

ORDINANCE NO. 6683

AN ORDINANCE TO AMEND CHAPTER 4.12 SOLID WASTE COLLECTION AND DISPOSAL OF THE MUNICIPAL CODE OF THE CITY OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 4.12.060 "COLLECTION AND DISPOSAL – RULES AND REGULATIONS" AND ENACTING A NEW SECTION 4.12.170 TO BE ENTITLED "RECYCLING CENTER USE AND ENFORCEMENT".

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. That Chapter 4.12 Solid Waste Collection and Disposal is hereby amended to read as follows:

4.12.060 Collection And Disposal - Rules And Regulations

- A. Collection from Residential Customers at Residential Premises.
1. Residential solid waste shall be placed for collection in carts or bags as herein defined, or shall be properly bundled. Bags and carts shall not exceed the size and weight specified in their respective definitions. Bags must be securely tied or sealed. Materials placed within the cart shall not rise above the rim of the cart and shall not be compressed so tightly as to prevent the material from being dumped upon tipping of the cart.
 2. Residential customers shall place residential solid waste including yard waste, with the exception of bulky wastes, as defined herein, for regular weekly collection by the city or the city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon poly cart for collection on any collection, but such customer may only place for collection the residential solid waste actually generated by that resident at that residential premises. Residential customers shall be responsible for leasing additional waste and recycling carts from the City's contracted hauler or purchasing a bag tag for each additional bag placed at curbside on a weekly basis that is over the collection limit totaling ninety-six (96) gallons. The fees are to be assessed for extra service for the collection of solid waste as set forth in CBMC 2.08.040.
 - a. Residential customers may place separated residential yard waste for regular weekly collection by the city or city's contract agent. For six weeks in the spring and six weeks in the fall, an unlimited amount of yard waste may be placed for collection on any collection day. Such dates are generally defined as the periods of April 15 - May 31 and October 15 - November 30, but may change at the direction of

the city. Such customer may only place for collection the yard waste actually generated by the resident at the residential premises.

- b. Residential customers may place recyclable material for bi-weekly collection by the city or city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon cart for collection, but such customer may only place for collection the residential recycling actually generated by that resident at that residential premises. Residential customers shall be responsible for purchasing extra bag tags or leasing additional recycling carts from the City's contracted hauler on a bi-weekly basis that is over the collection limit totaling ninety-six (96) gallons of recycling. The fees are to be assessed for extra service for the collection of solid waste as set for in CBMC 2.08.040.
3. Each residential customer shall place properly prepared residential solid waste for collection at curbside immediately in front of his or her residence. A residential customer whose residence is on the corner of two intersecting streets upon which the city or the city's contract agent operates a residential collection route may, with the concurrence of the administrative authority, designate which street they will place their residential solid waste for collection, regardless of the street address of such residence. Properly prepared residential solid waste must be placed within five feet of the curb on a paved street, or within five feet of the traveled portion on an unpaved street. In those instances where alley collection has been authorized by the administrative authority, properly prepared residential solid waste must be placed within five feet of the paved or traveled portion thereof. Where site conditions would make it unduly difficult for the residential customer to place properly prepared residential solid waste within five feet of the curb or traveled way as specified, or where due to such conditions, the city or the city's contract agent cannot pick up properly prepared residential solid waste therefrom without undue difficulty, the administrative authority may approve an alternate site for collection. Both the residential customer and the city's contract agents shall thereafter be required to use said alternate site for the placement and collection of residential solid waste. When weather or street conditions prevent the collection of residential solid waste on any collection route or portion thereof on any particular regular collection day, the administrative authority may temporarily waive the placement and collection of such solid waste until the next regular collection day for that collection route. After collection has occurred, residential customers shall be required to remove empty containers from the right-of-way for storage until the next collection.
4. In no event, shall the customer allow bags, carts or containers to remain at the point of collection, or within the City's right of way or front yard setback of the property, past midnight on the day of collection. Exceptions regarding

the placement of bags, carts or containers may be granted in accordance with Section 4.12.120 where there is an impracticable hardship with the property that prevents compliance with the siting requirements stated above. Bags, carts or containers shall be stored in such a manner that water will not collect therein.

