recycling container, containers. Instead, such customer shall receive twice per week additional or more frequent refuse collection; and an extra fee will be charged. The city will assess this fee on a monthly basis in addition to the regular monthly service fee. The entire regular monthly service fee which includes recycling program costs shall be paid by charged to all residential customers whether participating in the recycling program or not will be charged for the additional or more frequent refuse collection service. The City will assess this additional fee on a monthly basis.
- (b) Residential customers ~~not complying~~who fail to comply with the requirements of this article will be notified in writing by the ~~city~~City of their ~~status as nonparticipants~~non-compliance. After a minimum of two (2) such notifications have been given ~~explaining~~

~~their lack of compliance with this article~~ to the residential customer, the recycling container will be retrieved by the ~~city~~City and the additional charges identified in Section 18-162 will be assessed.

- (1) The ~~city~~City may make such notification based upon a determination that a violation of this article has occurred, including any of the following actions:
 - ~~(A)~~i. Placing anything other than the ~~specified~~approved residential recyclable materials into a recycling container.
 - ~~(B)~~ii. Placing dangerous or hazardous waste in a recycling container.
 - ~~(C)~~iii. Depositing ~~specified~~approved residential recyclable materials into a refuse container.
- (2) The ~~administrator~~Administrator or designee may ~~deliver~~furnish twice-per-week collection to any residential customer, subject to the appropriate additional monthly service fee, if in the ~~administrator's~~Administrator's judgment a health hazard or public or environmental nuisance exists or is threatened.

(Ord. No. 2106, § 8, 10-26-99)

Sec. 18-~~162~~163. - Re-entry as a participant. - 163. - Resumption of residential recycling service.

- (a) Residential customers ~~determined by the city to be nonparticipants~~ may notify the city ~~that they desire to re-enter the residential sanitation service~~whose recycling program. Such notification participation was terminated due to non-compliance with the programs' requirements as provided in Section 18-163 may petition the City for reinstatement as a recycling program participant. Reinstatement may occur no earlier than three (3) months after being designated by the cityCity as a nonparticipantnon-compliant. The administratorAdministrator may waive this three (3) month period upon a determination that special circumstances exist and that it would be in the best interest of the cityCity to allow re-entryreinstatement sooner.
- (b) The ~~city~~City also may ~~designate~~requirement payment of a fee to recover any costs associated with distributing recycling containers and information by ~~city~~City personnel to residents ~~re-entering~~being reinstated to the recycling program.

(Ord. No. 2106, § 8, 10-26-99)

Sec. 18-~~163~~164. - Appeal process.

Any person ~~whom~~whom the Administrator has been ~~designated by the city as a nonparticipant~~determined has violated the requirements of the recycling program may file, a written request to appeal such determination. The request for an appeal must be filed with the Administrator within seven (7) calendar days after receipt of notice from the city of such designation, in the administrator's office a written request for a hearing before the administrator. Such requestCity of such determination. The appeal shall contain the name and address of the person, ~~together with~~and a brief statement as to why such ~~designation~~determination should be reversed. The decision of the ~~administrator~~Administrator is final.

(Ord. No. 2106, § 8, 10-26-99)

Secs. 18-~~164~~165—18-167. - Reserved.

DIVISION 2. - BUSINESS ESTABLISHMENTS

Sec. 18-168. - Business recycling program.

~~At the option of the city,~~The City may provide recycling services ~~may be rendered~~ to business establishments ~~who contract with the city for refuse~~as part of its commercial sanitation services, subject to the following provisions:

- (a) The size, color and type of ~~city~~City-owned recycling containers provided to ~~participants in the business recycling program~~establishments shall be determined by the ~~administrator~~Administrator.
- (b) Participants in the business recycling program shall be subject to the rules and regulations set forth by the ~~administrator~~Administrator, consistent with the provisions of this chapter.
- (c) The fees associated with the business recycling program shall be based on the cost to the ~~city~~City of providing the service, and shall be established by ~~council~~by resolution of the City Council.

(Ord. No. 2106, § 8, 10-26-99)