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CAPTION HEADING:

Ordinance No. 376

Amending Chapter 50 of the City Code regarding solid waste collection and removal services

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**CITY OF SAN LUIS
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Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 376

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF SAN LUIS, ARIZONA REGARDING SOLID WASTE COLLECTION AND REMOVAL SERVICES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, Chapter 50 of the Code of the City of San Luis, Arizona regarding solid waste collection and removal services (other than minor amendments in 1982 and 1996) has not been updated since 1980; and

WHEREAS, the City of San Luis desires its Ordinances to reflect the current procedures and innovations in solid waste collection and removal;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona that the Code of the City of San Luis is amended as follows:

Section 1: Chapter 50 of the Code of the City of San Luis, Arizona is amended to read as provided in Exhibit A attached to this Ordinance which is incorporated into this Ordinance by this reference.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

[Signature page follows]

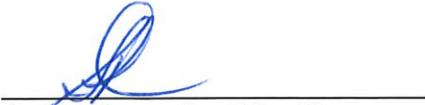
PASSED AND ADOPTED by the Mayor and City Council of City of San Luis, Arizona,

on this 24th day of January, 2018.



Gerardo Sanchez, Mayor

ATTEST:



Sonia Cornelio, City Clerk

APPROVED AS TO FORM:



Kay Marion Macuil, City Attorney

Exhibit A

CHAPTER 50: SOLID WASTE

Solid Waste Collection

- 50.01 Definitions
- 50.02 Collection agency
- 50.03 Collection hours
- 50.04 Rates
- 50.05 Discontinuance of services

Preparation of Solid Waste for Collection

- 50.20 Preparation of Solid Waste
- 50.21 Location for pick up
- 50.22 Lids and covers
- 50.23 Use of Containers

Other Methods of Solid Waste Removal

- 50.35 Hauling Solid Waste
- 50.36 Vehicles and receptacles to be spill-proof
- 50.37 Spilled Solid Waste
- 50.38 Dumping Solid Waste

SOLID WASTE COLLECTION

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTAINER means container furnished by the City for the purpose of holding Solid Waste for the City's regular Solid Waste collection service. Container does not include dumpsters.

HAZARDOUS WASTE means material to be discarded whether solid, semi solid, liquid, or contained gases which because of its quantity, concentration or physical, chemical or infectious characteristics pose a substantial present or potential hazard to human health or the environment or any other material deemed to be Hazardous Waste under Arizona or Federal laws.

GARBAGE means organic waste, discarded material that can rot. Examples of garbage include but are not limited to food waste, animal waste, and grass clippings. Garbage does not include human waste, sewage or "Hazardous Waste" as defined in this Chapter.

SOLID WASTE means any discarded solid waste commonly called trash, rubbish, or refuse including "Garbage" as defined in this Chapter. Solid Waste does not include human waste, sewage or "Hazardous Waste" as defined in this Chapter.

§ 50.02 COLLECTION AGENCY.

The City, or other collectors authorized by the City, shall collect all residential Solid Waste within the City limits. No person, except as provided in this chapter, shall collect or gather residential Solid Waste within the City. The City may collect Solid Waste from commercial properties within the City if the commercial property owner, tenant, or authorized occupant opts for a residential sized Container for Solid Waste and the residential sized Container is appropriate for the volume and character of the Solid Waste the commercial property generates. The City shall not provide regular Solid Waste collection service for commercial properties and construction activities which are inappropriate for a residential sized Container.

§ 50.03 COLLECTION HOURS.

The hours of collection of Solid Waste shall be designated by the Council by resolution or order.

§ 50.04 RATES.

City Council shall by resolution, from time to time, fix the rates and classifications for Solid Waste collection within the City and shall make other rules and regulations as may be necessary to properly administer and enforce this chapter.

§ 50.05 DISCONTINUANCE OF SERVICES.

In the event an account shall become one month delinquent in payment of the fees for Solid Waste collection, the City, in addition to all legal remedies, may discontinue Solid Waste removal. Solid Waste service accounts follow the same delinquency procedures as the city's Water Service and Waste Water Service.

PREPARATION OF SOLID WASTE FOR COLLECTION

§ 50.20 PREPARATION OF SOLID WASTE.