5. Each residential customer shall be required to place all properly prepared residential solid waste for collection between the hours of 7:00 p.m. on the day preceding collection and 7:00 a.m. on the day of collection for said residence. The collection day for a particular residence shall be determined by reference to the sector within which it is located. The city shall promulgate to each residential customer a schedule indicating in which sector his or her residence is located and indicating when collections will occur in each of the sectors into which the city is divided for collection purposes.
6. Bulky wastes, as defined herein, will be collected only upon prior arrangement made by the residential customer with the city's contract agent. Bulky waste collections from a residential customer's premises will be made by appointment. To arrange for collection of bulky waste items, the residential customer shall be required to contact the city's contract agent. There shall be a limit of two bulky waste and two appliance collections per year per residential address. The placement of bulky waste items for collection shall, in all other respects, be subject to the same regulations as all other residential solid waste. The volume of bulky waste material collected shall not exceed four feet by eight feet by four feet on any given collection day.
7. At residential premises or other residential units served by city solid waste collection service wherein a disabled person resides and wherein there is no able-bodied resident available to place properly prepared residential solid waste for collection at curbside, the city will arrange to collect such waste at the residence, provided such are clearly visible from the street at the time of collection. The determination of the administrative authority as to whether or not a person is disabled for purposes of this provision shall be binding upon such person. Such collections will be made on the regular residential collection day for the sector within which such resident is located and subject to all other collection rules and regulations.
8. Duty to provide/use carts. It shall be the duty of every resident/owner in possession, charge or control of any residential premises covered under this chapter where solid waste is created to keep or cause to be kept carts conforming to the provisions of this chapter for the deposit of solid waste. Cart lids must remain closed at all times except during deposit or collection of solid waste.
9. Nonconforming or dangerous carts. Any solid waste cart that, in the sole discretion of the City, 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 general public or the persons collecting the contents thereof, must be promptly replaced by a cart as defined under this chapter. Any nonconforming or defective cart may be collected and disposed of by the city as solid waste, after reasonable effort has been made to provide written notice to the resident/owner.

10. Carts for solid waste collection provided by the city or the city's contractor must be maintained for the safe collection of waste. Residents/owners must report wear and tear, incidental, or negligent damage of the carts that affects the safe use of the cart. Typical wear and tear repairs or replacement will be the responsibility of the city or the city's contractor. The City will determine the type, size, quantity, frequency of collection and location of said solid waste containers and determine whether said solid waste containers are serviceable.
11. Replacement carts. In the event of loss or theft, a one-time replacement city-owned cart shall be provided to the resident/owner at no cost. Additional replacement of any cart for any other reason will be at the expense of the resident/owner to which the cart(s) are assigned. The cost for such repair and replacement is established by the contract between the city and the city's solid waste contractor and are set forth in CBMC 2.08.040.
12. Cart exchanges. The resident/owner may request a one-time cart exchange for a change in cart size at no cost. Such exchange will be allowed for both a solid waste cart and a recycling cart. For each additional exchange within one calendar year, there shall be an exchange fee as set forth in CBMC 2.08.040.
13. In the event that the administrative authority determines that a residential premises is not conveniently accessible for collection by the collection vehicles of either the city or its contract agent, the administrative authority may decline to provide residential collection service to such residence. In that event, the owner or occupant of that residence shall be required to obtain solid waste collection services from a commercial collection agent and provide proof of contract to the City.
14. Provision, Waiver and Denial of City Collection Service. Where there is a mixed commercial and residential use located upon a parcel of property under single ownership and control, the administrative authority may either deny or waive the provision of city collection services to the residential portion thereof if it is determined that such mixed commercial and residential use can be conveniently serviced and will be continuously serviced by a commercial collection agent, or if it is determined that the city's collection services would likely be overburdened by attempting to provide collection services to that parcel.
15. Failure to place residential solid waste for collection in appropriate bags, bundles or cart, or in the required location, or at other than the required time

on the collection day shall constitute a misdemeanor. However, residential solid waste which is not placed for collection in appropriate bags, bundles, or cart, or in the required location, or during the required time on the collection day, need not be collected by the city or the city's contract agent. In the event that residential solid waste is not collected for appropriate cause, the residential customer involved shall be required to immediately remove such solid waste from curbside and either dispose of it or securely and safely store it for collection on the next collection day. Failure to so remove and either dispose of or store residential solid waste shall constitute a misdemeanor.

