

8.24.040 General Provisions

A. Provision of Solid Waste Services.

1. Solid Waste related activities within the City shall be performed under the direction of the City Manager, and for such purposes, the City may use City personnel, enter into contract agreements with private hauling firms, or approve franchise agreements to perform such activities. Solid waste enterprises operating pursuant to such a contract or franchise agreement shall meet the terms, rates, standards and services specified in the contract or franchise agreement. However, the City Manager may authorize any person to collect, remove, and disperse Garbage, Recyclable Materials and Organic Waste under such terms, conditions, and limitations deemed necessary in the interests of the public health, safety, and welfare.

2. No person, Solid Waste enterprise or the agents, servants or employees thereof, shall provide Solid Waste collection services within the City without approval, which shall be issued only on a vote of the Common Council. All recycling, Organic Waste and Garbage collections shall be made as quietly as possible, and the City Manager may fix and determine the hours for collection.

3. Except as expressly called out in the franchise agreement, the franchised hauler is granted the exclusive franchise, duty, right and privilege to collect, transfer, transport, recycle, process, and dispose of Garbage, Organic Waste and Recyclable Materials generated within the boundaries of City subject to the terms and conditions set forth in the franchise agreement.

B. Subscription Required.

The property owner or tenant of each occupied premises shall have at least the minimum level of Solid Waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the City and the franchised hauler. At its discretion, the City may require a higher level of Solid Waste collection service if the current level of service is deemed insufficient. The charges for Solid Waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any Solid Waste to be collected on any particular collection date during such occupancy. Nothing in this Chapter is intended to prevent an arrangement, or the continuance of an arrangement, under which payments for Solid Waste collection service are made by a tenant or tenants, or any agent or other person, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to pay for Solid Waste collection service as provided herein.

C. Commencement of Solid Waste Collection Service.

The property owner or tenant shall commence Solid Waste collection service within seven (7) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the City Manager may give written notice to the owner or tenant that Solid Waste collection service is required. If service is not initiated by the property owner or tenant within seven (7) days after the date of mailing the notice, the City Manager shall authorize the franchised hauler to begin and continue providing the minimum level of Solid Waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

D. Charge for Solid Waste Collection Service.

Any and all charges for Solid Waste collection service shall be set forth in the franchise agreement, contract or the Collection Service Agreement between the City and its franchised hauler.

E. Special Services.

Customers requiring special services shall contact the franchised hauler to arrange for such service. Charges for such special services shall be set forth in the franchise agreement.

F. Exemption from Service.

Any customer may make an application for exemption from Solid Waste collection services on the basis that a developed property is unoccupied, and that no Garbage, Organic Waste or Recyclable Materials shall be placed or offered for collection by the City or its authorized franchised hauler, from such property. The City Manager may temporarily exempt such property from participation in the City's Solid Waste collection program for the limited period while the property is unoccupied; provided, that any such statement or representation shall be made in affidavit form, fully sworn to by the person making such statement or representation and filed with the City Manager. An exemption shall be valid only for the time that the statements made in the affidavit continue to be true. Any violation of provisions of the exemption shall result in termination of the exemption and shall require the customer to subscribe to the Solid Waste collection services in accordance with this chapter.

G. City Manager May Restrict Self-Haul.

Nothing in this Chapter is intended to prevent residents, that subscribe and pay for Solid Waste collection services with the franchised hauler, from self-hauling Garbage, Recyclable Materials or Organic Waste to permitted Solid Waste facilities, and other Solid Wastes (excluding Garbage, Recyclable Materials and Organic Waste) in excess of their normal subscription level to facilities that accept and responsibly process those materials, as may be necessary from time-to-time. However, the City Manager may restrict or prohibit self-hauling by individual generators if the City Manager determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this Chapter or any other applicable law or regulation.

H. Organics Prohibited from Use as Alternative Daily Cover.

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) the franchised hauler, and any generators who self-haul Organic Waste, may not direct their Organic Waste for use as ADC. If the City Manager determines that the franchised hauler or any other generator has directed any Organic Waste for use as ADC, the City Manager will notify the franchised hauler or generator of the requirements of this provision. Repeated instances of directing Organic Waste for use as ADC may result in enforcement action as per 8.24.130.

(Ord. MC-1431, 11-10-16)