

Chapter 8.12

TRASH COLLECTION AND DISPOSAL

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8.12.010 Applicability. The provisions of this Chapter shall apply to all territory within the corporate limits of the City. (Prior Code §10-1)

8.12.030 Trash collection requirements.

A. Private persons and companies shall be allowed to collect trash within the City at such rates as they may contract with individual consumers.

B. Industrial or commercial establishments or multi-family residences or eight (8) or more units, and other residences which were annexed after April 19, 1994, shall not be liable for payment or user charges for City trash collection service as long as such users are being served by another trash collection service operating within the City. It shall be the responsibility of persons using other trash collection services to terminate City service by notifying the City on forms to be provided by the City.

C. Residences shall be charged for trash collection service, whether or not they use City service, except those qualified family residences of eight(8) or more units, and those residences annexed after April 19, 1994, which notify the City and have adequate alternative weekly trash service.

D. For the purposes of this Chapter, "trash" means discarded materials including but not limited to: household

wastes such as waste from the preparation, cooking and consumption of food; construction supplies and materials; garden, lawn and landscaping supplies and wastes; and rejected, valueless or worthless matter, materials, trash or debris including unwanted articles; and other waste material. (Ord. 9, §1, 1983; Ord. 17, §1, 1997; Ord. 4, 2022)

8.12.050 Trash containers.

A. The City shall collect trash only from those trash containers meeting City specifications compatible with City collection equipment.

B. The City shall determine which residential customers shall be required to use individual containers and which shall use shared containers.

C. The City shall provide ninety-six (96) gallon containers to each residential customer required to use individual containers at the time the dwelling unit is first served. Thereafter, the customer shall be responsible to maintain it in good condition, normal wear and tear, or expected decline in condition due to normal everyday use excepted. The City may perform minor repairs to the containers, or replace them, as appropriate, and at the City's discretion. Damage that is not naturally occurring, or harm that affects the normal function of a container and not caused by the City will be repaired, or the container replaced, at the customer's expense. Containers shall be owned by the City and not removed from the property served.

D. The City will supply a nonresidential customer with the necessary containers at the time the customer is first served. Such customer shall maintain all containers in good condition. Provided, however, the City may make minor repairs to such containers as appropriate in its discretion. Upon termination of service, any City supplied container or its replacement shall be returned to the City in good condition or the customer will be charged for the cost of repair or replacement. Such container is owned by the City and shall not be removed from the property served.

E. The City shall maintain a supply of containers for sale to customers who need to replace containers.

F. Each customer must have a sufficient number of complying containers adequate to accommodate the amount of trash normally generated by the customer.

G. Containers which are in violation of this Chapter, overfilled or filled in a way that the lid is not completely closed, overweight (per truck ability or driver discretion), blocked or poorly placed (at least three (3) feet away from other containers or structures/obstacles such as fences, utility poles, mailboxes, utility boxes and other public/private property, and five (5) feet from any vehicles, with opening of the lid facing the street or alley), and/or dangerous to pick up and/or dangerous to pick up may not be serviced by the City, per truck ability or driver discretion. If an overfilled, overweight, or poorly placed container is serviced (picked up on route), a service fee shall be assessed per Section 8.12.160.

H. Containers of City customers shall be appropriately identified.

I. Containers shall be placed at the edge of the alley easily accessible to City collection equipment, unless a customer does not abut an alley.

J. Customers without an alley shall place their containers adjacent to an abutting street. Containers shall be removed from any street by the customer following collection on the same day the trash is collected by 8:00 p.m. Containers shall be set out on the street for collection no sooner than the morning prior to collection.

K. Containers may be placed in other locations accessible to City trucks for collection only if approved by the City. (Prior Code §10-5; Ord. 17, §1, 1976; Ord. 3, §1, 1983; Ord. 17, §1, 1997; Ord. 4, §2 & 3, 2020)

8.12.090 Unlawful acts.

A. It is unlawful for any person to molest, remove, handle or otherwise disturb the trash containers or contents thereof of another without permission of the other person.

B. It is unlawful for any person to utilize City trash collection services without paying the charges imposed by this Chapter.

C. It is unlawful for any person to place trash for collection with or in cans or containers belonging to a City customer unless such person is paying the charges imposed by this Chapter and has the other's permission.

D. It is unlawful for any person not a City customer to mark or possess a container or can with the standard City identifying mark. (Prior Code §10-9; Ord. 12, §1, 1993)

8.12.100 Rates and charges.

A. The owner, tenant and occupant of premises to which trash collection service is provided by the City or charges due there from shall be jointly and severally liable for the trash collection fees, which shall be set by the City's annual fee schedule.

B. The City shall determine the size and number of required containers and authorized pick-ups each week for all customers. (Ord. 3, §2, 1983; Ord. 11, §1, 1990; Ord. 12, §1, 1992; Ord. 11, §1, 1993; Ord. 37, §1, 1995; Ord. 17, §1, 1997; Ord. 47, §1, 2000; Ord. 8, §1, 2006; Ord. §12, 2008; Ord. 7, §2, 2013; Ord. 4, 2022)

8.12.110 Discretionary collection. Non-scheduled collections may be made at the discretion of the City at a charge to be determined by the City.

8.12.120 Violations and enforcement.

A. Continuing violations of this Chapter are hereby declared to be a nuisance which may be abated in any lawful manner.

B. The City may maintain an action to enjoin any violation of this Chapter or enforce compliance with provisions of this Chapter.

C. It shall be unlawful to violate any provision of this Chapter.

D. The City may refuse to pick up any trash under circumstances in violation of this Chapter. (Ord. 17, §3, 1976; Ord. 17, §1, 1997)

8.12.130 Collection service charges--General provisions.

A. Charges for collection service shall be payable, assessed and billed at periodic intervals specified by the City.

B. Monthly collection service charges shall commence when service is first utilized, or pursuant to Subsection 8.12.030(D).

C. Collection service charges may be billed with the water bills or otherwise, as determined by the City.

D. All bills shall specify a due date. Bills not paid by the due date shall be subject to fees as set out in Section 13.04.270.

E. All charges and fees imposed by this Chapter shall become a lien on the property served as of the date they are billed or due. (Ord. 17, §4, 1976; Ord. 17, §1, 1997; Ord. 5, §1, 2001; Ord. 7, §3, 2013)

#### 8.12.140 Remedies for nonpayment.

A. In addition to any other remedies which the City may have, the City may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

1. The City may foreclose the lien imposed by this Chapter in accordance with law.

2. The City may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.

3. The City may certify the amount of any charge due to the County Treasurer as a delinquent charge upon such property served to be collected similarly as taxes are collected.

4. The City may discontinue trash collection service to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.140 of this Code. Charges shall continue to accrue, however.

B. It shall be unlawful to fail to pay the charges imposed in this Chapter. (Prior Code §10-13; Ord. 17, §1, 1997)

#### 8.12.150 Special collection limitations.

A. No extremely flammable, toxic, explosive or hazardous materials, no large or heavy metal objects, no objects which could damage collection equipment or trucks, no materials

contaminated with contagious diseases, and no dead animals shall be placed in any containers for collection. Special arrangements must be made with the City for collection of such items or collection of other large or unusual loads. The City may refuse to collect such items or may charge an additional fee.

B. Damage to City property or extraordinary expense to the City caused by violations of this Chapter may be collected from the customer as an additional collection charge or in any other lawful manner.

C. The City may in its discretion collect dead animals, yard waste and tree trimmings, items too large or heavy for the containers, or otherwise not allowed to be placed in containers at such fees as the City may determine. (Ord. 17, §1, 1997)