16. In the event that the residential solid waste which a residential customer places for collection spills from the bags, bundles or cart prior to its collection, the city's contract agent will not be required to collect same, and the residential customer shall be required to clean up and place said solid waste for collection on the next collection day. In the event that the city's contract agent spills residential solid waste while collecting or transporting same, such agent shall immediately inform the administrative authority thereof and immediately clean up said spill.

B. Collection from the Premises of a Commercial Establishment, Apartment or Condominium.

1. The person, firm, or corporation owning or operating: (i) a commercial establishment, (ii) an apartment house or complex of three or more units which are not separate properties pursuant to a horizontal property regime, or (iii) a condominium dwelling which is not served city solid waste collection service shall arrange for the weekly collection and disposal of all solid waste generated therein by either a licensed commercial collection agent or by the employees of such commercial establishment, apartment or condominium, provided that the hauling vehicle is covered by a tarp to prevent spillage and subject to the following rules and regulations.
2. Each such commercial establishment, apartment or condominium shall place its solid waste for collection in containers or bulk containers as defined in this chapter. Such containers or bulk containers shall be provided either by the owners or operators of the commercial establishment, apartment or condominium, or by their commercial collection agent.
3. Containers for solid waste from such a commercial establishment, apartment or condominium may be placed for collection at curbside on the date of collection, provided that said collection day does not coincide with the city's residential collection day in that zone. After collection has occurred, all containers must be removed from the right-of-way. Containers may not be stored in the right-of-way or the front yard setback of a commercial establishment for purposes of collection or storage. The location for placement of containers and bulk containers for collection and storage purposes shall be determined by the commercial establishment and

its solid waste collection agent, but shall be subject to the approval of the administrative authority. Containers and bulk containers must be stored and maintained in such a manner that water will not collect therein.

4. Every person, firm or corporation owning, occupying or operating the premises of such a commercial premises, apartment or condominium, and each tenant or occupant of an individual unit in such apartment or condominium, shall cause all solid waste generated or accumulating therein to be collected and disposed of at least once each week, either by the employees of such commercial establishment, apartment or condominium or by a commercial collection agent, unless collection at a longer interval is authorized by the administrative authority, or unless weekly collection thereof is temporarily waived by the administrative authority due to weather or street conditions.
5. Byproducts maybe collected by someone other than a commercial collection agent, if the byproducts so collected are to be used in the manufacture of another product or in another legally permissible manner.
6. In the event that a commercial collection agent, or any other person, firm or corporation engaged in the collection or transportation of solid waste, spills such solid waste while collecting or transporting same, such agent, person, firm or corporation shall immediately inform the administrative authority thereof and shall be required to immediately clean up such spill.
7. All vehicles utilized by any person, firm, commercial collecting agent or corporation for the purpose of solid waste collection and/or transportation must be equipped with a box that is of metal construction or other impervious material, fully enclosed, and leak proof, with the following exception:
 - a. The administrative authority may make exceptions to these rules and regulations when undue hardship would result from their literal application, and may also impose further conditions and requirements when necessary to protect the public health, welfare, safety and convenience. The administrative authority is further authorized to make, and from time to time, amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be necessary, reasonable and proper, to effect the proper, expedient, economical and efficient collection and removal of solid waste by either the city or its contract agent, by a commercial establishment, or by a commercial collection agent.

C. Disposals at City Recycling Center.

1. The administrative authority may adopt rules governing the operation and use of recycling centers consistent with section 4.12.170.