All Solid Waste shall be prepared for collection or disposed of as follows:

- (A) *Solid Waste Containers.* The City shall furnish Containers for the holding and collection of all Solid Waste intended for collection by the City. The City's customers shall keep the Containers in good repair and in a sanitary condition. The Containers are City property. The City will replace Containers which are found to be no longer serviceable through normal wear and tear free of charge. The City will replace Containers which are found to be no longer serviceable due to the City's customer's negligent care, maintenance in an unsanitary condition, misuse, or intentional damage for a fee. Said fee will be set by resolution of City Council from time to time. The City will replace for the same fee any Container lost or stolen during a City's customer's care. There is a fee for the container which is set by resolution of City Council from time to time.
- (B) *Garbage (Solid Waste which is organic and can rot).* Garbage (as defined in this Chapter) shall be placed in a leak-proof plastic bag before putting it in the Container. Examples of Garbage include but are not limited to food waste, animal waste, grass clippings, etc.
- (C) *Fit inside the Container.* The City shall only collect Solid Waste that fits inside the Container. The City shall not collect any material set outside the Container. Discarded boxes shall always be flattened (cut or folded) so that they fit inside the Container.
- (D) *No hot material and no liquids.* Hot materials shall not be placed in the Container including but not limited to coals from barbeque which are still hot. No liquids shall be placed in the Container.
- (E) *No overloading with heavy material.* Heavy items which will overload the Container shall not be placed in the Container. Example of such heavy materials include but are not limited to concrete, bricks, stone, lumber, soil, tree trunks, auto parts, etc. The City's customer may haul such material to a landfill or request a special pick-up service from the City to collect it for a fee which City Council sets by resolution from time to time.
- (F) *By-products.* Any commercial or manufacturing establishment which, by the nature of its operations, creates an unusual amount of by-product Solid Waste, may be required by the City to dispose of its own waste as opposed to having the City provide the service.
- (G) *Hazardous Waste.* Hazardous Waste shall not be placed in the Container. Examples of Hazardous Waste include but are not limited to paint, spray cans, gasoline, petroleum oils, etc. The City's customers shall properly dispose of Hazardous Waste at a Hazardous Waste site. At the discretion of City staff, the City may from time to time provide a program of Hazardous Waste collection.

(H) *Construction or landscaping debris.* Waste soil, concrete, masonry blocks, sod, rocks and other construction or landscaping debris shall be hauled to a landfill or disposed of legally and properly by the owner, tenant or legally authorized occupant of the premises.

§ 50.21 LOCATION FOR PICK UP.

All Solid Waste in a Container ready for City collection shall be placed after 6:00 p.m. of the night before the regular collection day and no later than 6:00 a.m. the day of collection. Containers shall be placed at the edge of the curb with the front of the Container facing the street and at least ten (10) feet away from any object including parked cars. All Containers shall be so located so as to not block the street, sidewalk, gutter, or otherwise be a hazard to pedestrian or vehicular traffic. Containers shall be removed from the curb by 9:00 p.m. of the day of collection.

§ 50.22 CONTAINER LIDS.

The lids of all Containers shall, at all times, be kept secure so to prevent animals and insects accessing the contents. The lids shall only be opened while the Container is being filled, emptied or cleaned.

§ 50.23 USE OF CONTAINERS.

It is unlawful for any person to place, or cause to be placed, any Solid Waste in any Container that the City has not assigned to that person.

OTHER METHODS OF SOLID WASTE REMOVAL

§ 50.35 HAULING SOLID WASTE.

It is unlawful for any person to haul, or cause to be hauled, any Solid Waste on or along any public street, avenue or alley in the City in violation of any of the provisions of this chapter.

§ 50.36 VEHICLES AND RECEPTACLES TO BE SPILL-PROOF.

It is unlawful for any person to haul, or cause to be hauled, on or along any public street in the City any Solid Waste, unless the Solid Waste is contained in strong watertight vehicles or vehicles with watertight receptacles, constructed to prevent any Solid Waste from falling, leaking or spilling and any odor from escaping.

§ 50.37 SPILLED SOLID WASTE.

Any person hauling any Solid Waste along the streets of the City shall immediately replace in the conveyance used for the hauling any Solid Waste which may fall upon any street.

§ 50.38 DUMPING SOLID WASTE.

It is unlawful for any person to place, or cause to be placed, any Solid Waste upon any public or private property within the City, except as specifically permitted in this chapter.

§ 50.39 SPECIAL EVENT SERVICE.

The City has a special event solid waste removal service within the City, for a fee to be established from time to time by resolution. At the location of the event, on the business day before the event, the city will drop off one or more ninety-five-gallon containers. The City will pick-up the containers on the business day following the event. This service is available for events that are no more than five days in duration. The fee will be charged to the solid waste account if the customer has one. If the customer does not have a solid waste account, then it will be invoiced through the Public Works Department of the City.