(Ord. 6001 § 4, 2008)

(Ord. No. 6352, § 1, 10-22-2018)

HISTORY

Amended by Ord. 6561 on 6/12/2023

4.12.170 Recycling Center Use and Enforcement

A. For purposes of this section, the following definitions shall apply:

Recycling center: Any city-owned or operated facility designated for the collection or processing of recyclable materials.

User: Any person or entity accessing or attempting to access a recycling center.

Administrative authority: shall have the same meaning as set forth in CBMC 4.12.010.

- B. The recycling center is a limited-use public facility. Use of the recycling center may be restricted to residents of the City of Council Bluffs or to persons otherwise authorized by the administrative authority. The administrative authority may require proof of residency or authorization as a condition of use.
- C. The administrative authority may adopt rules governing the operation and use of recycling centers, including but not limited to acceptable materials, hours of operation, safety requirements, traffic control and procedures for unloading and disposal.
- D. No person shall:
 - 1. Deposit materials that are:
 - a. Prohibited, improperly prepared, or which are otherwise not authorized by the City or
 - b. Hazardous and have not been separated in the manner required;
 - 2. Fail to pay the required fee amount, as set out in CMBC 2.08, at the time materials are deposited;
 - 3. Remove or scavenge materials from a recycling center without authorization;
 - 4. Fail to comply with posted rules or lawful direction of City personnel; or
 - 5. Engage in conduct that creates a nuisance or safety hazard.
- E. A violation of this section shall constitute a municipal infraction subject to civil penalties as authorized by Iowa Code Chapter 364 and shall be in addition to any other remedy available under this chapter.
- F. The administrative authority may deny, suspend, or revoke a user's access to a recycling center for violation of this chapter, violation of rules adopted hereunder, repeated noncompliance, conduct posing a risk to public health, safety, or welfare, or misuse of the facility.
- G. The city shall provide notice of suspension or revocation, including the nature of the violation, the action taken, the duration of the suspension or revocation, and the right to appeal. Notice shall be provided by one or more of the following methods:

1. Personal service;
2. First-class mail to the last known address of the user; or
3. By any other method reasonably calculated to provide actual notice under the circumstances.

Failure of a user to receive actual notice shall not invalidate the action taken, provided the city has complied with this section.

- H. Any person subject to suspension or revocation may file a written appeal within ten (10) days of notice. Appeals shall be heard by the administrative authority or designee. A final administrative decision may be appealed to the city council in accordance with applicable procedures.
- I. Any person who enters or attempts to enter a recycling center during a period of suspension or revocation shall be deemed to be trespassing and may be subject to removal and citation.
- J. The administrative authority may adopt policies and procedures necessary to implement and enforce this section.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as provided for by law.

PASSED
AND
APPROVED

June 8, 2026.



JILL K. ALMONTE

Mayor

Attest:



JODI QUAKENBUSH

City Clerk

First Consideration: 5-18-26
Second Consideration: 6-8-26
Third Consideration: Waived

Council Communication

Department: Legal

Case/Project No.:

Subject/Title

Ordinance 6683

Ordinance to amend Chapter 4.12 Solid Waste Collection and Disposal of the Municipal Code of the City of Council Bluffs, Iowa, by amending Section 4.12.060 "Collection and Disposal-Rules and Regulations" and enacting a new Section 4.12.170 to be entitled "Recycling Center Use and Enforcement"

Background/Discussion

The proposed ordinance updates Section 4.12.060 and creates a new Section 4.12.170 establishing regulations governing use and enforcement at the City Recycling Center. The ordinance provides the City with clearer authority to regulate Recycling Center operations, establish user requirements, adopt operational rules, and enforce violations through municipal infractions and administrative suspension procedures.

The City Recycling Center provides an important public service for the collection and processing of recyclable materials generated by Council Bluffs residents. As use of the facility has increased, City staff have identified the need for clearer operational standards and enforcement mechanisms to ensure the facility remains safe, efficient, and available for its intended users. The proposed ordinance establishes a formal regulatory framework for Recycling Center operations, including:

- Defining authorized users of the facility;
- Allowing the City to require proof of residency or authorization;
- Authorizing operational rules regarding acceptable materials, safety, traffic flow, and unloading procedures;
- Prohibiting unauthorized dumping, scavenging, hazardous material disposal, and nuisance behavior;
- Establishing enforcement provisions for violations;
- Authorizing suspension or revocation of facility access for repeated violations or unsafe conduct; and
- Establishing notice and appeal procedures for enforcement actions.

The ordinance also clarifies that violations may be enforced as municipal infractions pursuant to Iowa Code Chapter 364.

Staff Recommendation

Staff recommends approval.

Attachments

ORD 4.12.060 Redline version.pdf
6683.docx

Prepared by: Whitney Jacque
Approved by:

8.B

8.B

4.12.060 Collection And Disposal - Rules And Regulations

A. Collection from Residential Customers at Residential Premises.

1. Residential solid waste shall be placed for collection in carts or bags as herein defined, or shall be properly bundled. Bags and carts shall not exceed the size and weight specified in their respective definitions. Bags must be securely tied or sealed. Materials placed within the cart shall not rise above the rim of the cart and shall not be compressed so tightly as to prevent the material from being dumped upon tipping of the cart.
2. Residential customers shall place residential solid waste including yard waste, with the exception of bulky wastes, as defined herein, for regular weekly collection by the city or the city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon poly cart for collection on any collection, but such customer may only place for collection the residential solid waste actually generated by that resident at that residential premises. Residential customers shall be responsible for leasing additional waste and recycling carts from the City's contracted hauler or purchasing a bag tag for each additional bag placed at curbside on a weekly basis that is over the collection limit totaling ninety-six (96) gallons. The fees are to be assessed for extra service for the collection of solid waste as set forth in CBMC 2.08.040.
 - a. Residential customers may place separated residential yard waste for regular weekly collection by the city or city's contract agent. For six weeks in the spring and six weeks in the fall, an unlimited amount of yard waste may be placed for collection on any collection day. Such dates are generally defined as the periods of April 15 - May 31 and October 15 - November 30, but may change at the direction of the city. Such customer may only place for collection the yard waste actually generated by the resident at the residential premises.
 - b. Residential customers may place recyclable material for bi-weekly collection by the city or city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon cart for collection, but such customer may only place for collection the residential recycling actually generated by that resident at that residential premises. Residential customers shall be responsible for purchasing extra bag tags or leasing additional recycling carts from the City's contracted hauler on a bi-weekly basis that is over the collection limit totaling ninety-six (96) gallons of recycling. The fees are to be assessed for extra service for the collection of solid waste as set for in CBMC 2.08.040.

3. Each residential customer shall place properly prepared residential solid waste for collection at curbside immediately in front of his or her residence. A residential customer whose residence is on the corner of two intersecting streets upon which the city or the city's contract agent operates a residential collection route may, with the concurrence of the administrative authority, designate which street they will place their residential solid waste for collection, regardless of the street address of such residence. Properly prepared residential solid waste must be placed within five feet of the curb on a paved street, or within five feet of the traveled portion on an unpaved street. In those instances where alley collection has been authorized by the administrative authority, properly prepared residential solid waste must be placed within five feet of the paved or traveled portion thereof. Where site conditions would make it unduly difficult for the residential customer to place properly prepared residential solid waste within five feet of the curb or traveled way as specified, or where due to such conditions, the city or the city's contract agent cannot pick up properly prepared residential solid waste therefrom without undue difficulty, the administrative authority may approve an alternate site for collection. Both the residential customer and the city's contract agents shall thereafter be required to use said alternate site for the placement and collection of residential solid waste. When weather or street conditions prevent the collection of residential solid waste on any collection route or portion thereof on any particular regular collection day, the administrative authority may temporarily waive the placement and collection of such solid waste until the next regular collection day for that collection route. After collection has occurred, residential customers shall be required to remove empty containers from the right-of-way for storage until the next collection.
4. In no event, shall the customer allow bags, carts or containers to remain at the point of collection, or within the City's right of way or front yard setback of the property, past midnight on the day of collection. Exceptions regarding the placement of bags, carts or containers may be granted in accordance with Section 4.12.120 where there is an impracticable hardship with the property that prevents compliance with the siting requirements stated above. Bags, carts or containers shall be stored in such a manner that water will not collect therein.
5. Each residential customer shall be required to place all properly prepared residential solid waste for collection between the hours of 7:00 p.m. on the day preceding collection and 7:00 a.m. on the day of collection for said residence. The collection day for a particular residence shall be determined by reference to the sector within which it is located. The city shall promulgate to each residential customer a schedule indicating in

which sector his or her residence is located and indicating when collections will occur in each of the sectors into which the city is divided for collection purposes.

6. Bulky wastes, as defined herein, will be collected only upon prior arrangement made by the residential customer with the city's contract agent. Bulky waste collections from a residential customer's premises will be made by appointment. To arrange for collection of bulky waste items, the residential customer shall be required to contact the city's contract agent. There shall be a limit of two bulky waste and two appliance collections per year per residential address. The placement of bulky waste items for collection shall, in all other respects, be subject to the same regulations as all other residential solid waste. The volume of bulky waste material collected shall not exceed four feet by eight feet by four feet on any given collection day.
7. At residential premises or other residential units served by city solid waste collection service wherein a disabled person resides and wherein there is no able-bodied resident available to place properly prepared residential solid waste for collection at curbside, the city will arrange to collect such waste at the residence, provided such are clearly visible from the street at the time of collection. The determination of the administrative authority as to whether or not a person is disabled for purposes of this provision shall be binding upon such person. Such collections will be made on the regular residential collection day for the sector within which such resident is located and subject to all other collection rules and regulations.
8. Duty to provide/use carts. It shall be the duty of every resident/owner in possession, charge or control of any residential premises covered under this chapter where solid waste is created to keep or cause to be kept carts conforming to the provisions of this chapter for the deposit of solid waste. Cart lids must remain closed at all times except during deposit or collection of solid waste.
9. Nonconforming or dangerous carts. Any solid waste cart that, in the sole discretion of the City, 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 general public or the persons collecting the contents thereof, must be promptly replaced by a cart as defined under this chapter. Any nonconforming or defective cart may be collected and disposed of by the city as solid waste, after reasonable effort has been made to provide written notice to the resident/owner.
10. Carts for solid waste collection provided by the city or the city's contractor must be maintained for the safe collection of waste. Residents/owners

must report wear and tear, incidental, or negligent damage of the carts that affects the safe use of the cart. Typical wear and tear repairs or replacement will be the responsibility of the city or the city's contractor. The City will determine the type, size, quantity, frequency of collection and location of said solid waste containers and determine whether said solid waste containers are serviceable.

11. Replacement carts. In the event of loss or theft, a one-time replacement city-owned cart shall be provided to the resident/owner at no cost. Additional replacement of any cart for any other reason will be at the expense of the resident/owner to which the cart(s) are assigned. The cost for such repair and replacement is established by the contract between the city and the city's solid waste contractor and are set forth in CBMC 2.08.040.
12. Cart exchanges. The resident/owner may request a one-time cart exchange for a change in cart size at no cost. Such exchange will be allowed for both a solid waste cart and a recycling cart. For each additional exchange within one calendar year, there shall be an exchange fee as set forth in CBMC 2.08.040.
13. In the event that the administrative authority determines that a residential premises is not conveniently accessible for collection by the collection vehicles of either the city or its contract agent, the administrative authority may decline to provide residential collection service to such residence. In that event, the owner or occupant of that residence shall be required to obtain solid waste collection services from a commercial collection agent and provide proof of contract to the City.
14. Provision, Waiver and Denial of City Collection Service. Where there is a mixed commercial and residential use located upon a parcel of property under single ownership and control, the administrative authority may either deny or waive the provision of city collection services to the residential portion thereof if it is determined that such mixed commercial and residential use can be conveniently serviced and will be continuously serviced by a commercial collection agent, or if it is determined that the city's collection services would likely be overburdened by attempting to provide collection services to that parcel.
15. Failure to place residential solid waste for collection in appropriate bags, bundles or cart, or in the required location, or at other than the required time on the collection day shall constitute a misdemeanor. However, residential solid waste which is not placed for collection in appropriate bags, bundles, or cart, or in the required location, or during the required time on the collection day, need not be collected by the city or the city's

contract agent. In the event that residential solid waste is not collected for appropriate cause, the residential customer involved shall be required to immediately remove such solid waste from curbside and either dispose of it or securely and safely store it for collection on the next collection day. Failure to so remove and either dispose of or store residential solid waste shall constitute a misdemeanor.

16. In the event that the residential solid waste which a residential customer places for collection spills from the bags, bundles or cart prior to its collection, the city's contract agent will not be required to collect same, and the residential customer shall be required to clean up and place said solid waste for collection on the next collection day. In the event that the city's contract agent spills residential solid waste while collecting or transporting same, such agent shall immediately inform the administrative authority thereof and immediately clean up said spill.

B. Collection from the Premises of a Commercial Establishment, Apartment or Condominium.

1. The person, firm or corporation owning or operating: (i) a commercial establishment, (ii) an apartment house or complex of three or more units which are not separate properties pursuant to a horizontal property regime, or (iii) a condominium dwelling which is not served city solid waste collection service shall arrange for the weekly collection and disposal of all solid waste generated therein by either a licensed commercial collection agent or by the employees of such commercial establishment, apartment or condominium, provided that the hauling vehicle is covered by a tarp to prevent spillage and subject to the following rules and regulations.
2. Each such commercial establishment, apartment or condominium shall place its solid waste for collection in containers or bulk containers as defined in this chapter. Such containers or bulk containers shall be provided either by the owners or operators of the commercial establishment, apartment or condominium, or by their commercial collection agent.
3. Containers for solid waste from such a commercial establishment, apartment or condominium may be placed for collection at curbside on the date of collection, provided that said collection day does not coincide with the city's residential collection day in that zone. After collection has occurred, all containers must be removed from the right-of-way. Containers may not be stored in the right-of-way or the front yard setback of a commercial establishment for purposes of collection or storage. The location for placement of containers and bulk containers for collection and storage purposes shall be determined by the commercial establishment

and its solid waste collection agent, but shall be subject to the approval of the administrative authority. Containers and bulk containers must be stored and maintained in such a manner that water will not collect therein.

4. Every person, firm or corporation owning, occupying or operating the premises of such a commercial premises, apartment or condominium, and each tenant or occupant of an individual unit in such apartment or condominium, shall cause all solid waste generated or accumulating therein to be collected and disposed of at least once each week, either by the employees of such commercial establishment, apartment or condominium or by a commercial collection agent, unless collection at a longer interval is authorized by the administrative authority, or unless weekly collection thereof is temporarily waived by the administrative authority due to weather or street conditions.
5. Byproducts maybe collected by someone other than a commercial collection agent, if the byproducts so collected are to be used in the manufacture of another product or in another legally permissible manner.
6. In the event that a commercial collection agent, or any other person, firm or corporation engaged in the collection or transportation of solid waste, spills such solid waste while collecting or transporting same, such agent, person, firm or corporation shall immediately inform the administrative authority thereof and shall be required to immediately clean up such spill.
7. All vehicles utilized by any person, firm, commercial collecting agent or corporation for the purpose of solid waste collection and/or transportation must be equipped with a box that is of metal construction or other impervious material, fully enclosed, and leak proof, with the following exception:
 - a. The administrative authority may make exceptions to these rules and regulations when undue hardship would result from their literal application, and may also impose further conditions and requirements when necessary to protect the public health, welfare, safety and convenience. The administrative authority is further authorized to make, and from time to time, amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be necessary, reasonable and proper, to effect the proper, expedient, economical and efficient collection and removal of solid waste by either the city or its contract agent, by a commercial establishment, or by a commercial collection agent.

C. Disposals at City Recycling Center.

1. The administrative authority may adopt rules governing the operation and use of recycling centers consistent with section 4.12.170.

(Ord. 6001 § 4, 2008)

(Ord. No. 6352, § 1, 10-22-2018)

HISTORY

Amended by Ord. [6561](#) on 6/12/2023